

September 13, 2016 – AGENDA SESSION

President Schroth called the meeting to order at 6:32 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 4th 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

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| ▪ 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 | |

PRESENTATION OF PROCLAMATIONS

1. Ewing Township Green Business Recognition Program Honorees – Presented by the Ewing Township Green Team

President Schroth asked all Ewing “Green” Businesses to come forward and said that over the last few years, the Township has been very active in promoting environmental awareness. The Ewing Township Green Team has been at the forefront of that drive. Many members are here tonight.

Vice President Steward thanked everyone for being here tonight and for participating in this program and then said that this is the first year the Township is recognizing local businesses who are taking steps to encourage sustainability in their business practices. We hope to do more of these in the future. Vice President Steward read a portion of one of the customized Proclamations in order to give the Public a sense as to what it says and then introduced Evan Crumiller, a Green Team Member, who took the lead in meeting with the business owners and verifying the steps the businesses had taken.

Evan Crumiller said that the Green Team wants to promote and encourage sustainability and believes that this award will do both. It is hoped that this will lead other businesses to do the same. There were sixty-eight environmentally friendly actions that businesses could take. If a business had thirty-four of those actions they were qualified to receive this award. A number of businesses worked with the Green Team to implement new actions so they could get over the line. Mr. Crumiller then presented the first honoree - Ewing Independent Living - represented by Rebecca Lynn. Ewing Independent Living is really impressive. They have a comprehensive sustainability program which is impressive and includes solar panels, rain barrels, and a garden out back. Mr. Crumiller then introduced the second honoree - Money Management Associates - represented by Gary Keel. Money Management Associates is another who has taken a lead in our community. Among other actions, they hold a shred day for their customers, take part in local environmental events such as the annual Municipal bike ride and use compostable garbage bag liners.

Another honoree is Trenton Elks Lodge #105 represented by Jim Castelize and Joan Siwy. The Elks have a comprehensive top to bottom sustainability plan. They preserve green spaces by keeping the land around the Lodge undeveloped along with using low energy lightbulbs and green friendly cleaning supplies and have low water usage restrooms. Mr. Crumiller said that three additional honorees expressed regret that they were not able to be here this evening: Robbins Pharmacy, Red Star Pizaa and Paul's Liquor Store.

President Schroth thanked the Green Team for their leadership on this.

Vice President Steward noted that this week the Green Team resubmitted its final application for Sustainable Jersey certification and are hopeful that it will be obtaining Silver Certification. This would not have been possible without the leadership of Joanne Mallowney and the dedication of the entire Green Team who came together to spearhead a number of projects. Vice President Steward next mentioned that there are one or two openings on the GreenTeam and asked anyone interested to contact the Green Team. Vice President Steward mentioned that the second annual Ewing Fall Spin will be held on the 24th. It is a leisurely bike ride around the Township. You can register on the Green Team website or in person at the ESCC.

DISCUSSION

1. AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING ZONING WITHIN THE TOWNSHIP

Charles Latini (Zoning Officer) explained that the Planning Board, over the last couple of years, has been tweaking the zoning ordinances where it makes the most sense. In our discussions concerning the redevelopment of the GM and Naval Testing sites, the Planning Board made tweaks to the Business Highway and Industrial zones that surround these sites and, in particular, those zones that have a direct impact on our mass transit facilities and services. This Ordinance expands the Town Center zone onto the south side of the CSX and includes Heritage Crossing and Heritage Court. It puts them into a zone they should normally be in because right now Heritage Crossing and Heritage Court receive zoning variances in an Industrial zone that the current market does not support. The Town Center zone wraps down Silvia Street and allows existing businesses to stay there. It also encompasses the train station and works up Railroad Avenue to include the corner gas station and Freddies. Mr. Latini asked Council to refer this Ordinance to the Planning Board for discussion.

Councilman Baxter asked what section of the Ordinance mentioned the "new addition."

Mr. Latini replied that all the tweaks to the Zone are in the Track Change section. The new addition is listed under Number Two where Residential Multi-Family housing is introduced as a Conditional Use within the Zone.

