

November 10th, 2015 – AGENDA SESSION

President Keyes-Maloney called the meeting to order at 6:31 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 14th day of August, 2015.

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 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.

THE COUNCIL INVITES AND ENCOURAGES PARTICIPATION BY THE PUBLIC IN ITS MEETINGS, HOWEVER A MEMBER OF THE PUBLIC MAY UTILIZE FIVE MINUTES OF TIME FOR REMARKS AND QUESTIONS, UNLESS OTHERWISE ENGAGED IN A DIALOGUE WITH A MEMBER OF THE COUNCIL. ANY FURTHER REMARKS OR QUESTIONS BEYOND THE TIME LIMIT MUST BE AUTHORIZED BY THE PRESIDENT OF THE COUNCIL.

ROLL CALL

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| ▪ Mr. Baxter – Present | Jim McManimon, Administrator |
| ▪ Mr. Schroth – Present | Maeve Cannon, Attorney |
| ▪ Ms. Steward – Present | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Absent | |
| ▪ President Keyes-Maloney – Present | |

The Clerk inquired of the Council President if Ms. Wollert will be attending this evening. The Council President replied that she had not heard from Ms. Wollert but noted that she is often in northern New Jersey for her work and that she may just be running late.

DISCUSSION

1. AN ORDINANCE TO ESTABLISH REGULATIONS FOR COMMERCIAL BUSINESSES, ORGANIZATIONS AND PRIVATE PERSONS WISHING TO HIRE EWING TOWNSHIP POLICE OFFICERS FOR OUTSIDE EMPLOYMENT

At the request of the Council President, the Attorney provided background on the basis for and the importance of this Ordinance.

The Attorney stated that the most important part of this Ordinance is to shift liability to the private employer in order to protect the Township from liability in the event the officer is injured or killed while working in this context. Outside employment is in no way connected to an officer’s Township employment.

President Keyes-Maloney asked when do we plan to use the employment form.

The Attorney replied that we are already using it.

President Keyes-Maloney then asked what are the kind of assignments that the officers are doing.

The Attorney responded that there are two basic types of assignments – to provide security or traffic control for one, an ongoing engagement and two, a specific event.

The Council President asked if this was a common practice.

The Attorney responded that it is very common.

The Attorney then responded to Vice President Schroth’s question as to whether case law has provided any guidance on this matter.

The Attorney and Vice President Schroth then discussed a couple scenarios concerning workman’s compensation.

Councilman Baxter asked specifically how is the Township being held “not liable” in the Ordinance.

The Attorney referred to paragraphs eight and nine and then read each one aloud.

The Attorney also referred to paragraph seven.

Councilman Baxter said that he understood providing security or directing traffic; but what about working for establishments that serve alcohol.

The Attorney responded – absolutely not, not within the Township – it is a conflict of interest because the Police are charged with investigating liquor licenses within the Township. Establishments in Ewing, can hire off-duty officers from other municipalities.

Mr. Baxter then asked how is it determined who fills the position.

The Attorney replied that there is a sign-up sheet and then a rotating schedule for the more popular jobs. It is completely voluntary.

Mr. Baxter asked why, during this off-duty job, do the officers wear their uniform and drive police cars.

The Attorney replied that the officers are being hired to be police officers. It is not required that they wear their uniform. However, the Attorney said that she thought it was better for everyone that they do. Officers cannot contract privately for these off-duty jobs; it must be done through the Township.

The Administrator added that the private entity pays the Township for use of the police vehicle.

Councilwoman Steward asked if the Chief and senior leadership have any concerns about this.

The Attorney replied that they do not like the idea of the (inaudible).

Councilman Baxter stated that these assignments are separate – it does not take away from how many are on duty that day.

The Council President said that it would be beneficial to hear from Mr. Walls concerning workman's compensation. Also, some of the language needs to be tightened regarding no private contracting for these jobs.

There was then a discussion between Council and the Administrator regarding whether or not this would go forward to the Regular Session. The concern, on part of the Administration, being that there is only one more Council meeting for the year. The Administrator said that Mr. Walls would be made available and that there could also be the possibility of a Special Meeting.

The Council President then asked the other members of Council if they were comfortable moving this forward and introduce this tonight.

The Clerk left the Councilroom to confirm the meeting dates for the rest of the year. Council and the Administrator discussed process.

The Administrator respectively asked that Council introduce this tonight.

The Attorney offered a suggestion to amend the language that these jobs cannot be contracted privately.

President Keyes-Maloney stated that she is getting the sense that Council is okay with introducing this this evening. However, if the Ordinance is amended substantially, it will fail at second reading and will have to be brought up in the new session in January.

2. **AN ORDINANCE APPROPRIATING \$185,200 FROM THE CAPITAL SURPLUS FUND FOR THE ACQUISITION OF VARIOUS EQUIPMENT IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY**

President Keyes-Maloney explained that the list of equipment is included in Council's packet.

The Administrator added that the "jaws of life" is a replacement and that Ingram Avenue is a shared service with the County and the City of Trenton.

