

February 25, 2020 - AGENDA SESSION

President Keyes-Maloney called the meeting to order at 6:48 p.m. and read the Open Public Meeting Statement:

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 9th day of January 2020.

THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE "STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC" SEGMENT OF THE MEETING. A MEMBER OF THE PUBLIC MAY SIGN IN ON THE SHEET AT THE FRONT OF THE ROOM AND UTILIZE FIVE MINUTES OF TIME FOR REMARKS AND QUESTIONS. ALL QUESTIONS SHOULD BE DIRECTED TO THE COUNCIL PRESIDENT. WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND ADDRESS.

ROLL CALL

- Mr. Baxter - Present
 - Mr. Schroth - Present
 - Ms. Steward - Present
 - Ms. Wollert - 7:44 p.m.
 - President Keyes-Maloney - Present
- Jim McManimon, Administrator
Michael Cedrone, Attorney
Kim Macellaro, Municipal Clerk

The Council President stated for the record that Ms. Wollert will not be here this evening because of a schedule conflict. (Ms. Wollert arrived at 7:44 p.m.)

PRESENTATION – Black History Month Presentation by Parkway Elementary School Students – Accompanied by Principal Nicole Harris

The Council President introduced Principal Nicole Harris.

Ms. Harris said that Parkway is one of three elementary schools in Ewing. It is the smallest school in the district with about four hundred students in grades Pre-K to 5th. They are thankful for this opportunity to come and showcase a little bit of what was presented on Friday at the School's Black History Month assembly. Councilman Baxter invited them here tonight. Ms. Harris is also thankful for the support shown to the students by their parents, guardians, the Assistant Superintendent, members of the School Board, and Parkway School staff. Principal Harris then described how Black History Month was celebrated at Parkway School. Ms. Harris said that the students will present a sampling of what was done during the assembly held last Friday.

The students sang "Lift Every Voice and Sing," gave short vignettes on notable African-Americans, and played a song on percussion instruments.

(Applause)

Ms. Harris invited everyone to come out to Parkway School if they want to see more. And said that Parkway has great academics, great singing, great speaking, and great percussionists. Parkway is just great all around.

Councilman Baxter announced that, on behalf of the Township, Council, and the Mayor, there are Proclamations that we want to give to the students who came tonight. Mr. Baxter thanked everyone for coming and thanked Ms. Harris for putting this together. Councilman Baxter said that he appreciates the collaboration with the schools and thanked members of the School Board who came out.

Ms. Harris read the Proclamation.

(Applause)

Ms. Harris thanked everyone for the opportunity to come and showcase a little bit of what they do at Parkway School.

President Keyes-Maloney said that her sister and her mother are both music teachers and they would be extraordinarily proud to have any of these students. The Council President thanked everyone for an amazing evening.

As a matter of personal privilege, the Council President introduced Jeff Summers who will share information about the Census.

Jeff Sumners (NJ Department of State) said that he is currently working as a Census Support Specialist responsible for Central Jersey. Ewing Township, along with Trenton and Hamilton, is considered hard to count; he has been charged with doing outreach to these communities through the municipalities and civic groups. Mr. Sumners said that he came this evening to let Council know that he is available to do any outreach that may be required in these hard to count areas. The census process will begin in about a month's time.

Council President Keyes-Maloney said that there has also been conversations with the County to ensure they are doing all that they can to make sure people are aware. The Mayor is committed to doing a reverse 911 call towards the end of the month. Information will be posted on social media and continue to be posted on the website. Information on different social groups, communities of worship, and sports leagues has also been provided to the County coordinator to make sure as many people as possible are made aware that the Census is happening, that it is important for them to get counted, and that it is a little different then in the past in terms of the online presence. The Township is committed to working with the Department of State, the County, and any other partner to make sure Ewing is a completely counted community.

Mr. Sumners said that it is vital that the Township extend itself to those trusted community groups. Mr. Sumners reiterated that he will help in any way he can as he does not want to see a generation of kids grow up without the same resources that he was entitled to growing up in the early to mid sixties and into the seventies.

President Keyes-Maloney added that for each household not counted, thousands of dollars are lost - Title 1 money, municipal aid, or HUD grants. Many things are dependent on Census data. Counting every person in Ewing matters; it matters today and it will matter for ten years. This is serious stuff. It is to the Township's detriment if it is not done right. There is a commitment from this Council and the Administration to do everything they can to ensure every resident is counted.

