

## June 11, 2013 – REGULAR SESSION

President Hyser called the meeting to order at 7:00 p.m. and read the Open Public Meetings Statement:

Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

### C. Flag Salute

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian, filed with the Clerk of the Township of Ewing and posted in the Ewing Township Municipal Complex, all on the 2nd day of January, 2013.

**THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE “STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC” SEGMENT OF THE MEETING. MEMBERS OF THE PUBLIC ARE REQUESTED TO SIGN IN ON THE SHEET PROVIDED IN THE FRONT OF THE ROOM. ALL QUESTIONS AND COMMENTS FROM THE PUBLIC WILL BE DIRECTED TO THE COUNCIL PRESIDENT, WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND YOUR ADDRESS. ANY MEMBER OF THE PUBLIC CAN LEAVE THEIR QUESTION AND CONTACT INFORMATION WITH THE CLERK REGARDING MATTERS THAT NEED RESPONSE BY ADMINISTRATION.**

### ROLL CALL

- |                               |                              |
|-------------------------------|------------------------------|
| ▪ Mr. Baxter – Present        | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Joanna Brewster, CFO         |
| ▪ Mr. Schroth – Present       | Maeve Cannon, Attorney       |
| ▪ Ms. Wollert – Present       | Kim Macellaro, Clerk         |
| ▪ President Hyser - Present   |                              |

### PRESENTATION OF PROCLAMATIONS

Mayor Steinmann, Council President Hyser and Vice President Baxter presented a Proclamation to Charles Latini, Sr. Mr. Latini, Sr. made remarks about how he is honored to be involved with baseball.

Mayor Steinmann presented a Proclamation to the Ewing High Boys Bowling Team. Coach Tucker made remarks about the team and its season.

The Mayor read the bowling team members’ Proclamation and Coach Tucker then called up each member to receive their Proclamation.

Mayor Steinmann presented a Proclamation to the Fisher Girl’s Soccer Team. The Mayor read the soccer team members’ Proclamation and Coach Murphy then called up each member to receive their Proclamation.

Coach Murphy made remarks about the team and its season.

### STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Claire Ringel (94 Carlton Avenue) stated that she is in receipt of the Attorney’s letter. Ms. Ringel and the Attorney then discussed this matter of a full-scale plan relating to a court order as a result of a lawsuit.

President Hyser requested that Ms. Ringel discuss this with the Administration and the Attorney in another setting as Council is not a judicial entity.

William Ladler (133 Robbins Avenue) stated that he has a complaint about a vacant property at 131 Robbins Avenue. Mr. Ladler stated Code Enforcement told him it would be cleaned-up and it has not been. Mr. Ladler told Mr. Ernie that once it is cleaned-up, he would be glad to help maintain it.

Lillian Ladler (133 Robbins Avenue) stated that she has tried to locate the property owner, but as she understands it, it is part of an inheritance lawsuit. She is trying to renovate and make her house better and this is a stumbling block. Ms. Ladler said that she would be happy to help maintain it, after the Township cleans it up, until the lawsuit is settled.

The Mayor responded that the property will be cleaned-up.

President Hyser asked the Ladlers to contact the Clerk's Office to keep Council informed about the status of this.

Charles Green (979 Bear Tavern Road) asked if it is possible that once the Township establishes that a property is vacant, that the Township enter into a contract to continuously maintain the property.

The Attorney responded by discussing the Ordinance involved.

The Administrator responded that the Township must give the property owner a ten day notice otherwise the Township cannot collect. We have a contractor to cut grass and board up vacant properties.

President Hyser responded to Mr. Green's inquiry about the role of insurance companies in vacant property situations.

Mr. Green stated that allowing two weeks to pass for grass cutting is too long especially in this weather.

There were no further comments from the Public.