Councilman Baxter then asked about the shopping carts.

Mr. Latini responded that we did add something about shopping centers and shopping carts because the carts are becoming a nuisance and then gave as an example the bus stop across from Shop Rite. Any expansion at a supermarket or any place that uses carts, would be asked to comply with the Ordinance. Otherwise, these businesses would be grandfathered in. Mr. Latini then explained, for the benefit of the Public, that we are adding a provision that requires some sort of deposit for the use of shopping carts. It does not have to be monetary; just as long as it keeps the shopping carts where they belong.

The Administrator added that the Shop Rite site is one of the eight proposed locations for a bus shelter. It will come before Council at the next meeting. NJ Transit is already on board.

Mr. Latini explained the intent of shared parking facilities at the request of Councilwoman Keyes-Maloney.

Councilwoman Keyes-Maloney said that she personally likes the idea that we are moving toward a more mixed use – live work spaces.

Mr. Latini replied that it will give the market some flexibility as long as certain design criteria are met.

Councilwoman Keyes-Maloney and Mr. Latini then discussed landscaping and storm water management for this Zone.

At the request of President Schroth, the Clerk put the proposed Town Center zone map on the screen.

Mr. Latini then explained the proposed map for the Public.

Mr. Latini next delineated the exact properties which would be included in the Town Center zone at the request of Councilwoman Wollert. Councilwoman Wollert commented that for years we have been referencing the Town Center as the GM site, but this is more broad. President Schroth asked, now this is moving forward with Wawa and the GM site is coming along, what level of interest are you seeing from the business community. Mr. Latini replied that the level of activity around the Town is outstanding. Businesses are updating their facades, improving their signage and adding landscaping within the Olden Avenue Redevelopment zone. We still see robust activity in and around Rockleigh Drive and Charles Ewing Boulevard. A few people want to build out that area with more office buildings and another hotel. There has been interest in the Town Center; but it has to be built first. Mr. Latini said that, in the past, a number of businesses were conditioned on approval. We are still working on improving those.

There were no additional questions or comments from Council.

Rebecca Lynn (1008 River Road) asked why is the Town Center not being linked to the other businesses adjacent to Scotch Road. It would be helpful for them to be connected as Mr. Latini, himself, said that the worst intersection in the Township in terms of accidents is Scotch Road and Parkway.

Mr. Latini replied that it is always a struggle as to how far to take boundaries on things but Ms. Lynn's point is well received. Mr. Latini then described the extent to which they took this Zone without involving single family residential and the Deaf School. One condition of the Zone is that businesses have to connect to open spaces and toward this greater idea of bike and pet connections.

Ms. Lynn asked about the proposed road. Mr. Latini responded that that road is off the table and gave the reasons as to why.

Ms. Lynn and Mr. Latini then discussed the proposed bike and pet paths.

Mr. Latini added that he hoped to have a bike path from Silvia Street down to the D&R Canal. NJM is willing to discuss this.

Ms. Lynn and Mr. Latini then discussed exactly what a Town Center zone entails and discussed that the GM site itself is staying within and will be governed by the Redevelopment Area. Mr. Latini mentioned that this zone looks at it more from a design approach as opposed to a use approach.

Councilwoman Keyes-Maloney then clarified the ideas behind the live work space movement and said that right now our zoning prohibits it.

There were no additional questions or comments from the Public.

2. AN ORDINANCE AUTHORIZING THE EWING TOWNSHIP REDEVELOPMENT AGENCY TO ENTER INTO A PAYMENT IN LIEU OF TAXES ("PILOT") AGREEMENT WITH SRI REAL ESTATE PROPERTIES, LLC (SRI) A/K/A SONIC IN WHICH SRI WILL PAY EWING TOWNSHIP, IN LIEU OF FULL PROPERTY TAXES, AN AMOUNT EQUAL TO A PERCENTAGE OF TAXES OTHERWISE DUE UNDER THE FIVE YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ON THE VALUE OF PHYSICAL IMPROVEMENTS MADE

