

## June 28, 2016 – AGENDA SESSION

President Schroth called the meeting to order at 6:30 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 4<sup>th</sup> day of January, 2016.

**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.**

**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

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

### DISCUSSION

#### **1. A RESOLUTION AUTHORIZING THE SECOND ONE-YEAR EXTENSION OF THE CONTRACT FOR THE PRIVATE COLLECTION OF MUNICIPAL COURT DEBT**

Attorney Cannon said that this was a relatively new endeavor in the State of New Jersey as a result from statutory authorization. The town is actually one of the first towns to embark on this road. This is the second one year extension of a three year contract. This is a private company collects the uncollectable of the uncollectable. Many people have a warrant out for their arrest and have still not paid their court debts. Some are deceased. She further said that they have had some success and in the last year they collected \$16,000 and this year so far \$13,000. The vendor assesses a percentage on top of the amount collected and that is how they are compensated. President Schroth said that as further clarification for the public, every court session the Judge imposes fines on people and fines are imposed as penalties for guilty pleas or after convictions of trial and these are the debts that are unpaid. Attorney Cannon said that most of the fines go to the State of New Jersey, except for municipal ordinances, for which we get a piece. President Schroth asked for questions from either Council or the public. There were none.

#### **2. A RESOLUTION AUTHORIZING THE PURCHASE OF SEVEN (7) CHEVROLET TAHOE 4 X 4 POLICE PURSUIT VEHICLES FOR USE IN THE POLICE DEPARTMENT FROM MALL CHEVROLET THROUGH THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM - IDENTIFIER #47**

President Schroth said that as discussed during the budget process, these are SUV's that are part of the capital budget and we are executing them now. Attorney Cannon explained the process. President Schroth asked if we get these at a good price. Attorney Cannon said that the idea of a cooperative is that they are leveraging the buying power to a number of members and in theory getting better pricing. President Schroth asked for questions from either Council or the public. There were none.

**3. A RESOLUTION AUTHORIZING THE PURCHASE OF PORTABLE RADIOS FOR USE BY THE POLICE DEPARTMENT FOR THE TOWNSHIP OF EWING FROM PMC ASSOCIATES #83900 THROUGH STATE CONTRACT T-0109 (expires 4/30/2018)**

President Schroth said that this again was something that was addressed during the capital budget discussion and simply executing the purchase of these radios. Attorney Cannon said that this time they are being bought through the State of New Jersey's cooperative. She explained that the State buys lots of them and extends it to local buying partners. This is the State of New Jersey leveraging its buying power. Ms. Keyes-Maloney asked what kind of radios they are. Administrator McManimon answered that there are two types of radios, mobile and portable. These are the handheld portable radios. President Schroth asked for questions from either Council or the public. There were none.

**4. A RESOLUTION APPROVING A PROPERTY TAX REDUCTION FOR 12 RONIT DRIVE LOCATED AT BLOCK 587, LOT 6 ON THE EWING TOWNSHIP TAX MAP**

Attorney Cannon said that this property suffered a fire recently. There are certain times of the year that the Assessor can reduce the assessment on the property. This is not one of those times. This is why it had to come before Council in the form of a resolution to approve the reduction of the assessment until the home is rebuilt. Administrator McManimon said that the owners came to see him the day after the fire. He said they have already rented a home and the insurance company is paying them to live there, as covered under their insurance policy. President Schroth asked for questions from either Council or the public. There were none.

**5. A RESOLUTION AUTHORIZING THE DISCHARGE OF FIREWORKS AT THE ANNUAL FOURTH OF JULY CELEBRATION**

President Schroth said that this is a rather self explanatory resolution. This coming Saturday there will be a fireworks display. He also said that this year we will not be having a parade. The Fourth of July fireworks will be our only celebration. He further stated that this will allow us to put some more resources into that, as we are not having a parade. Administrator McManimon said that the event starts at 5:00 p.m. and the three fire companies will be there. There will be music, a DJ and in between there will be a band, food trucks and games for the kids. He sadly announced that this is the first year that Harry Masterson has not been involved in this process. He is hoping to be across the street enjoying the fireworks as his mind is still extremely sharp. Mr. Baxter asked about the setup and advised the public to not park on the grass. Parking will be in all the lots and on the one side of Green Lane (Anthiel side of Green Lane). Administrator McManimon said that there will be police presence, eleven of them plus the ones on regular duty. He also encouraged people to park on the streets and walk over. Mr. Baxter said that although there is no parade, we are trying to do things in a different form and fashion. We are taking ideas, such as having rides and vendors and all ideas are welcomed, as this is discussed at the Rec Advisory meetings.