Vice President Schroth added that ten years ago a congressional seat was lost because of the Census. It not only has an impact on monies that come in but representation.

Mr. Sumners added that two seats were lost in the past twenty years which is why it is important that your residents respond to the Census, especially those in hard to count communities.

President Keyes-Maloney said that the County has identified what areas of the Township are most at risk. The Township will do all it can to get out to as many of those communities as possible, well before it takes an enumerator because enumerator resources may not be there. So, the Township needs to make sure the online resources are being used. The Township also has to assure them that it is safe to be counted.

Councilman Baxter said that he knows that the Administration has made a commitment by having people in the lobby giving out Census information and getting the word out to civic associations.

The Administrator added that the Administration has had people from the Census here for the last six weeks on days when Court is in session, and on days when people are paying their taxes. They are also looking for people to work. They have also been to both community centers. They had more activity over at the Senior Center; some seniors are working for them. The Administrator added that he has spoken with Mr. Sumners as he has asked that the Township try to go out into the Community - to the various churches, schools.

DISCUSSION

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO ESTABLISH CHAPTER 270, SINGLE-USE PLASTIC CARRYOUT BAGS

The Council President asked Counsel to give a brief overview of the Ordinance.

The Attorney said that the State has been working on legislation over the last couple of years. It has not been adopted, but the general movement has been to try to either limit or ban single-use plastic bags. This past month, legislation has again been introduced. Looking at neighboring municipalities, and other municipalities across the State, it is not so much a matter of if, but rather when. It was felt to be in the best interest not to jump right into the deep end, but to start first with single-use plastic bags. The proposed Ordinance would prohibit the use of single-use plastic bags which is defined in the Ordinance and modeled largely on State legislation that has been proposed in the past and on other municipalities as well.

If adopted, it would not take effect immediately; there would be a period for both education and outreach and also to give stores and vendors an opportunity to both prepare for the transition from plastic to alternative means and also to educate the residents on what they can do to contribute. The intention is not to have the vendor or stores bear the brunt of the burden, but it is also intended to educate the residents on what they can do to contribute. The Ordinance, if enacted, would prohibit single-use plastic bags one year from its adoption. And, within that time period, both the Township and other groups (the Green Team and the Environmental Commission) would assist the Township in outreach to the Community - educating the vendors and residents on reusable bags.

The Council President said that one of the biggest components during informal conversations around this was related to ensuring that there is an educational component both in terms of options as it relates to alternatives to plastic bags, as well as where people can find them, and why it is important to move away from plastic bags. There is an equal duty to ensure that members of the community, in terms of businesses, are aware that this is a change. Like a lot of the surrounding communities, the Township is looking to balance this with an appropriate amount of time to allow people to acclimate to this new requirement. Ewing is not the first, but at the same time the Township can learn from other communities and their experiences in implementing this particular initiative. Speaking for her fellow Council members, President Keyes-Maloney said that this has been contemplated for awhile and Council believes that now is the time. The Administration is similarly situated. Hopefully, this will be Introduced this evening, and Council will have the opportunity to explore this over the next couple of weeks with their partners on the Green Team and the Environmental Commission as well as members of the community to see if there are any refinements or recommendations. President Keyes-Maloney reiterated that this is something that is long overdue.

Councilwoman Steward asked if enforcement beginning in one year needs to be specifically mentioned in the Ordinance.

A brief discussion followed. It was decided to add it as a separate section.

There were no additional questions or comments from the Council.

Ron Prykanowski (16 Thurston Avenue) said that while he appreciates what Council and the Administration are trying to accomplish, enforcement is a far more complicated issue.

The Council President responded that the good part is that there are exemptions in the Ordinance and then asked Mr. Prykanowski to share any recommendations he has regarding language.

Mr. Prykanowski recommended that the Township use Clean Communities funds to buy and distribute reusable bags during the period before this is enforced.

President Keyes-Maloney said that the Township already does that as part of Shred Day and National Night Out.

Councilwoman Steward added that the Township has also partnered with the Boy Scouts and have handed them out at grocery stores.

Mr. Prykanowski said that he sees a lot of confusion. A lot of people are going to bulk at this. Education is critical and that should start tomorrow.

Council President Keyes-Maloney said that she does not disagree. Education will be essential.

The Administrator said that once this is adopted, the Administration will be in direct communication with the businesses in town about this. The Administrator added that MCIA will no longer pick up any recycling that includes plastic bags.

Councilwoman Steward noted for the record that enforcement will happen on the retailers issuing out the plastic bags, not on residents. There are no fines for individual citizens.