The Attorney explained that this type of Ordinance has been done in the past. Sonic is in the Olden Avenue Redevelopment Area and as a result under the five-year tax abatement law is eligible for a five year tax abatement on the value of the improvements it makes to the property. The underlying assessment does not change. But, on the increased assessments on the improvements it made, they are eligible for a five year abatement such that those taxes are phased in over a period of five years at zero percent, twenty percent, forty percent, sixty percent, eighty percent and one hundred percent after the fifth year. This is authorized under N.J.S.A. 40A:21-1. It has to be done by Ordinance because the Township does not have a generic Township-wide tax abatement ordinance. It is specifically authorized here because it is in the Redevelopment area.

President Schroth added, for the benefit of the Public, that this is a State statute. This property was the old Sun Bank which had a physical structure that remained in place. Sonic made improvements to that property and that is what we talking about under the PILOT.

The Attorney said that the initial assessment is \$300,000 which would not change. It is the increased assessment that is subject to this.

Councilman Baxter asked why is this being done now; this place has been up for almost a year.

The Administrator replied that they received their tax bill with the new assessment based on the project when it was approved and started to make payments thinking that the assessment would be adjusted once the certificate of occupancy was issued. That was not done by the Assessor's Office. Sonic then brought it to our attention which is why we are doing this now.

The Attorney added that Sonic did apply within thirty days after completion of the project.

Mr. Latini added that Sonic did apply. What happened was that the Agency needed to negotiate a Redeveloper Agreement with them. There was a delay with this process. Once this Agreement was wrapped up we were able to push through the PILOT.

President Schroth stated that Sonic did move on this; they did not sit on it. It did not come to Council out of the blue.

Mr. Latini replied that it is definitely not after the fact although it looks like it.

The Attorney said that Sonic had to apply within thirty days of the completion of the improvements which they did. The Agency was using it as part of the negotiation.

There were no additional questions or comments from Council.

Ron Prykanowski (16 Thurston Avenue) suggested that Council remove the second sentence as this is not a payment in lieu of taxes. Sonic is still paying taxes; it is just an abatement.

The Attorney replied that she agreed. It can just be called a "Payment Agreement". Taxes are being paid here.

The Council President thanked Mr. Prykanowski for his suggestion.

Judith Peoples (295 West Upper Ferry Road) commented that there might be two people in this room who know how brilliant your Redevelopment Plan is when it comes to paying a phased-in amount on the improvements of a property. There are no other redevelopment plans in the State that do this. Ms. Peoples added that the County and the School Board then get very upset because the property taxes are reset to zero not on the base of what was there before as this one does. You are unique.

There were no additional questions or comments from the Public.

3. A RESOLUTION ADOPTING THE MERCER COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

The Attorney said that this is a fairly extensive plan for when natural disasters occur. It is required by FEMA.

The Administrator said that FEMA looked into this after Hurricane Sandy as some towns did not have a disaster plan. It took us until June of this year to receive the seventy-five percent of the money the Township spent on Hurricane Sandy. Having this Plan, will help the Township if a disaster occurs.

The Administrator and Mr. Latini discussed whether or not the County required and/or suggested that municipal Planning Boards have a part in drafting this Plan.

Councilwoman Keyes-Maloney suggested that it would be helpful if the Planning and Zoning Boards be made aware it as it will effect their future decisions.

Mr. Latini added that the disconnect with these mitigation plans is that these plans are being driven by emergency response instead of preparedness and the land use development side.

The Administrator said that, historically, FEMA and insurance companies paid to rebuild along waterways but are not doing this so much any more and a lot more people are paying for flood insurance than ever before.

Mr. Latini added that mortgage companies are contacting homeowners, particularly on Terrace Boulevard and Theresa Street, and telling them that they need flood insurance. These residents are calling up asking why as they never needed it

before

as their houses have never flooded. The only recourse they have is through a “flood elevation certificate” process allowed by FEMA.