All Discussion items were approved for action.

**ALCOHOLIC BEVERAGE CONTROL MATTERS**

**1. A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2016-2017 EWING MUNICIPAL LIQUOR LICENSES**

President Schroth said that this resolution includes the remainder of the liquor establishments in Ewing that have paid their \$200.00 State fee, their fee to the Township, and the Clerk has received their Tax Clearance Certificates. They are the American Legion, the Buy Rite, P&P Liquors, Curtis Lanes and Blooming Grove. Without the above mentioned items, we could not have renewed their licenses, but they have satisfied this requirements. He also noted that the Construction Department had included there reports and also the Police Department provided their calls for service. He went over some of the fire safety violations that these liquor establishments have, and said that in checking with the ABC we cannot impose conditions on fire safety hazard issues, instead it has to be addressed with the township and if they don't abate within 30 days, code enforcement can shut them down. Councilwoman Keyes-Maloney thanked the Clerk, Police Department and Code Enforcement for putting together comprehensive packets for Council to review. President Schroth asked for any other questions from Council. There were none. President Schroth asked Mr. Patel if he wanted to make any comments. Mr. Dimesh Patel (1540 N. Olden Avenue, Buy Rite Liquor) spoke about not having a CO on his property and he thought he did. But he wanted to let Council know that he is in compliance now. There were no other questions from the public or Council.

**2. A RESOLUTION AUTHORIZING THE VFW'S 2016-2017 RENEWAL OF CLUB LICENSE #1102-31-033-002, WITH CONDITIONS**

President Schroth read the title and said that we are holding a public hearing on this establishment at the recommendation of the police department due to the high volume of calls for service (fighting and disturbances and parking issues). The State ABC, Ewing Township Police Officers and the Community Response Unit conducted an inspection in April and numerous violations were found. He introduced Mr. Robert McNeil-Quarter Master of the VFW Post 7298 to come forward. President Schroth asked him if they had paid their \$250.00 to the Township and \$200.00 to the State. He said James Hall came yesterday and they cleared up all of their violations. He said as far as the Ordinance, we have cut down on all the parties. President Schroth asked him if he was familiar with the conditions and if they could meet all of those conditions. Mr. McNeil responded yes. President Schroth asked Council if they had any questions. Council asked Counsel to read the conditions for public and their edification. Attorney Cannon elaborated on the conditions and said that the conditions imposed are as follows: 1) no non-member rentals of the VFW facility; 2) alcohol sales must close at 10:00 p.m.; 3) a complete list of the members must be given to the Clerk; 4) an accurate member/guest sign in book must be maintained and all members guests must sign in and out, including date and time 5) if a member rents the hall, they must be present in the hall from beginning to end of the function; 6) no consumption of alcoholic beverages shall be permitted in the open exterior of the licensed premise and the VFW shall cause to be conspicuously posted on all points of ingress and egress signage stating "no alcoholic beverages beyond this point" and finally 7) the VFW shall implement policies and procedures to implement compliance with these conditions and ABC rules and regulations, Township Ordinances and other applicable laws of the State of New Jersey at all events. President Schroth asked Mr. McNeil if that sounded about right to which he replied yes. Councilman Baxter asked who the conditions were drawn up by to which Attorney Cannon said the Chief of Police to try to mitigate the impact of calls that have been going out to the VFW. Councilman Baxter asked Mr. McNeil if he had discussed this with his members and if everyone agreed to these conditions. Mr. McNeil said yes. Attorney Cannon suggested that these are actually rules that the club should be following anyway. Administrator McManimon said that this was discussed with Administration at the request of the VFW. He said that they were having function and it was nice to make money but it was a bit of a challenge to control their facility. He further said that this is not a push back but the VFW came to the table with the police guidance and administration. He further said this he thinks this is a win-win for the VFW. Councilman Baxter said he just wanted it on the record that both parties were aware and everybody agreed upon this. President Schroth thanks Mr. McNeil for attending and Councilwoman Keyes-Maloney thanked him as well for complying, both in terms of the inspection and stipulations. There were no other questions from Council or the public.