Councilman Baxter asked for more detail on the Ingram Avenue item.

The Administrator responded that we are paying for the blacktop, Trenton is doing the milling and the County is doing the paving.

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

3. **A RESOLUTION TO CANCEL CERTAIN UNEXPENDED CAPITAL ORDINANCE BALANCES TO CAPITAL SURPLUS**

President Keyes-Maloney said that these are capital ordinances dating back to 2012 and 2013 that we are re-appropriating. The money goes into capital surplus and then we can pull it from there for projects.

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

4. A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

President Keyes-Maloney stated that this involves accepting a couple items of revenue. The items are: 2015 State Body Armor Replacement Fund in the amount of \$6,814.56 and 2015 Drive Sober or Get Pulled Over Campaign in the amount of \$5,000. We have received both of these in the past.

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

5. A RESOLUTION AUTHORIZING EXTENSION OF THE GRANT WRITING AND ADMINISTRATIVE SERVICES CONTRACT TO RESOURCE DEVELOPMENT NETWORK, INC. FOR HUD AND NON-HUD RELATED GRANTS IN ANNUAL AMOUNT OF \$64,800

The Council President explained that we have used this individual in the past and this is a continuation of that contract. The original agreement allowed for two extensions; this would be the second.

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

6. A RESOLUTION APPROVING CHANGE ORDER NO 1 FINAL TO ALL SURFACE ASPHALT PAVING, INC. FOR THE EWING SENIOR AND COMMUNITY CENTER TENNIS COURT RECONSTRUCTION

The Council President said that this is a change order reducing the amount for the tennis court resurfacing at the Ewing Senior and Community Center.

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

7. A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL TO EMY SOLUTIONS CONSTRUCTION & PROJECT MGMT FOR THE INTERIOR RENOVATIONS AND ADA RAMP AT THE EWING SENIOR AND COMMUNITY CENTER

President Keyes-Maloney stated that this is a change order slightly increasing a contract in the amount of \$9,136.00 in light of changes to the interior renovations and ADA ramp at the Ewing Senior and Community Center. The items are outlined in the Resolution.

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

8. A RESOLUTION IN SUPPORT OF REVAMPING HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY'S OMNIA PLAN TO INCLUDE CAPITAL HEALTH & ST. FRANCIS HOSPITALS IN MERCER COUNTY

President Keyes-Maloney explained that our local hospitals are not included in this Plan. This encourages the Department of Banking and Insurance, the Governor's Office and the Legislature to take a look at the process used by Horizon Blue Cross Blue Shield when they developed their OMNIA Plan as well as the impact it would have on our community.

There were no questions or comments from Council or 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 \$1,243,006.84 and to Pay Supplemental Bills per Resolution #15R-27 in the Amount of \$3,955.83

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

CONSENT AGENDA

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

1. Approval of Agenda Session Minutes for September 9, 2014, September 23, 2014, October 14, 2014, November 10, 2014, January 13, 2015 and February 10, 2015; Approval of Regular Session Minutes for September 9, 2014, September 23, 2014, October 14, 2014, November 10, 2014, January 13, 2015 and February 10, 2015.
2. A Resolution Authorizing the Conduct of a Calendar Raffle Sponsored by Rotary Club of Trenton

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

(None for this Meeting)

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

President Keyes-Maloney reported that the Planning Board met this past week. A really interesting proposed new item to the town is someone who is planning to start a delivery prescription service. He is looking to take up residence adjacent to the old Ewing Bazaar. He is a pharmacist and will fill the prescription and deliver it to your house. They are a new business in Ewing and have started similar businesses in this and other states. They are looking at this as an emerging market in light of our changing demographic.

President Keyes-Maloney then made two announcements: One, the Veterans Day ceremony will be held tomorrow at 11:00 a.m. at Town Hall. Two, there is a planned ecumenical Thanksgiving gathering scheduled for the 22nd of November at 3:00 p.m at the 1867 Sanctuary.

Councilman Baxter said that the Recreation Advisory Board does not meet until the 23rd but last night was the President's Meeting for the various recreation programs. There were a few items of note. One, they are doing a clean-up at Fasolino Field in order prepare it to play baseball there again. Two, they are building a new playground at the Ewing Senior and Community Center for children with special needs. Volunteers can come out this Saturday staring at 8:00 a.m. to help with this project. Three, this year there were twelve softball teams plus four travel teams so it seems that Girls softball is picking up and they are looking to host an eastern regional tournament. Four, Legion baseball had a good season even though they are going through a transition with players. And finally, at the softball field at Armstrong Park, because of all the tournaments coming in, they are looking to enlarge the snack bar because right now, when the stands are packed, it can take thirty – forty minutes to get food.

Councilwoman Steward reported that on November 18th, the Green Team is hosting a lecture by Professor Dan Steinberger entitled Understanding Climate Change. Ms. Steward then mentioned that on November 21, the County is hosting its periodic electronics recycling and shredding event at the Sun Bank Center.

