

## September 27, 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 – Excused | Maeve Cannon, Attorney         |
| ▪ Ms. Steward – Present       | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present       |                                |
| ▪ President Schroth – Present |                                |

President Schroth stated for the record that Councilwoman Keyes-Maloney is excused this evening as there was a death in the family and President Schroth then asked for a moment of silence.

### PRESENTATION OF PROCLAMATION

#### **1. Honoring Trenton Elks Lodge 105 BPOE**

President Schroth invited Council to present a Proclamation honoring Trenton Elks Lodge 105 BPOE for donating backpacks filled with school supplies to needy students. President Schroth then read the Proclamation.

The Exalted Ruler, Jim Castelize III, thanked Council and the Administration and then further explained this program.

### DISCUSSION

#### **1. A RESOLUTION APPROVING A PROPERTY TAX REDUCTION FOR 7 FARM ROAD LOCATED AT BLOCK 223.06, LOT 109 ON THE EWING TOWNSHIP TAX MAP**

The Township Attorney explained that a tree fell on the house located at 7 Farm Road rendering it uninhabitable. The resident has requested a temporary abatement on the improved portion of the property tax assessment. They will continue to pay property taxes on the land. Until the house is fixed, the property owner is asking for relief from property taxes on the improvements.

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

2. **A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND(S) OF SANOCKI – 1822 PENNINGTON ROAD (BLOCK 161, LOT 20.01) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 070**

The Attorney said that these are fairly routine requests that come before Council when site improvements are made on the property. The Township Engineer inspects the property and makes a recommendation to release the bond and typically requests that a two year maintenance bond be posted for the property.

The Attorney suggested that, at the Regular Meeting, Council consider Items Two through Five as a block because they all involve similar requests for the reduction of performance bonds.

The Council President agreed.

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

3. **A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND(S) OF SANOCKI – 1824 PENNINGTON ROAD (BLOCK 161, LOT 1.02) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 070**

The Attorney said that this is the same deal – a reduction of the performance bond - for the near completion of the site improvements of the property.

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

4. **A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND(S) OF SANOCKI – 1826 PENNINGTON ROAD (BLOCK 161, LOT 2.02) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 070**

The Attorney said that this is the same type of request.

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

5. **A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND(S) OF GF PRINCETON LLC SITE PLAN (BLOCK 371, LOT 3.04) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 066**

The Attorney said that this is a request for a partial reduction of the performance bond posted in accordance with the local land use law. The Township will retain up to thirty percent of the bond until the improvements are complete and at that point a request is made to completely release the bond and a maintenance bond is posted. Councilman Baxter said that we only have the Block and Lot and then asked what is the property address.

Vice President Steward replied that it is for 370 Scotch Road.

The Administrator added that this is an office complex back near the two hotels.

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

6. **A RESOLUTION AUTHORIZING THE INSTALLATION OF SEVEN (7) BUS SHELTER(S) LOCATED WITHIN THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY AS PROVIDED AND FUNDED BY NEW JERSEY TRANSIT CORPORATION**

The Attorney explained that this authorizes the Township to accept the purchase and installation of seven bus shelters. A list of the locations is attached as Exhibit A. The Attorney then read the locations. NJ Transit will purchase and install these bus shelters including the concrete pad on which they will rest. The Township will be responsible for the ongoing maintenance and upkeep of these shelters.

Councilman Baxter thanked the Administration for getting this resolved as we have been going back and forth on this for some time.

President Schroth asked if the shelter design is known.

The Administrator replied that we got to pick from seven different types. The shelters are visible from the sides and the back. The Township has a few of them now. More people are using mass transit so there may be a few more requests. NJ Transit is looking at other areas as the population changes.

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

**7. A RESOLUTION CONSENTING TO THE APPOINTMENT OF JIM HENDRICKS TO THE EWING TOWNSHIP ARTS COMMISSION**

The Administrator explained that this came as a recommendation as there are a couple of openings on the Commission. This gentleman moved to Ewing and has done a few shows. He will be a good addition. We have had a more aggressive and active Arts Commission. It has been well received with the art work hanging at the Municipal Building. We will include Hollowbrook as well once the renovations are complete.

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

**8. A RESOLUTION CONSENTING TO THE APPOINTMENT OF FRANK SCANGARELLA TO THE ZONING BOARD, FILLING THE UNEXPIRED TERM OF JAMES KOSTINAS WHICH EXPIRES ON DECEMBER 31, 2018.**

The Administrator said that this gentleman was brought to his attention. He is well qualified having worked in various levels of State government. We think he will be a good addition for some balance to the Zoning Board. Recommendations included one from the Council President.