President Schroth asked the Clerk to move both items to the regular meeting agenda for action.

### **BILLS LIST**

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$986,232.39 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$59,486.43

Councilwoman Keyes-Maloney thanked Administration for particularity so that we know what the actual items are. There were no other questions from Council or the Public.

The Bills List was approved for action.

### **CONSENT AGENDA**

Council President Schroth presented the Consent Agenda for review.

1. A Resolution Authorizing the Conduct of an On-Premise 50/50 Cash Raffle Sponsored by Trenton Cats Rescue
2. A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by Mount Carmel Guild of Trenton
3. A Resolution Authorizing the Conduct of an Off-Premise 50/50 Cash Raffle Sponsored by Prevention Education, Inc.
4. A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by Prevention Education, Inc.
5. A Resolution Authorizing Communications Workers of America-CWA Local 1040 to Hold a Block Party/Road Closing on August 13, 2016

6. **A Resolution Authorizing the New Bethel Kingdom Faith Ministries to Hold a Block Party/Road Closing on August 13, 2016**
7. **A Resolution Authorizing the Catholic Church of St. Hedwig to Hold a Walking Pilgrimage on August 13<sup>th</sup>, 2016**
8. **A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector, a Refund in the Amount of \$409.97 and a Cancellation in the Amount of \$3,924.18 for Cancellation of the Tax Bill from 3/16/16 to 6/30/16 Due to 100% Disabled Veteran to Fitzpatrick, Louise, 110 Jacobs Creek Road, Ewing, New Jersey 08628 for Property Owner Fitzpatrick, Louise for Block: 436, Lot: 35, also known as 110 Jacobs Creek Road.**

There were no questions from Council or the public and the consent agenda was approved for action at the regular session.

#### **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**

Councilman Baxter said that the Board of Recreation met on Monday. In addition, he continued, in speaking about some of the fourth of July activities, we got an update as to how things are going at the pool and was happy to report that pool memberships were up higher than last year. He further said that the Basketball Camps are full and they are doing well. One slight hiccup is that we have low attendance for golf and field hockey camp. It is something we may have to adjust next year. He said we also had a new company come and put a presentation before us – it was called Recco's Bumper Balls and it is a big enclosure ball that you get inside of and people play football, soccer or just bounce around. He said it seems very fun and they are bringing it to this area. Unfortunately they were a little late to get it to our Fourth of July affair but they are looking at trying to come to National Night Out. He went on to say that they got an update on some of the Senior Luncheons and that 90 seniors attended the last luncheon, which was their 4<sup>th</sup> of July picnic and their International Dinners that they have are full and sold out each month. Ted has had a busy month as this is the season where things start to pick up.

Councilwoman Keyes-Maloney said that she had the privilege of meeting with the Drug and Alcohol Alliance as we are winding down the activities for the year. We had a discussion about some storage needs that they will have in the future. It was a nice meeting and a good time to reflect on what they have done with the School District throughout the year. In addition to that they indicated that they will be actively participating with the Mercer Drug Alliance and National Night Out. In addition, I had the opportunity to step into the Environmental Commission Meeting and had a discussion on our least favorite pest on the planet, the emerald ash borer, and what we plan to do about a public service announcement for the getting the word out about what to do when this pest descends.

Vice President Steward said that the Green Team met last week to review their Sustainable Jersey submission. She also said that we are gearing up for National Night Out and the big thing that Jim mentioned is the planning for the Fall Spin which is September 24<sup>th</sup> and that they are planning a new route this year and she highly recommended everyone to put this on their calendar.