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

4. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. (“CB&I”) TO SERVE AS THE TOWNSHIP LICENSED SITE REMEDIATION PROFESSIONAL IN ACCORDANCE WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS

The Attorney said that this is our existing LSRP who switched to a new firm – CB&I. A few months ago, Council approved her contract for the monitoring and oversight of the 4th Street Garage location which is also a DEP site that the DEP is continually asking us to monitor. The incinerator site is more complicated, requiring greater oversight on her part and at some point testing. In the immediate time frame, the DEP is requiring some reporting that has to be submitted soon.

Councilwoman Wollert asked what is the time frame of the contract.

The Attorney replied that this is a special services contract which are always for one year and can not be extended beyond that time frame. If the scope changes, it will have to come before Council to be amended.

The Administrator added that, in the case of the old incinerator site, there is a timeline to get things in.

The Attorney said that there is a typo in the Resolution. The contract should be for \$5,000.00 not \$75,000.00. This is just for the initial phase; it will come before Council again in the New Year for an amendment to the contract once the scope is better understood.

The Administrator said that the initial work will start next week and will include reports in preparation of testing. The bulk of the work will not occur until next year. It is all due to the DEP in March and that cost will be included in next year’s budget.

Councilwoman Wollert asked if this contract will end with this calendar year.

The Attorney replied – no. Right now, this contract is not to exceed \$5,000 and then when the scope is known, the contract will be amended for the dollar amount and scope; not the term.

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

5. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO AN AGREEMENT WITH THE EWING-LAWRENCE SEWERAGE AUTHORITY, RICHARD SFERRA & ROBERTA SFERRA AND THE TOWNSHIP OF HOPEWELL FOR THE PROVISION OF SEWER SERVICES FOR 24 BRANDON ROAD EAST

The Administrator explained that Hopewell Township approved this particular project for ELSA to provide sewer services at one and one half times the rate.

The Council President added that there has been a number of these over the past several months.

The Administrator replied – yes. All are around the Brandon farm and Lawrenceville Pennington Road areas.

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

6. A RESOLUTION APPROVING CHANGE ORDER NO. 2 FINAL TO RICHARD T. BARRETT PAVING COMPANY FOR THE 2015 ROAD IMPROVEMENT PROGRAM

The Administrator explained that because of the low cost of black top last year there was money left over from what Council had approved so prior to the summer season work was done in the Township parks.

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

7. A RESOLUTION GRANTING PATRICK WESNER PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA949) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT NOVEMBER 1, 2016

President Schroth said that this is a standard resolution where we allow the officer to keep his service firearm upon retirement. Part of the rationale for this is that with years of use, these firearms are not able to be passed on to others.

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

8. A RESOLUTION AUTHORIZING THE PURCHASE OF PORTABLE RADIOS FOR USE BY WEST TRENTON FIRE COMPANY FOR THE TOWNSHIP OF EWING FROM MOTOROLA SOLUTIONS #83909 THROUGH STATE CONTRACT T-0109 (expires 04/30/2018)

The Administrator said that this was part of our capital budget from earlier this year. The radios need to be updated because of a new federal law that requires double communication - one radio for the Chief to talk with firefighters on the ground and another to talk with County Central.

There were no questions or comments from Council.

Mildred Russell (119 King Avenue) asked if each fire engine will have them. The Administrator replied - yes. The other two fire houses already have these radios.

There were no additional questions or comments from the Public.

BILLS LIST

- 1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$3,358,980.73 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$1,000,648.93**

President Schroth said that this is standard fare; the CFO taking care of paying the Township bills.

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

CONSENT AGENDA

Council President Schroth presented the Consent Agenda for review.