#### CONSENT AGENDA

The Clerk read the Consent Agenda: (Resolution #13R-103/)

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$10,124,269.22.
2. Approval of minutes of the meeting of April 23, 2013 (Agenda) and April 24, 2013 (Regular).
3. A Resolution authorizing Kingdom Church to hold a parade on June 15<sup>th</sup>, 2013.

Mr. Baxter then moved the Resolution, seconded by Ms. Wollert. There were no questions from Council or the Public. President Hyser asked for a roll call.

#### ROLL CALL

Ms. Wollert	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
President Hyser	YES

#### ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #13-24) A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,280,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF (2013)

**Mr. Baxter then moved the Ordinance, seconded by Mr. Schroth.**

**President Hyser stated that there was a detailed explanation by Administration last night. President Hyser then asked the Mayor to discuss the Ordinance for the benefit of the public.**

**The Mayor stated that about \$1.6 million of the bond will be for this building. The Mayor then discussed the renovations to the municipal building: the building will be made ADA compliant, in particular, the doorways and bathrooms; OSHA gave us an edict to clean-up the mold that was the result of the roof leaking for a number of years; the boilers must be replaced as only one of the three boilers is working and there is a three to four month lag to get the new boilers.**

**The Mayor then discussed the roadways to be repaved - \$600,000 will be dedicated for this.**

**President Hyser listed the streets to be repaved: Carolina Avenue, Somerset Street, Sussex Avenue, Fran Avenue, Chauncey Avenue, Hillside Avenue, Esther Avenue and a portion of Mountain View Road is being repaved via a grant.**

**The Mayor said the grant to repave a portion of Mountain View Road is from New Jersey Department of Transportation in the amount of \$275,000.**

**The Administrator confirmed that Mountain View Road from Mountain View Court down to Route 29 will be repaved with this NJ DOT grant.**

**The Mayor discussed the Court renovations that President Hyser mentioned. The Mayor then discussed the Ewing Community and Senior Center.**

**The Mayor stated that he inadvertently told Council the wrong information last night regarding the pool shade renovations – the structure will also be taken out and replaced. President Hyser confirmed that Council did receive this new information as to what will be done at the pool.**

**The Mayor discussed the renovations at Hollowbrook - the elevator, a section of pool curbing, roof patching, and moving the library.**

**President Hyser discussed the request from the Police Department for three unmarked police vehicles; each vehicle to be replaced has over 100,000 “hard” miles on it.**

**President Hyser then mentioned the final item – a new paper folding machine as right now the Township outsources to Pitney Bowes. The CFO stated that it costs the Township approximately \$2,000 per mailing.**

**Councilwoman Keyes-Maloney commented that it was great that the new boilers will bring a one-third reduction in energy consumption.**

**The Mayor commented that the Administration is looking for alternative sources to pay for these renovations; but this cannot wait.**

**There were no further questions from Council. There were no questions from the Public. President Hyser called for a roll call.**

#### **ROLL CALL**

<b>Mr. Schroth</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>President Hyser</b>	<b>YES</b>

- 2. The Clerk read (Ordinance #13-25) AN ORDINANCE CONFIRMING ORDINANCE #58-23 RELEASING, EXTINGUISHING AND VACATING THE PUBLIC RIGHTS IN A CERTAIN UNNAMED ALLEY (2013)**

**Ms. Wollert then moved the Ordinance, seconded by Ms. Keyes-Maloney. President Hyser stated this Ordinance was passed in 1958. The Clerk and the Attorney could not find proof that it had been advertised. The title company requested Council pass an Ordinance that these rights had, in fact, been vacated.**

**There were no questions from Council or the Public. President Hyser called for a roll call.**

**ROLL CALL**

<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>President Hyser</b>	<b>YES</b>

**ORDINANCE(S) FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION**

- 1. The Clerk read (Ordinance #13-23) **The AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 9 AUTHORITIES ARTICLE I EWING-LAWRENCE SEWERAGE AUTHORITY § 9-1 CREATION; MEMBERS COMPENSATION TO ADD ALTERNATE MEMBERS****

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ewing, as follows:

§ 9-1 Creation; members; compensation.