Councilwoman Woller gave her report on the Seniors and said that as Councilman Baxter had mentioned, the luncheons are always very popular and the International Dinners have been well received. The clubs have wound down for the summer but there are still a lot of activities for seniors that are being held over the ESCC. She further said that the pool sharks, dart teams, mahjong and knitting groups are there. The knitting group makes caps for cancer patients as well as premie babies. For summer she said they

also have a water exercise program and quite a few seniors are taking advantage of the program. She said we should be proud of the senior programs because not every town has it. Councilman Baxter said that at least 35-40 people are in the pool doing the water aerobics. It is very well attended. Ms. Wollert said that a lot of children are taking advantage of the swimming lessons that are being offered which is a very wonderful thing since we don't have pools in our schools.

Administrator McManimon said that since Hollowbrook pool is not open this summer, we are really busy with programs at the ESCC pools to the point where we had to turn some people away. He said that the really good thing is that we were worried about the loss of revenue at Hollowbrook, but we are doing well as long as we have sunny, dry weekends.

Councilwoman Steward said that she forgot to say that the Green Team is close on the Ewing Green Business recognition program and she hoped that at a future Council meeting she will bring in our first honorees to recognize.

## NEW BUSINESS

(None for this Meeting)

## STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

**Lori Ruzich (1044 Fireside Avenue)** said that it was her pleasure to be here tonight. She said that it has been a wonderful experience to be in our town. She said that she is here tonight to talk about an ongoing problem with the house next door to her, 1046 Fireside Avenue. The house has been vacant for four years. The woman who lived there before was a wonderful woman and she contacted them to say they had fallen on hard times. She further said that two years ago they brought in a licensed contractor to give a bid on work that needed to be done and they presented it to the bank and said that this is what we are able to pay for the house to restore it and get it to pass all the codes. She said the bank just doesn't care. She said that she has sent many letters to the Mayor and they have had the Board of Health out there. She said it has become such a problem with rodents and garbage and mold because of the standing water in the basement, due to flooding. She said she is here tonight to ask for help. She said the taxpayers are paying for this problem, because you guys are sending out the police, violations people and Board of Health. She said that everyone has been wonderful and very professional. But, she said at what point do we decide together to take this on at the State level and say no more. She said that her and her husband are not looking to make it into the Taj Mahal, but just a livable home. President Schroth said that your problem is something that we are aware of and it is unfortunately something that has come her in the township. There is a mechanism in place to place assessments against these properties for the maintenance and upkeep of the properties and they are lodged against that property. It is graduated and ultimately it gets to the point where it goes up to \$5,000 and starts to get the banks attention. He then deferred to Administrator McManimon who said that she is right that there have been many of us who have been out to this property, including himself. Mr. McManimon said that we put an Ordinance in place a few years ago, to charge an annual fee for abandoned houses and the bank has to pay it. If we cut the grass or trim the bushes, we can file a lien on it and at the end of the year we can sell those liens. Ms. Ruzich said that we need to have a different mechanism, we have the highest foreclosure rate in the nation. It doesn't have to be this way if we were to join forces and say no more. President Schroth said that Councilwoman Keyes-Maloney pointed out to him that we are on the forefront of taking these actions against these banks and our neighboring communities have followed our lead. It is percolating in the State Legislature. It is something that is reaching that critical mass where it is getting the attention of folks at that next level. He further said we are being proactive about it and her comments are not falling on deaf ears and he said they all appreciate her being here tonight and letting us know, in particular, about this address. Mr. McManimon asked if she could give him the Cenlar contact she has been dealing with and she said she would. Councilwoman Keyes-Maloney said that at her day job she gets the privilege of lobbying down at the legislature and she is proud to say that we are proactive with this. She said that it is a statewide and national problem. Council thanked Ms. Ruzich for coming.

**Ron Prykanowski (16 Thurston Avenue)** said that due to the nature of his business, the problem with that property is that it has been tied up in bankruptcy. He said that the other thing is that there is a series of Federal and State laws and you can't just go in and take someones property. He said he is not defending the banks and some of them are really a pest, but the banks have so many properties that they don't manage them, they give them to a third

party. Again, he said he is not defending anyone but just giving an explanation. He said it is not an excuse to let a house go, but it gets complicated.

**ADJOURNMENT**

**There being no further business, President Schroth called for a motion to adjourn. Mr. Baxter so moved seconded by Ms. Wollert. The meeting was adjourned at 7:24 p.m.**

---

**David P. Schroth, Council President**

---

**Kim Macellaro, Municipal Clerk**