- 1. Approval of Agenda Session Minutes for May 10, 2016, June 14, 2016, June 28, 2016 and July 12, 2016; Approval of Regular Session Minutes for May 10, 2016, June 14, 2016, June 28, 2016 and July 12, 2016**
- 2. A Resolution authorizing Ewing Township Green Team & Ewing Recreation Department to Hold a Bike Ride on September 24, 2016**
- 3. A Resolution authorizing the Conduct of an On-Premise 50-50 Cash Raffle Sponsored by PTO Anthiel Elementary School, Inc.**
- 4. A Resolution authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by PTO Anthiel Elementary School, Inc.**
- 5. A Resolution authorizing the Conduct of an Off-Premise 50-50 Cash Raffle Sponsored by the Victorians of Villa Victoria Academy**
- 6. A Resolution authorizing the Conduct of an Off-Premise Cash Raffle Sponsored by West Trenton Volunteer Fire Company**

- 7. A Resolution authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$179.00 to Vivint Solar, 370 Sullivan Way, Ewing, NJ 08628 for permit at the following address in Ewing, NJ: 49 Harrop Place. The homeowner decided not to have the work completed.**
- 8. A Resolution authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$50.00 to Vivint Solar, 370 Sullivan Way, Ewing, NJ 08628 for permit at the following address in Ewing, NJ: 51 Oregon Ave. The homeowner decided not to have the work completed.**
- 9. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1323.74 for overpayment of August 1, 2016 3rd qtr. taxes, to Nassau Abstract LLC, 110 Main Street, Flemington, NJ 08822, for property owner Alexander, Anne-Marie for Block: 261 Lot: 65 also known as 20 Carolina Ave.**
- 10. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1516.48 for overpayment of August 1, 2016, 3rd qtr. taxes, to Mid-State Abstract Company, 207 Hooper Avenue, P.O. Box 413, Toms River, NJ 08754, for property owner Hartman, Philip J & Levy, Lorell M. for Block: 491: Lot : 46 also known as 10 Darby Ct.**
- 11. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$642.75 for overpayment of August 1, 2016, 3rd qtr. taxes, to Shinn, David, 16 Crown Road, Ewing, NJ 08638, for property owner Shinn, David for Block: 479 Lot: 54 also known as 24 Dunmore Ave due to 2016 County tax appeal. The breakdown of the refund is as follows: Principal = \$639.02, Statutory Interest (NJSA 54:3-27.2) = \$3.73, Total Refund = \$642.75.**
- 12. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1044.31 for overpayment of August 1, 2016, 3rd qtr. taxes, to Louis, Bernard, 169 Greenland Avenue, Ewing, NJ 08638, for property owner Louis, Bernard for Block: 63 Lot: 77 also known as 169 Greenland Ave.**
- 13. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$668.72 for overpayment of August 1, 2016, 3rd qtr. taxes, to Martinez, Blanca, 108 Homecrest Ave., Ewing, NJ 08638, for property owner Martinez, Blanca for Block: 69 Lot: 5 also known as 108 Homecrest Ave.**
- 14. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$376.48 for August 1, 2016, 3rd qtr. taxes, to Stokes, Shawn, 147 Louisiana Ave, Ewing, NJ 08638, for property owner Stokes, Shawn for Block: 160 Lot: 32 also known as 147 Louisiana Ave due to Homestead Benefit credit.**
- 15. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1819.46 for overpayment of August 1, 2016, 3rd qtr. taxes, to e-Title Solutions, 466 Church Street, Hamilton, NJ 08620, for property owner Garon, Hans C. & Kluck, Jessica C. for Block: 214.01 Lot: 44 also known as 107 Nancy Lane.**
- 16. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$561.88 for overpayment of August 1, 2016, 3rd qtr. taxes, to Desouza, Lorraine, 8 Pioneer Ct., Ewing, NJ 08628, for property owner Desouza, Lorraine for Block: 552 Lot: 87 also known as 8 Pioneer Ct.**
- 17. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1654.00 for overpayment of August 1, 2016, 3rd qtr. taxes, to Ubaldo, Prudencio & Carmencita E., 6 Sunglow Drive, Ewing, NJ 08638, for property owner Ubaldo, Prudencio & Carmencita E. for Block: 193.03 Lot: 9 also known as 6 Sunglow Drive.**

18. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1241.94 for overpayment of August 1, 2016, 3rd qtr. taxes, to Venditto, David/Ceci, Allegra, 104 Tulip Lane, Ewing, NJ 08638, for property owner Venditto, David/Ceci, Allegra for Block: 193.01 Lot: 128 also known as 104 Tulip Lane.
19. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$250.03 for August 1, 2016, 3rd qtr. taxes, to Melle Kaper, Karel, 72 Upper Ferry Road, Ewing, NJ 08628, for property owner Melle Kaper, Karel for Block: 547 Lot: 23 also known as 72 Upper Ferry Road, due to Homestead Benefit credit.
20. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2184.16 for overpayment of August 1, 2016, 3rd qtr. taxes, to James M. Curran, 86 Washington Avenue, Milltown, NJ 08850, for property owner Guze, John S. & Maria C. for Block: 229.01 Lot: 10 also known as 119 Upper Ferry Road.
21. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1343.71 for overpayment of August 1, 2016, 3rd qtr. taxes, to Prettyman, Thomas III & Stefanie, 28 Van Duyn Drive, Ewing, NJ 08618, for property owner Prettyman, Thomas III & Stefanie for Block: 231 Lot: 41 also known as 28 Van Duyn Drive.
22. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1264.30 for overpayment of August 1, 2016, 3rd qtr. taxes, to Victoria Abstract Settlement Services, LTD, 1 Howell Road, Freehold, NJ 07728, for property owner Adams, Tariq for Block: 69 Lot: 61 also known as 175 Weber Ave.

Councilman Baxter commented that there seems to be a lot of overpayment of taxes resolutions and then said that someone mentioned to him that they thought their house had been reevaluated and that the value of their property went up. But, there was no reevaluation.

The Administrator said that we have not done the reevaluation yet because the State is still holding up the maps. A lot of people are refinancing their mortgage and with that they have had money in escrow and they get that reimbursed to them when they settle. They have to provide a new escrow with the refinancing. The Tax Collector has said that is why there are so many tax refunds.

The Attorney added that whenever there is a rumor that the Fed is going to raise the interest rate, you will see a spate of refunds that are coming from refinancing.

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

All Discussion items were approved for action with the PILOT language stricken from Item Number Two and Item Number Four amended. The Bills List and the Consent Agenda were approved for action.

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 Schroth thanked the Mayor and the Administrator for a well-done ceremony honoring all those who passed on September 11th. It was well-attended.

Councilwoman Keyes-Maloney reported that, in conjunction with the Green Team, the Arts Commission compiled a “creative asset inventory” and had a robust discussion with the community as to what they would like see the Township focus on in terms of the Arts. There was an interesting dialog about a number of items including sculptures on public property, ensuring that we have an “Open Mike” Night and just allowing folks to display their art. This is done at Town Hall as the work of an adult artist will be on display on a rotating monthly basis. Councilwoman Keyes-Maloney said that it was a good conversation and out of that we will be developing a “visioning” document that will hopefully guide the Arts Commisison going forward.

Councilwoman Keyes-Maloney also mentioned that on the second Sunday of each month, at the Framer’s Market, local artists are allowed to display their work for review and purchase. Councilwoman Keyes-Maloney added that the Historic Society held their annual flea market and mum sale.

Councilman Baxter said that the Recreation Advisory Council has been on hiatus for the summer and starts back next Monday. Ewing Little League had a barbecue at the Ewing Senior and Community Center pool. 200 people attended; some of whom said that they did not even know the facility existed. A few memberships came out of it. In August, the Schafer Sporting Academy had a Grand Opening for their new facility behind the Municipal Building. Councilman Baxter mentioned that Ewing High football started. They won their last game; their next game is this Friday, a home game against Pemberton.

Vice President Steward said that we just learned that the Green Team’s “Build a Scarecrow” initiative led by Lisa Feldman has been awarded an environmental achievement award from the Association of New Jersey Environmental Commissions for creative use of recycled materials.

Councilwoman Wollert said that she did not have anything to report this evening as the Seniors are just starting up with their meetings.

President Schroth asked the Administrator to elaborate on tomorrow’s Planning Board meeting.