The Administrator added that on November 22, the Trenton Elks is holding its annual Veterans dinner. It is twenty dollars per person. If you make a donation, you are buying a dinner for a veteran. The Elks will be honoring veterans from nursing homes, and based on the amount of donations, giving them items that they might not be able to buy for themselves.

There were no additional Committee or Commission reports from members of Council. There were no additional announcements from Council or the Administration.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Mark Fetter (327 Concord Avenue) first asked what time does the Veterans Day ceremony begin.

The Administrator replied – 11:00 a.m.

Mr. Fetter said that there are a number of Ewing employees who are retiring including a few from supervisory positions and then asked will these jobs be posted or will it be a “hush hush” and just sneaking someone into those positions.

The Administrator replied that, with all due respect, we are required by the Civil Service to post any job. Any open position must first be posted internally. If no one responds or if no one is qualified, then we look outside. Some of these positions we may not actually fill; those will not be posted.

Mr. Fetter asked where are these jobs posted.

The Administrator replied that, for employees, by law, the jobs have to be posted at Public Works and outside the HR office. We will also post on the union bulletin boards.

Mr. Fetter then asked, regarding the supervisory positions, if there are no qualified internal people, how soon is the job posted and how is it advertised for the general public.

The Administrator responded that the State gives us a timeframe and we advertise through the Civil Service system – first to Township residents, then County and then broader, if necessary, but not outside of the State.

Mr. Fetter commented that it does not seem fair that internal workers have first dibs at these jobs; the taxpayer should be first.

The Administrator replied that we are a Civil Service town and that is the way it is.

The Council President added that, by law, there is no way for the Township to even contemplate removing itself from the Civil Service. That would require action from the State Legislature.

Mr. Fetter answered that he is not asking that the Town to get out of the Civil Service.

The Administrator reiterated that as a Civil Service town, we have to open it up first to employees.

Mr. Fetter asked who is responsible for making it a law that says you have to first open it up internally. Mr. Fetter indicated that he wanted to contact that person and let them know that he did not think that was fair.

President Keyes-Maloney replied that if you have any concerns about the current Civil Service process you need to reach out to the Department of Community Affairs or your State delegation – we are in the 15th Legislative District. There have been conversations about modifying the Civil Service rules. Part of it is that an internal person knows the department. President Keyes-Maloney then articulated the process if there is no internal person who is qualified or who wants the position.

Mr. Fetter then stated that he is interested in the supervisory positions and will be applying if no one is qualified or comes forward internally.

The Administrator added that every position in the Town is Civil Service except his.

Mr. Fetter then asked where are these jobs posted.

The Council President responded where jobs are posted for both internal employees and those who do not currently work for the Township.

The Administrator added that right now we are looking for CDL qualified persons for positions in Public Works. We have a few who are retiring with CDLs and need to replace them. A CDL is necessary to operate the equipment.

Mr. Fetter suggested that the Township should incorporate walking tracks around Township parks.

President Keyes-Maloney mentioned the Charlie Johnson trail.

The Administrator described where this trail is located within Ewing and where it leads. And then he and the Council President mentioned other trails within Ewing.

Mr. Fetter then suggested that in the winter, the walking track should be plowed so people can continue to use it.

The Council President said that the roads are a priority.

Mr. Fetter then said that the Township government should set aside more real estate for Open Space and then asked when are we going to say that there is enough development.

Mr. Fetter then commented on trees being cut and asked if a permit is required to do so.

President Keyes-Maloney responded by discussing the situation on Olden Avenue with PSE&G.

The Administrator added that nothing will be done with the area across from where the trees were cut down on Olden Avenue because it is a wetland.

President Keyes-Maloney then mentioned the proposed Wawa site and conversations that the Planning Board had with the applicant and the requirement that they remove the least amount of trees as possible.

The Administrator then mentioned the two acres that were just purchased along Scotch Road which will be added to an existing park. The Administrator then discussed some bike paths that are being added along some Township roadways.

Mr. Fetter then said that he is very unimpressed with the Christina Seix school over on Stuyvesant; it used to be a beautiful wooded area.

The Council President answered that it is a privately funded school which is why it is not open to the Public. The land was purchased from the State.

The Administrator added that the owner and her husband have contributed to Township events.

Mr. Fetter said that it is not good that she does not pay Ewing taxes. And it was not a good thing to allow her to purchase that property.

President Keyes-Maloney said that it was not something that the Township could effectuate as it was State property. It may be a benefit to Ewing and Trenton, in the future, as it could provide educational opportunities.

Mr. Fetter said that he does not agree with the Council President's position – the owner does not pay Ewing taxes.

The Administrator responded that the State did not pay taxes to Ewing either and that there is an indirect benefit to the Township by her support of the Community. Ewing kids do go to that school; the money does not follow them there as the school is self-funded.

Mr. Fetter reiterated that a beautiful property is being destroyed there.

There were no additional questions or comments from 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. The meeting was adjourned at 7:44 p.m.

David P. Schroth, President

Kim J. Macellaro, Municipal Clerk