A. Pursuant to the provisions of the Sewerage Authorities Law of the State of New Jersey (P.L. 1946, c. 138; N.J.S.A. 40:14A-1 et seq.), there is hereby created a joint sewerage authority to be known as the "Ewing-Lawrence Sewerage Authority," which shall have and exercise all of the powers and perform all of the duties provided for by the Sewerage Authorities Law and by any other statutes heretofore or hereafter enacted and applicable thereto.

B. As provided by law, the Sewerage Authority shall consist of six regular members, three of whom shall be appointed by resolution of the Township Council and three members who shall be appointed by the governing body of the Township of Lawrence, whose compensation for services as such members shall not be in excess of \$1,500 per annum.

C. In addition to regular members of the Sewerage Authority the governing body of the Township of Ewing and the governing body of the Township of Lawrence shall each appoint not more than two alternate members. Alternate members for Ewing Township shall be designated as " Ewing Township Alternate No. 1" and " Ewing Township Alternate No. 2". Alternate members for Lawrence Township shall be designated as "Lawrence Township Alternate No. 1" and "Lawrence Township Alternate No. 2". Alternate members shall serve during the absence or disqualification of any regular member or members of their respective township. Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. The term of each alternate member shall be five years commencing on February 1 of the year of appointment; provided, however, that in the event that the governing body of the Township of Ewing or the governing body of the Township of Lawrence appoint two alternate members their initial terms shall be four and five years, respectively. The terms of the first alternate members appointed shall commence on the dates of their appointments and shall expire on the fourth or fifth January 31 next ensuing after the dates of their appointments. There will be no compensation for services of alternate members.

**STATEMENT**

This Ordinance amends the Revised General Municipal Ordinances of the Township of Ewing to amend Chapter 9 Authorities Article I Ewing Lawrence Sewerage Authority § 9-1 Creation; Members Compensation to add two alternate members who vote in the absence or disqualification of a regular member.

**Mr. Schroth made a motion to open the public hearing, seconded by Mr. Baxter. It was agreed by a unanimous voice vote. There were no questions from the public. Ms. Wollert made a motion to close the public hearing, seconded by Ms. Keyes-Maloney. It was agreed by a unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Mr. Baxter. There were no questions from Council. President Hyser called for a roll call.**

**ROLL CALL**

<b>Mr. Baxter</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>President Hyser</b>	<b>YES</b>

**SECOND READING, PUBLIC HEARING AND FINAL ADOPTION OF AMENDED ORDINANCE**

- 1. The Clerk read (Ordinance #13-18) AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF EWING PERTAINING TO BAIL BOND AGENTS, SECOND HAND SHOPS, CHECK CASHING, AND PAWN BROKERS, BODY ART, AND ADULT ESTABLISHMENTS**

*“Interpretive Statement”*

*This ordinance will amend Chapter 215, Article II, Section 215-8 of the Township Code, entitled “Definitions”, and to amend Chapter 215, Article II, Section 215-35 entitled “Conditional Use Requirements.”*

**WHEREAS**, the Mayor and Council of the Township of Ewing wish to adopt the new definitions for Bail Bond Agents, Second Hand Shops, Adult Oriented Businesses Body Art, Check Cashing, Massage Parlors and Pawn Brokers; and

**WHEREAS**, the Mayor and Council of the Township of Ewing wish to protect the established character of Ewing Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Ewing, County of Mercer, State of New Jersey, that the following ordinances shall be amended as follows:

***215-8 Definitions***

**ADULT BOOKSTORE**

Means a bookstore having as a substantial or significant portion of its stock-in-trade publication books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.

**ADULT ESTABLISHMENT**

Means an adult bookstore, adult motion-picture theater, adult mini-motion-picture theater, adult video store or a sexually oriented business, as defined in this section.

**ADULT MINI-MOTION-PICTURE THEATER**

Means an enclosed building with a capacity for fewer than 50 persons, used for presenting motion pictures, a substantial or significant portion of which are distinguished

or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observing by patrons therein.