The Administrator said that tomorrow’s special Planning Board meeting will start at 7:00 p.m. The GM developer will give a presentation for final site plan approval. Action may be taken. It is a big step. The developer is anxious to get going because of all the required approvals. The last one holding them up was the D&R Canal.

Councilwoman Keyes-Maloney asked if we had a date for “Trunk or Treat”.

The Administrator replied – yes, but off-hand he did not know when. It is usually the Saturday before Halloween. It will be tied in with the scarecrow contest.

Councilwoman added that it is her understanding that they are planning to do something in addition to the scarecrows, like pumpkins, for the younger kids. Council will also be receiving an email asking if they want to judge the scarecrow contest.

There were no additional Commission and Committee Reports from members of Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

John Hoegl (8 Twining Lane), speaking on behalf of the Green Team, said that he wanted to point out that in the five or six years that the Green Team has been doing its thing, certain things have happened around this Town that have been really beneficial. The Green Team’s first success was with the Municipal Building. A white roof, high efficiency boilers, LED lights and reflective window film were installed and more stuff is planned for the Hollowbrook Center going forward. As you heard earlier this evening, the Green Team has now started to work with the business community. Residential homeowners are the one group that have been left out. Mr. Hoegl then mentioned the Home Energy Audit Program started by Sustainable Jersey and said that he believes that the Green Team owes it to residential homeowners to get them this program even though it is no longer needed for Sustainable Jersey certification points and even after the Township went through two unsuccessful RFPs. Mr. Hoegl said that the Green Team was able to negotiate with Princeton Air which cut their audit pricing to \$99.

Mr. Hoegl said that he believes that this is a good price to offer Ewing homeowners and asked Council to speak with the Administration about getting something moving.

Mr. Hoegl, Councilwoman Keyes-Maloney and Vice President Steward further discussed this audit program. It was pointed out that Ewing homeowners would not be forced to have an energy audit done, nor would they be forced to use Princeton Air for either the audit or for any work after.

The Attorney clarified that the Township, after two failed bid attempts because the price was too high, was free to negotiate with a vendor as long as the negotiations do not result in a price higher than the bid prices.

Councilwoman Keyes-Maloney said that Council will discuss this with the Administration and thanked Mr. Hoegl for doing the leg work with Princeton Air.

The Administrator stated that Mr. Hoegl had been in contact with the Administration regarding this issue. Those higher prices from the RFPs had discouraged the Administration from sending out a letter to residents. Mr. Hoegl is looking for a resolution from Council and a letter from the Mayor. The Administrator said that he asked Mr. Hoegl to draft a letter to be signed by the Mayor and the Green Team chair. The Administrator added that the timeline is short. If this is not decided by the next meeting, it will be almost too late for this to occur this year because of the cooler weather.

Councilwoman Keyes-Maloney added that the BPU incentive program is also driven by the State calendar. You have to facilitate this now because you do not know what will happen come June 30th.

The Administrator said that he also asked Mr. Hoegl to contact the other municipality who has done this to see how many residents took advantage of the energy audit.

Rebecca Lynn stated that PSE&G offers a free energy audit and then asked if this program is different.

Mr. Hoegl responded that PSE&G only offers free home energy audits to low income residents.

Ms. Lynn commented that she had PSE&G conduct an energy audit for her home. But, that was awhile ago.

Ron Prykanowski (16 Thurston Avenue) said that the one dollar fee for grocery carts is going by the wayside and then mentioned that somewhere in Europe, Walmart is testing self-driving carts which work much like those invisible fences used for dogs. The carts will just stop when the invisible fence is reached.

Mr. Prykanowski then stated that over twenty years ago the Town spent four and one-half million dollars to stabilize the banks of the Shabakunk. Mr. Prykanowski said that he suspects that the reason there is flooding in areas that never flooded in the past is that some of that stabilization is starting to drift down into the thread of the stream. Also, there are trees on both sides of the length of the creek and natural dams are formed when trees fall into the creek. Plus, in certain areas, there is a lot of new construction. The problem is exaggerated because the DEP will not allow you to take anything out of the stream – tires, grocery carts, even trees.