President Keyes-Maloney added that the Ordinance does provide for those who can not afford reusable bags.

Councilwoman Steward asked how is a retailer to verify that someone is eligible to receive a bag.

The Council President said that she guesses that those bags are liberally provided and added that the Town can learn from other municipalities.

Jennifer Coffey (Executive Director - ANJEC - the Association of New Jersey Environmental Commissions) said that ANJEC is a fifty-year old non-profit whose mission is to help municipalities make good decisions for the environment and their community. Plastic pollution is one of their priorities. One of the most compelling pieces of data that she likes to share is from a 2016 World Economic Forum study which said that if single-use plastics continue to be used the way that they are now, by 2050 oceans will have more plastic than fish in them. Ms. Coffey said that this is a solvable problem. Data that she has seen shows that somewhere between one percent and twenty percent of plastic bags are ever used a second time or able to be recycled. The New Jersey Recycling Association can not stand these things - they clog up their works. Since the end of 2018, ANJEC has helped municipalities in New Jersey adopt 118 ordinances targeting single-use plastic. ANJEC has a model ordinance on their website. Board member Lee Farnham is here tonight and can give copies to anyone who needs it. Their model ordinance mirrors what it is believed that the State will adopt. ANJEC has been in regular contact with State officials trying to get everyone on the same page. Ms. Coffey encouraged Council to vote yes on this Ordinance and to add a paper bag provision. Paper bags are not the best alternative; the best alternative is reusable bags. About 1,000 acres of forest a year are consumed to maintain New Jersey's current paper bag use. The issue is not so much about the forest because these do come from tree farms and can be replanted. It is the shipping issue and green house gas emissions. Their model ordinance bans paper bags for retail establishments that are larger than 2,500 square feet and also encourages a fee for smaller stores. Ms. Coffey said consider ANJEC your resource and thanked Council for putting this forward tonight.

Lee Farnham (68 Lochatong Road) gave copies of the model ordinance to Council and added that everyone on both the Environmental Commission and the Green Team are very much behind what Council is planning to do. Mr. Farnham stated that he asked the Assistant Manager at Marrazzos what he thought of recyclable versus plastic bags. He said that it was wonderful as they would save a lot of money not having to buy plastic bags. At another market, for every bag he takes in, he gets four cents off. Mr. Farnham said that this is needed and Council can count on the Green Team and the Environmental Commission to help with this.

Joanne Mullowney (20 Alexander Drive) said that as Chair of the Green Team, she is here tonight to offer support for this Ordinance. Ms. Mullowney then asked what is the size of the establishment.

The Council President said that she does not believe anything about size is included. Ms. Mullowney said that it is for all retail establishments.

President Keyes-Maloney said - yes, and added that now that this has been introduced, assuming it is, the draft will be shared with the Chairs of the Green Team and the Environmental Commission and said that she looks forward to seeing their comments and suggestions.

Ms. Mullowney added that she hopes Council includes more than just single-use plastic bags - include paper bags, straws. It will also help with the litter problem in Town.

President Keyes-Maloney responded that there is always room for continued conversations. A challenge is not to make perfection the enemy of the good. It is also okay if it is bags today and something else tomorrow.

Jennifer Helminski (Delaware River Advocate - The Watershed Institute) first thanked Council for opening a discussion on the urgent matter of plastic control. The Watershed Institute strongly supports the adoption of a plastic bag ordinance and ideally extending it to other single-use plastic waste such as straws and styrofoam food containers. To date, three neighboring municipalities - Hopewell Boro, Trenton, and Lambertville - have adopted plastic bans and others have ordinances in progress. More than fifty New Jersey municipalities have adopted ordinances limiting single-use plastics joining ten other states with single-use bans. Ms. Helminski provided a number of statistics regarding plastics: over one hundred billion plastic bags are disposed of in the country every year and over four billion of those are used and disposed of in New Jersey; plastic packaging accounts for over thirty percent of American household trash and that number is increasing; eighty percent of ocean litter comes from land-based sources; plastic pieces on the ocean surface alone outnumber sea life six to one; the estimated six trillion plastic pieces in the oceans not only injures and kills wildlife through entanglement and ingestion, but bioaccumulates up the food chain - each of us consumes about a credit card's worth of plastic every week; over two-thirds of commercial street litter is composed of single-use disposable packaging. The Watershed Institute and other groups lead clean-ups of local waterways.