#### ADULT MOTION-PICTURE THEATER

Means an enclosed building with a capacity of 50 or more persons used for presenting motion pictures, a substantial or significant portion of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.

#### ADULT VIDEO STORE

Means an establishment or business having as a substantial or significant portion of its stock-in-trade films, slides or movies consisting of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein.

#### ANTIQUÉ DEALERS

Means establishments specializing in works of art, collections in illustration of the progress of the arts, works in bronze, wood, marble, terra cotta, parian, pottery or porcelain, artistic antiquities and objects of ornamental character or educational value

#### ART STUDIO/ATELIER

Means a space devoted to the production of art and the training of artists to develop skills related to design, ranging from architecture to product design and art.

#### BAIL BOND AGENT/BAIL BONDSMAN

Means any person or corporation that will act as a surety and pledge money or property as bail for the appearance of persons accused in court. Although banks, insurance companies and other similar institutions are usually the sureties on other types of contracts (for example, to bond a contractor who is under a contractual obligation to pay for the completion of a construction project) such entities are reluctant to put their depositors' or policyholders' funds at the kind of risk involved in posting a bail bond.

#### BODY ART

Means the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification, and the placement of pigments, trimming, or filing of the nails.

#### BODY PIERCING ESTABLISHMENT

Means any room or space where body piercing is practiced or where the business of body piercing is conducted or any part thereof. The process of penetrating the skin or mucous membrane for the purpose of insertion of any object, including but not limited to jewelry for cosmetic purposes. The term also includes the intentional production of scars upon the body.

#### CONSIGNMENT SHOP

Means the placing any material in the hand of another, but retaining ownership until the goods are sold or person is transferred. This may be done for shipping, transfer of goods to auction, or for sale in a store. To consign means to send and therefore consignment means sending goods to another person. In case of consignment goods are sent to the agent for the purpose of sale. The ownership of these goods remains with the sender. The agent sells the goods on behalf of the sender, according to his instructions. The sender of goods is known as consignor and the agent is known as the consignee.

#### CHECK CASHING

Means an establishment or person who, for compensation, provides currency in exchange for payment instrument received;

#### GENTLEMAN CLUB

Means a members-only private club of a type and does not feature activities typically

found in an ADULT ESTABLISHMENT or SEXUALLY ORIENTED BUSINESS.

#### HEAD SHOP

Means the retail sales paraphernalia used for consumption of tobacco, cannabis, recreational drugs, legal highs, legal party powders and New Age herbs, as well as counterculture art, magazines, music, clothing, and home décor.

#### PAWN SHOP / PAWN BROKER

Means a person who loans money on deposit or pledge of personal property, or other valuable thing on the condition of selling the item back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged, or any person who displays at that person's place of business the sign of three (3) gilt or yellow balls, generally used by pawnbrokers to denote their business, or anyone holding themselves out to be a pawnbroker is declared to be a pawnbroker within the meaning of this division.

#### PUBLIC/PRIVATE SCHOOLS

"School" means any public, private or parochial school, which provides elementary or secondary education or any branch thereof, such as opportunity school, charter, regional occupational center, evening high school, or technical school as defined under State law.

#### SECOND HAND GOODS DEALER

Means any person, partnership, firm or corporation whose business includes selling, buying or receiving any tangible personal property, previously owned, used, rented or leased as the term has been defined in the Code of the Township of Ewing at §211-1 regarding the licensure of Secondhand Dealers. However, for purposes of this definition the term secondhand dealer shall also include pawnbrokers, but shall not include consignment shops or antique dealers.