The Administrator briefly described some of the mitigation work that was done twenty years ago.

Mr. Prykanowski suggested that the Town survey the creek to find the hot spots so we can mitigate it now so people on Theresa Street, who never had to buy flood insurance, will not have to buy it.

Rebecca Lynn (1008 River Road) asked what is going on with the tennis courts at Moody Park; how come the courts are in disrepair.

The Administrator replied that he will be meeting with Green Acres next week. Those tennis courts will not be rehabbed except for the one court with the wall. It will stay up with a fence put up around it. The rest will be turned into additional parking. The courts at Banchoff Park will be rehabbed next year as part of our capital plan. There are also tennis courts at Ewing High and the Senior Center. As far as tennis is concerned, demand is not as high as it had once been. Under Green Acres, parking is a permitted use at Moody Park. Not much else can be done because under those tennis courts there is a lot of electrical wiring. Moody Park is used regularly for softball, hardball, basketball and football. The plan is to improve the lighting and add additional parking.

Ms. Lynn asked how was the determination made that these tennis courts were not going to be able to be used.

The Administrator responded that we determine it. We applied for a grant about four years ago from Green Acres but were denied and instead we spent money at the Senior Center. There is some demand, but not enough calls. We refer them to the other tennis courts and they seem okay with that. We had requested to put in turf to support multiple

sports but there are problems with that type of turf. So, at this point we will use it for parking. We will not take the lights down, in case that use is changed.

Ms. Lynn then asked if Green Acres determined that the tennis courts could not be used.

The Administrator replied – no. Green Acres determined that it can be used for parking. Green Acres has to approve any use because that Park always received Open Space and Green Acres money. Parking is a permitted use for the park and right now there is insufficient parking for the Park's current use.

Ms. Lynn said that she understands that there are tennis courts at Banchoff Park, the High School and the ESCC but that is all on one side of the Municipality and then asked who determined that the tennis courts will not be used at Moody Park because there are not any tennis courts on that side of the Municipality.

The Administrator answered that the Mayor and I determined it after speaking with Ted Forst.

Ms. Lynn commented that kids on that side of Town can not get to these courts.

The Administrator replied that that is why we are leaving the wall up and said that he understood what Ms. Lynn was saying about the youth on that side of town. However, the demand is just not there.

Ms. Lynn said that the reason she is asking is that she saw kids trying to play tennis on those decrepited tennis courts. There is demand.

The Administrator said that the Green Acres grant process takes awhile. If we had to go through the grant process again it will be put on hold for another two years. The Administrator added that he has approval for the parking.

There were no additional questions or comments from members of the Public.

CLOSED SESSION - (Resolution #16R-163) A Resolution to Enter into Closed Executive Session

At 8:23 p.m., the Attorney read the Resolution to enter into a Closed Session pursuant to the Open Public Meetings Act to discuss in the Matter of the Township of Ewing Docket # MER-L-1556-15 relating to the Affordable Housing litigation that is presently pending in Mercer County involving Ewing and pretty much every other town. Ewing Special Counsel Michael W. Herbert is here tonight. He is representing the Town in that litigation and the purpose is to hear the advice of Counsel with respect to a proposed settlement and negotiation.

At 8:24 p.m., Councilwoman Keyes-Maloney made a motion to enter into Closed Executive Session, seconded by Councilman Baxter. It was agreed by unanimous voice vote.

At 8:49 p.m., Councilwoman Keyes-Maloney made a motion to close the Closed Session, seconded by Councilwoman Steward. It was agreed by unanimous voice vote.

At 8:50 p.m., Councilwoman Wollert made a motion to enter back into Open Session, seconded by Councilwoman Steward. It was agreed by unanimous voice vote.

ADJOURNMENT

There being no further business, President Schroth asked for a motion to adjourn. Ms. Steward so moved seconded by Ms. Keyes-Maloney. The meeting was adjourned at 8:50 p.m.

David P. Schroth, President

Kim J. Macellaro, Municipal Clerk