The Council President added that he is a former resident of Lawrence Township and was on the Lawrence Township Zoning Board as well as an Attorney.

There were no questions or comments from Council.

David Lyons (530 Washington Avenue) asked where does he live.

President Schroth responded that he believes Mr. Scangarella is a renter in a condominium.

There were no additional 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 \$5,745,635.34 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$11,434.08**

There were no questions or comments 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 approving minutes of the Special Meeting of August 4, 2016, August 16, 2016 (Agenda) and August 16, 2016 (Regular).**

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

The Consent Agenda was approved for action.

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

**(None for this Meeting)**

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

- 1. AN ORDINANCE AUTHORIZING THE EWING TOWNSHIP REDEVELOPMENT AGENCY TO ENTER INTO AN 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 is an Ordinance approving an abatement on the value of the improvements made on the property. The existing assessment on the property does not change and those taxes are paid and continue to be paid. The value of the differential between the improvements made and the existing assessment is what is subject to the abatement. This is a five year abatement with a phase-in of twenty percent increments annually over the course of the five years. Sonic made application within thirty days of the completion of construction as required and then negotiated with the Redevelopment Agency a redeveloper's agreement. The Redevelopment Agency approved the request for the abatement at their meeting in July and now it is before Council.

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

President Schroth noted for the benefit of the Public that previously we had a Town Center Zone Ordinance before us. It is not on the agenda this evening because it has been referred to the Planning Board for a consistency review. The Planning Board does not meet again until October 6<sup>th</sup> so the earliest that the Ordinance can be on for Second Reading, Public Hearing and Final Adoption is at the regularly scheduled meeting of October 11<sup>th</sup>.

**COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL**

Vice President Steward reported that the Green Team had another successful bike ride this past Saturday and then thanked all who supported and came out for it. There is a Green Team meeting tomorrow at 6:30 p.m. at the Community Center. There will be a guest from the Department of Health and Human Services who will tell us about two of their programs – "Lets Move" and "Healthy Hearts".

Councilwoman Wollert stated that she had nothing to report tonight.

Councilman Baxter reported that the Recreation Advisory Board met Monday. There is an opening on the Recreation Board due to a resignation. If anyone knows anybody or is interested submit a resume to the Board President.

President Schroth reported that the Planning Board met about two weeks ago and addressed the Town Center Zone to a pretty much packed house. American Rental Properties, with their engineers, gave a presentation. They are seeking some variances; all generally minor in scope. The matter was heard by the Planning Board and approved subject to the Resolution, itself, being executed at the next Planning Board meeting. Hopefully, the Town Center project will be underway soon.

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

President Schroth then stated that he forgot to mention this earlier and asked the Clerk to move the Second Reading Ordinance for action.

**NEW BUSINESS**

**(None for this Meeting)**

## STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

David Lyons (530 Washington Avenue) stated that a recent application spurred his interest in zoning. A neighbor wanted to install a large solar panel and it was only due to the good judgement of the Zoning Board that it was denied. Mr. Lyons commented that a property owner has a different stake in the Community than a renter or a condo dweller. The Zoning Board should strongly reflect property owners as renters or condo owners do not represent the same investment. This fellow seems well qualified but what does this do to the balance of the Zoning Board.

President Schroth replied that Mr. Lyon's point is well taken. This individual is eminently qualified having served on another Zoning Board. As an attorney, he is well versed in the law. He served on a Governor's Council and will bring some balance in the sense that a renter may look at things more objectively than a homeowner. Also, every Board member takes an oath and has a legal, ethical and even moral obligation to act within the law and in the best interest of the Town. President Schroth added that, over the years, we have always had a superb Zoning Board comprised of highly skilled and highly experienced and very interested people.

Mr. Lyons said that he does not suspect that this person is anything but qualified but different people have different perspectives.

Councilman Baxter added that once appointed, Zoning and Planning Board members have to take a municipal land use class. We do not have a breakdown of the number of homeowners versus renters on the Board but Councilman Baxter said that he is sure there are more homeowners than renters.

The Attorney suggested to Council that since it is such a significant time investment to be a member of the Zoning Board only individuals who are very interested in the Community are willing to make that kind of commitment.

Councilman Baxter said that Council would consider Mr. Lyons if an opening comes up in the future.

## CLOSED SESSION

(None for this Meeting)

## ADJOURNMENT

There being no further business, President Schroth asked for a motion to adjourn. Ms. Wollert so moved seconded by Mr. Baxter. The meeting was adjourned at 6:59 p.m.

---

David P. Schroth, President

---

Kim J. Macellaro, Municipal Clerk