#### SEXUALLY ORIENTED BUSINESS

Means a commercial establishment which as one of its principal businesses' purposes offers for sale, rental or display any of the following: books, magazines, periodicals or other printed material or photographs, films, motion pictures, video cassettes, slides or other visual representation which depict or describe a specified sexual activity or specified anatomical area; or still or motion-picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical area; or instruments, devices or paraphernalia which are designed for use in connection with a specified sexual activity. A commercial establishment which regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity or which regularly shows films, motion pictures, video cassettes, slides or other photographic representations which depict or describe a specified sexual activity or specified anatomical area.

#### SEXUALLY ORIENTED DEVICES

Means without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.

#### SPECIFIED ANATOMICAL AREAS

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### SPECIFIED SEXUAL ACTIVITIES

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

## TATTOOING BUSINESSES

Means any studio, parlor, shop or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof. The process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic, medical or figurative purposes.

### **Add 215-35 Conditional Use Requirements**

- (10) Adult establishments, sexually-oriented businesses.
- (a) Is located in the OARP SA-3 Zone and only upon receipt of a conditional use permit and provided that the following standards are met together with any other applicable requirements of this chapter.
  - (b) Establishment shall meet all the bulk requirements of said zone.
  - (c) Establishment shall be owned and operated by a licensed, registered operator and/or business where applicable by the appropriate authority.
  - (d) No two of the uses identified in 10, 11 and 12 of this section shall be located within the same structure.
  - (e) No establishment of business with a use encompassing those encaptioned above shall be located closer than 1,500 feet to any PUBLIC/PRIVATE SCHOOL or Established Day Care Center connected by physical road and/or pedestrian pathway measured property line to property line.
  - (f) No establishment or business with a use encompassing those encaptioned above shall be located closer than 500 feet to one another measured property line to property line.
  - (g) No establishment or business with a use encompassing those encaptioned above shall be located closer than 1,000 feet measured property line to property line to an area zoned for residential use if physical road and/or pedestrian pathway exists or 500 feet if no connection exists or is proposed.
  - (h) When any existing building is converted from any use to one of those listed above under those encaptioned above, then, in that event, a full and complete site plan shall be submitted and reviewed in accordance with the provisions of this chapter. Included in said submission shall include;
    - [1] Details of the business. Included on the site plan submission. Renderings and/or photoSims as to the appearance must also be submitted to the Board for review.;
      - i. Hours of operation. To be open no later than 10:00 p.m.
      - ii. Meets all Township noise requirements.
      - iii. Propose window treatments to impede the view of the interior of the premises in which the business is located.
      - iv. Provide internal décor, layout, and display/merchandising areas.
      - v. Testimony on the practice of operation
      - vi. Private rooms not permitted.
    - [2] Meets all Parking and circulation requirements of the zone and that particular use
    - [3] Meets all landscaping requirements of the zone and that particular use. Every sexually oriented business shall be surrounded by a perimeter buffer sufficient in width with plantings, fence, or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located.
    - [4] Meet all signage requirements. No offsite signage permitted.
  - (i) This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this ordinance where another sexually oriented business, an elementary or secondary school or school bus stop or any municipal or county playground or place of public resort and recreation or any hospital or any child care center, is subsequently established within 1,500 feet or a residential district or residential lot is subsequently established within 1,000 feet.
- (11) Body painting studios, body piercing, head shop, and tattoo businesses.
- (a) Is located in the BH, OARP SA-1, OARP SA-2, and OARP SA-4 Zones and only upon receipt of a conditional use permit and provided that the following



standards are met together with any other applicable requirements of this chapter.