Ms. Helminski showed a couple of photos from the clean-up they did last year in Ewing at the Home Depot and added that clean-ups are not a long-term solution to the plastics problem; neither are incinerators and landfills which are hazardous to health and the environment and the disposal cost municipalities and taxpayers millions. Ms. Helminski said that unless plastic packaging needs are prevented from entering the waystream or prevented from being produced in the first place, its management will continue to be costly and will disproportionately impact low income and communities of color where these facilities are typically located. The plastics industry is a powerful one with close ties to the fossil fuel industry - neither of which has our long term interests in mind. Plastic production from fracked gas is outpacing recycling and is contributing to climate change. Less than ten percent of plastics are being recycled; more are being incinerated or landfilled. According to the Clean Air Council, recycling one ton of bags cost \$4,000 and the recycled product can only be sold for \$3,200. Ms. Helminski said that we cannot not wait for solutions to be handed down from the State. Municipalities have to act in order to compel the State to adopted a resolution. On behalf of the Watershed Institute, Ms. Helminski implored Council to give serious consideration to the adoption of a plastic ordinance and added that the Watershed Institute is also a resource for Council.

There were no additional questions or comments from the Public.

Councilman Baxter thanked everyone for adding to this conversation and said that he remembered when the Watershed Institute did the clean-up behind the Home Depot. Council has been discussing this plastic bag ordinance for some time. It is great to see the enthusiasm to make this happen. Councilman Baxter stated that all of Council has been on board with this. It was just a matter of how to move forward and what to include. Councilman Baxter said that he is on board to include the paper bag - let's do it all if it is going to be done.

Councilwoman Steward added that it will be on the agenda for tomorrow's Green Team meeting. The Green Team will come back with some feedback.

Council President Keyes-Maloney said that she looks forward to seeing everyone's input. Council did a great job of putting something together that reflects the experiences of other communities as well as learn from the experience ANJEC has provided through its model.

There were no additional questions or comments from Council.

The Council President welcomed Councilwoman Wollert who was able to join them.

This Item was approved for Action.

2. A RESOLUTION AUTHORIZING THE AWARD OF A PUBLIC CONTRACT FOR 2019 ROAD IMPROVEMENT PROGRAM: RESURFACING OF VARIOUS ROADWAYS TO RICHARD T. BARRETT PAVING COMPANY, INC. IN THE TOTAL AMOUNT OF \$824,009.82, REPRESENTING ITEMS 1-47 OF THE BASE BID, ITEMS 1A-47A OF ALTERNATE BID NO. 1, AND ITEMS 1B-47B OF ALTERNATE BID NO. 2

The Administrator said that this was approved in last year's capital budget. The Township waited until January to bid; the price had gone up because it was so busy. The Township got some great bids so was able to do fifteen roads. The Administrator read the list of roads to be paved and added that another eight will be requested in this year's capital budget. About one million dollars was budgeted for this. Since this came in about \$140,000 less than that, the Township will be able to reallocate that money for other projects with Council's approval. These roads are spread throughout the Town. Two other roads - Sundew and Sun glow - are being done in June through the microsurfacing project.

Councilman Baxter commented that a stop or yield sign is needed on 7th Street at Prospect.

There were no additional questions or comments from Council.

Ron Prykanowski (16 Thurston Avenue) asked if there is any coordination between the Township and Trenton Water Works with respect to the repaving because of the replacing of water lines.

The Administrator replied that Trenton Water, PSE&G, and the County are informed. A percentage of the water lines are being replaced each year. The Township does have a five-year moratorium unless it is an emergency. Lead-lined pipes are considered a health emergency although the Township will try not to have them dig up a road the day after it is repaved.

Mr. Prykanowski commented that he has seen that happen too many times.

Council President Keyes-Maloney said that Trenton Water and PSE&G are informed, but the communication is not as good as she would like it to be.

The Administrator added that lately communication with Trenton Water has been greatly improved.

There were no additional questions or comments from the Public.

3. A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF EWING AND THE CITY OF TRENTON FOR THE PROVISION OF NURSING SERVICES FOR LEAD-BURDENED CHILDREN

President Keyes-Maloney said that this is done annually. It is a shared services relationship with the City of Trenton. Hopefully, the Township will never have to access it.

The Administrator added that it is required to be in place and then described a case that had occurred. The Administrator added that it has only happened twice in his ten years here.

There were no questions or comments from Council or the Public.

4. RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) FORD F150 4 X 4 SUPERCREW CAB PICK UP TRUCK FOR USE IN AND BY DEPARTMENT OF PUBLIC WORKS WITHIN THE TOWNSHIP OF EWING FROM CHAS S. WINNER D/B/A WINNER FORD AS PER STATE CONTRACT T-2776

The Council President said that this was in the Township's capital plan.

The Administrator mentioned that at the next Council meeting a front-end loader will be purchased with reallocated monies so the Town will not have to continue to rent one.

Councilman Baxter asked how often are vehicle logs checked.

The Administrator replied that the mechanics keep a log every time they service a vehicle. He and the Town's insurance representative go out a couple of times a year to check that the insurance card and vehicle registration are up-to-date. Supervisors are tasked with making sure the vehicles are kept clean.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

All Items were approved for Action.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$263,191.50 and to Pay Supplemental Bills per Resolution #20R-11 in the Amount of \$4,933.80

There were no questions or comments from Council or the Public.

CONSENT AGENDA

Council President Keyes-Maloney presented the Consent Agenda for review.

1. A Resolution Authorizing a Refund, as Recommended by the Director of EMS for overpayment in the amount of \$335.86 for overpayment of transport service on February 15, 2019 for patient Mycock, Joseph, Horizon BC BS of NJ, PO Box 820, Newark, NJ 07101.

2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$3253.00 for February 1, 2020 1st Quarter Taxes to National Real Tax Tracking, LERETA Property Tax & Flood Services, 7929 Brookriver Dr., Suite 400, Dallas, TX 75247, for property owner WF Master Reo, LLC, for Block: 310 Lot: 27 also known as 336 Concord Avenue. Paid Ewing in error instead of Elizabeth during 1st Quarter.
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,411.02 for overpayment of February 1, 2020 1st Quarter Taxes to Tuttle, William, 8 Locke Court, Ewing, NJ 08628, for property owner Tuttle, William, for Block: 420.01 Lot: 82 also known as 8 Locke Court, for overpayment.
4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,187.87 for overpayment of February 1, 2020 1st Quarter Taxes to The Arc/Mercer, Inc., 180 Ewingville Road, Ewing, NJ 08638, for property owner The Arc/Mercer, Inc., for Block: 118.01 Lot: 4 Qualifier: C063 also known as 1450 Parkside Ave #6. Refund due to tax exempt status effective October 30, 2019
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,377.07 for overpayment of February 1, 2020 1st Quarter Taxes to Sterling Title Agency, LLC, 2662 Nottingham Way, Hamilton, NJ 08619, for property owner Selingo, Catherine M., for Block: 105.01 Lot: 27 also known as 24 Shelburne Drive. Seller's mortgage paid Q1 resulting in a duplicate payment.

There were no questions or comments from Council or the Public.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None of this Meeting)

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

(None for this Meeting)

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Steward said that Mercer Green Fest is coming up on Saturday, March 14th at Rider University from 11:00 a.m. to 4:00 p.m.

President Keyes-Maloney reported that the Planning Board held a Special Meeting for final site plan approval for several phases - Two, Three, and Five - of the Parkway Town Center. The plan was approved for final approval consistent with the preliminary plan. There are no changes between the preliminary and final plans absent any changes the professionals deem appropriate. It is going to be phased-in over a number of years with a timeline reaching out to 2028 or slightly beyond. You will start to see stuff happening over the next several months. The environmental pieces associated with the project has largely been completed so they can begin construction on the site. The Silvia Street Extension project Council authorized at the last meeting will assist them.

Councilman Baxter reported that the official opening date for the splash pad will be on May 21st at 5:00 p.m.

There were no additional Commission & Committee reports from members of Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Joanne Mallowney (20 Alexander Drive) said that the Green Team has a program entitled "Gardening is for the Birds" coming up on March 23rd. It will be at the Library at 7:00 p.m.

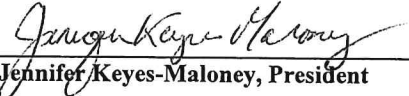
There were no additional Statements and Comments from members of the Public.

CLOSED SESSION

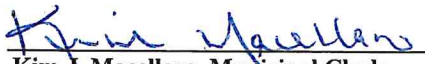
(None for this Meeting)

ADJOURNMENT

There being no further business, President Keyes-Maloney asked for a motion to adjourn. Mr. Schroth so moved seconded by Mr. Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 8:01 p.m.



Jennifer Keyes-Maloney, President



Kim J. Macellaro, Municipal Clerk