- (b) Establishment shall meet all the bulk requirements of said zone.
- (c) Establishment shall be owned and operated by a licensed, registered operator and/or business where applicable by the authority.
- (d) No two of the uses identified in 10, 11, and 12 of this section shall be located within the same structure
- (e) No establishment or business with a use encompassing those encaptioned above shall be located closer than 1,500 feet to any PUBLIC/PRIVATE SCHOOL measured property line to property line.
- (f) No establishment or business with a use encompassing those encaptioned above shall be located closer than 500 feet to one another and no closer than 1500 feet from the same use measured property line to property line.
- (g) When any existing building is converted from any use to one of those listed above under those encaptioned above, then, in that event, a full and complete site plan shall be submitted and reviewed in accordance with the provisions of this chapter. Included in said submission shall include;
  - [1] Details of the business. Included on the site plan submission. Renderings and/or photoSims as to the appearance must also be submitted to the Board for review.; Window treatments and all proposed signage
    - i. Lobby entry and receptionist area
    - ii. Internal décor, layout and display/merchandising areas
    - iii. Business practice
      - 1. Policies must include;
        - a. Health and safety provisions
        - b. Coordination with the police department on Gang related activities
        - c. Policies relating to minor must include proof of parent and physical presence upon appointment.
        - d. Policy on initial consultation and provisions to allow “cooling off” period.
        - e. For those businesses devoted to art, the space shall be configured work as an artist studio.
  - [2] Meets all Parking and circulation requirements of the zone and that particular use
  - [3] Meets all landscaping requirements of the zone and that particular use

(12) Pawn Shops, check cashing, second hand goods dealers, and bail bonds.

- (a) Is located in the BH, OARP SA-1, OARP SA-2, or OARP SA-4 Zones and only upon receipt of a conditional use permit and provided that the following standards are met together with any other applicable requirements of this chapter.
- (b) Establishment shall meet all the bulk requirements of said zone.
- (c) Establishment shall be owned and operated by a licensed, registered operator and/or business where applicable by the appropriate authority.
- (d) No two of the uses identified in 10, 11, and 12 of this section shall be located within the same structure.
- (e) Pawn Shops and Bail Bonds shall not be located closer than 1,500 feet to any PUBLIC/PRIVATE SCHOOL measured property line to property line.
- (f) No establishment or business with a use encompassing those encaptioned above shall be located closer than 500 feet to one another and no closer than 1500 feet from the same use measured property line to property line.
- (g) When any existing building is converted from any use to one of those listed above under those encaptioned above, then, in that event, a full and complete site plan shall be submitted and reviewed in accordance with the provisions of this chapter. Included in said submission shall include;
  - [1] Details of the business. Included on the site plan submission. Renderings and/or photoSims as to the appearance must also be submitted to the Board for review.;
    - i. Window treatments and all proposed signage
    - ii. Lobby entry and receptionist area
    - iii. Internal décor and display areas
    - iv. Business practice
      - 1. Policies must include;

- a. Coordination with the police department.
- b. Policies relating to minors and must include proof of parent and physical presence of same upon dealing.

[2] Meets all Parking and circulation requirements of the zone and that particular use

[3] Meets all landscaping requirements of the zone and that particular use.

1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.
2. If any part of this Ordinance shall be deemed invalid, such part shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.
3. This ordinance shall take effect as provided by law.
4. This Ordinance shall become effective after final adoption as prescribed by law.
5. All ordinances or sections thereof in conflict with this ordinance are hereby repealed.

**Mr. Schroth made a motion to open the public hearing, seconded by Ms. Wollert. It was agreed by unanimous voice vote. There were no questions from the Public. Ms. Keyes-Maloney made a motion to close the public hearing, seconded by Ms. Wollert. It was agreed by unanimous voice vote. Ms. Wollert then moved the Ordinance, seconded by Mr. Schroth.**

**President Hyser thanked the Mayor, the Township Planner, the Attorneys, and all members of the various boards for their work on this; to find a way to move forward on our strategic vision for our community and for being proactive instead of putting us into a reactive environment. President Hyser also thanked the public for their input and stated she will be supporting this Ordinance.**

**Councilwoman Keyes-Maloney appreciated the work of the Planner and the Planning Board Attorney for massaging the Ordinance to address many of the concerns of herself and other members of Council. Councilwoman Keyes-Maloney stated that this is a nice balance between restrictions on the development of these businesses within particular areas with specific particularity on what is necessary for them to move into these areas of town. Councilwoman Keyes-Maloney looks forward to its passage.**

**There were no further comments from Council. President Hyser called for a roll call**

**ROLL CALL**

<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>NO</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>President Hyser</b>	<b>YES</b>

**NEW BUSINESS**

1. **The Clerk read (Resolution #13R-104) RESOLUTION AUTHORIZING THE PERSON-TO-PERSON AND PLACE TO PLACE TRANSFER OF BUDDY’S SHAMROCK TAVERN, INC. (1102-33-026-006); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO OMAHI, LLC.**

**Mr. Baxter then moved the Resolution, seconded by Mr. Schroth. There were no questions from Council or the Public. President Hyser called for a roll call.**

## ROLL CALL

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Ms. Wollert	YES
President Hyser	YES

2. The Clerk read (Resolution #13R-105) A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON AND PLACE TO PLACE TRANSFER OF ALL CALL INN, LLC (1102-33-017-004); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO MARSILIOS KITCHEN, LLC

Ms. Wollert then moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions from Council.

Charles Green (979 Bear Tavern Road) asked if Marsilios Kitchen cannot consume liquor right now. President Hyser and the Attorney responded that right now it is BYOB.

Mr. Green asked if residents in the area are notified. Mr. Green stated that he does not mind BYOB but if it is going to be opened as a bar...

President Hyser responded that at present it is zoned as a restaurant with BYOB; to change its use, it would need approval from the Zoning Board.

Mr. Green, members of Council, the Attorney and the Administrator then discussed liquor licenses for a bar versus a restaurant.

The Attorney responded that no notice is required to the neighbors other than the advertisement of this meeting and this agenda. The Attorney then explained that Marsilios Kitchen has obtained the necessary approvals.

Mr. Green stated that he requests that Council look into this further as Council does not seem to know the implication of this.

President Hyser responded that there is no requirement for us to do so. It is currently a BYOB; it is incorrect to say people cannot get liquor there now.

Mr. Green responded that the difference is now they do not sell it. Mr. Green asks that Council table this matter as Council does not seem to know.

Councilwoman Wollert responded that she did not want it to be characterized that she does not know what she is voting for. It is the same as any other restaurant in town that sells alcohol as part of their business. It is the responsibility of the restaurant to monitor the consumption of its patrons whether it is BYOB or sold by the establishment.

Vice President Baxter also stated that he did not want it to be characterized that he does not understand what he is voting for. Council just passed a similar resolution one item ago. Mr. Baxter then mentioned he does not like the territorial mindset – Ewing Township is one town; one part of town is not better than another.

Councilwoman Keyes-Maloney mentioned the history of the restaurant in Trenton where they sold liquor. Marsilios is a brand; the owner of that establishment is aware that their brand is at stake if someone imbibes too much. Councilwoman Keyes-Maloney stated that she is comfortable passing this resolution. Ms. Keyes-Maloney said she respectively disagrees with Mr. Green.

The Mayor reiterated that it is a restaurant and as such 60% of their business must be food business. The Mayor added that he spoke with the owner today; the owner is going to continue to allow BYOB as he allowed it when he was in Trenton. Also, Marsilios has been selling wine under a New Jersey law that allows this if the wine comes from one winery.

There were no additional comments from Council or the Public. President Hyser called a roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES
Ms. Wollert	YES
Mr. Baxter	YES
Mr. Schroth	YES
President Hyser	YES

3. The Clerk read **(Resolutions #13R-106)** A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING'S USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF A CONTRACT FOR THE PRIVATE COLLECTION OF MUNICIPAL COURT DEBT.

Mr. Baxter then moved the Resolution, seconded by Mr. Schroth.

President Hyser stated for the benefit of the public that there is \$600,000 in municipal court debt outstanding. With this competitive contract, the Township will not be assessed any fees; fees will be assessed to the delinquent party. This is a fairly new program that the State is allowing, we will see how it goes.

Mr. Schroth commented that this is not debt that the Court itself owes, rather it is uncollected fines. The Court has tried to collect including issuing warrants.

There were no additional questions from Council. There were no questions from the Public. President Hyser then called for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Ms. Wollert	YES
President Hyser	YES

4. The Clerk read **(Resolution #13R-107)** A RESOLUTION OF THE TOWNSHIP OF EWING SUPPORTING EFFORTS TO EDUCATE AND ENGAGE THE PUBLIC ON THE DANGERS OF IDLING AND SUPPORTING POLICIES TO AMELIORATE IDLING.

Ms. Keyes-Maloney then moved the Resolution, seconded by Ms. Wollert.

President Hyser said this is a resolution in support of our Green Team in their efforts to educate and engage the public on the dangers of idling. Councilwoman Keyes-Maloney commented that this focuses on educating the public on the health issues associated with idling; particularly near schools with the danger of exposing children to carbon monoxide.

There were no further comments from Council.

Mildred Russell (119 King Avenue) stated this is a good thing from the Green Team. Mrs. Russell then asked if, in the future, if something can be done about loud music being played in cars.

President Hyser responded that it is actually covered under our noise ordinance. On a public street, if music is being played audible to the ear, a violation could be written. President Hyser then responded to Mrs. Russell's question that a driveway is not public.

There were no additional questions from the Public. President Hyser called for a roll call.

**ROLL CALL**

Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Mr. Schroth	YES
President Hyser	YES

5. The Clerk read (**Resolution #13R-108**) A RESOLUTION OF THE TOWNSHIP OF EWING PLEDGING TO CONTINUE TO ENGAGE IN AND SUPPORT APPLICATION OF PRINCIPLES OF SUSTAINABILITY.

Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Schroth.

President Hyser stated this is to support our Green Team's efforts. Councilwoman Keyes-Maloney commented that this focuses on sustainable efforts that the Township already supports to a certain extent. It also allows us to move forward with sustainable certification which the Green Team will submit on June 15.

There were no additional comments from Council. There were no questions from the Public. President Hyser called for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Ms. Wollert	YES
President Hyser	YES

6. The Clerk read (**Resolution #13R-109**) A RESOLUTION AMENDING RESOLUTION #09-94/8 TO PROVIDE THAT GREEN TEAM MEMBERS SHALL HAVE THREE YEAR TERMS.

Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Baxter.

President Hyser stated that presently the thirteen members of the Green Team have one year terms; all expire at the same time. This resolution will allow for staggered terms.

Councilwoman Keyes-Maloney stated that it will allow for continuity of its members and it was requested by the Green Team.

There were no additional comments from Council. There were no questions from the Public. President Hyser called for a roll call.

**ROLL CALL**

Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
Ms. Wollert	YES
President Hyser	YES

President Hyser stated that Council did enter into closed session last evening. As a result, we are looking to walk on an item to the agenda.

7. The Clerk read (**Resolution #13R-110**) A RESOLUTION REQUESTING REVIEW AND APPROVAL OF THIRD ROUND SPENDING PLAN AMENDMENT.

Ms. Keyes-Maloney moved to add this to the agenda as a walk-on item, seconded by Ms. Wollert. It was agreed by unanimous voice vote.

The Attorney explained that this is a resolution asking COAH to review the Township's amended spending plan which had been submitted a year ago. COAH had asked for some revisions. This does not change any actual expenditures, it just rearranges it and puts it onto COAH's new form.

There were no questions from Council or the Public.

Ms. Wollert then moved the Resolution, seconded by Ms. Keyes-Maloney. President Hyser called for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES
Ms. Wollert	YES
Mr. Baxter	YES
Mr. Schroth	YES
President Hyser	YES

**CLOSED SESSION**

(None for this Meeting)

**ADJOURNMENT**

There being no further business President Hyser called for a motion to adjourn. Mr. Baxter so moved seconded by Ms. Wollert. The meeting was adjourned at 8:22 p.m.

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Hilary Hyser, President

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Kim Macellaro, Municipal Clerk