

## December 13, 2016 – AGENDA SESSION

President Schroth 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 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        | Joanna Mustafa, CFO            |
| ▪ 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 CY2016 BUDGET TRANSFERS**

The CFO explained that this is the final account clean-up of the year. It is the last opportunity for 2016.

President Schroth said that this is standard practice.

The CFO added that transfers are allowed during the last two months of a budget year and the first three months of the succeeding budget year.

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

#### **2. A RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO PRINCETON HEALTHCARE SYSTEM IN THE AMOUNT OF \$5,267.50 FOR THE PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAM FOR THE PERIOD OF JANUARY 1, 2017 TO DECEMBER 31, 2017**

President Schroth explained that in the past we used the College of New Jersey’s program for the employee assistance program; we are switching over to Princeton Healthcare System.

The Attorney added that the Township obtained quotes and this is within the price range that the Township is accustomed to paying.

President Schroth further explained that the College of New Jersey is no longer providing this service and that is why we sought proposals.

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

**3. A RESOLUTION AUTHORIZING THE PURCHASE OF FOUR GETEC COMPUTERS TO BE USED BY POLICE DEPARTMENT FOR THE TOWNSHIP OF EWING FROM ISLAND TECH SERVICES. #89974 THROUGH STATE CONTRACT M-0483 (expires 03/31/2017)**

The CFO said that this purchase is for the IT Department to update technology. It is done by Resolution because the method of procurement is through State contract.

President Schroth added that this is capitalized and was already part of the Budget for this year. It is not a new and unforeseen expenditure.

Councilman Baxter asked if IT is swapping out old computers.

The CFO responded that that is correct. The IT Department has a schedule for all computers in the Township and after, she thinks three years, they are replaced.

Councilwoman Keyes-Maloney asked if these could potentially be used in the Dispatch area or in the IT area within the Police Department.

The CFO replied that these could be used anywhere in the Township; IT is the central purchaser of all Township technology.

President Schroth said that these, in particular, are for the Police Department.

Councilwoman Keyes-Maloney said that she was just not sure if we differentiate between what is used in Police vehicles versus what this is. These are all in-house.

There were no additional questions or comments from Council.

A member of the Public asked how much does it cost.

The Attorney responded - \$22,642.88. It is from the current fund.

President Schroth again stated that this is covered under the current budget.

There were no additional questions or comments from the Public.

**4. A RESOLUTION AUTHORIZING THE PURCHASE OF THE UPGRADE FOR THE WATCHGUARD CAMERA SYSTEM USED BY POLICE DEPARTMENT FOR THE TOWNSHIP OF EWING FROM PATROL PC #A81300 THROUGH STATE CONTRACT T-0106 (expires 04/30/2017)**

The CFO explained that we currently have these cameras. This is just an upgrade of that package. The Police Department is using some capital money and some money from the Sprint grant. The cost is \$26,775.00. The capital portion has already been appropriated.

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

**5. A RESOLUTION AUTHORIZING A PERFORMANCE GUARANTEES RELEASE FOR RVGV REALTY, LLC, 1441 HEATH AVENUE, BLOCK 13, LOT 35, EWING TOWNSHIP ENGINEERS REMINGTON, VERNICK & ARANGO #1102 / 067**

The Attorney explained that this is a fairly standard Resolution in which Council authorizes the release of the performance bond posted by the developer to cover all site improvements required by the Planning Board. This is a demolition of an existing warehouse and the construction of a new 8,000 square foot warehouse on the same site.

The Council President added that the bond is collateral posted prior to the commencement of the project and is based upon the completion of the project.

The Attorney said that it is usually based on the estimated cost of the completion of site improvements of a site. It can be released in increments until it is done. Once the performance bond is approved for release, then a two year maintenance bond is posted to ensure that the improvements are actually built to Township standards. And, if at some point during that two year period, the improvements are falling apart or are not up to Township standards, then the Township can demand the correction of those site improvements. If these improvements are not corrected, then the Township can call the maintenance bond. Both bonds are intended to secure the correct construction of the improvements of a site.

President Schroth said that the bond amount was \$17,434.69.

The Attorney replied – correct. There is a maintenance bond of just a \$1,000 which is fairly minimal. Most likely because there was an existing structure on the site which meant that most of the improvements – sewer and water – had already been constructed.

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

**6. A RESOLUTION AUTHORIZING THE REMOVAL OF THE UNPAID REAL PROPERTY TAXES FOR BLOCK 419, LOT 25, ALSO KNOWN AS 31 WILBURTHA ROAD, FROM THE TOWNSHIP'S ANNUAL TAX SALE**

The Attorney explained that this property is right along the canal. It is a very old, derelict site that is currently before the Condemnation Board. An agreement has been negotiated with the State for the purchase of the site. An environmental review is being conducted and hopefully will be completed shortly into the new year. The Canal Commission is buying the property since it is right along the canal.

The Council President said that as you come up from the river, it is on the right-hand side.

The Attorney added that you can see a lot of material there – that is what they are investigating.

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

The Discussion items were approved for action.

The Attorney asked Council to consider two walk-on items.

**7. A RESOLUTION AWARDED ONE-YEAR CONTRACT FOR PHYSICIAN SERVICES TO ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL-HAMILTON IN THE AMOUNT OF \$34,704.00**

The Attorney explained that this is the Township's annual contract for the performance of physicals and other medical services. Robert Wood Johnson is the current incumbent. The Township solicited quotations from several vendors; two responded - Robert Wood Johnson in the amount of \$34,704.00 and Capital Health in the amount of \$65,000.00. Robert Wood Johnson was responsive and also the lowest bidder. It came under the bid threshold of \$40,000.00 so, at minimum, two quotations had to be solicited and they were. The Attorney asked Council to consider approving this contract.

President Schroth asked if the quotes had been above \$40,000.00, would we then have had to go out to bid.

The Attorney replied that that is correct. Given the history and knowing what the costs had been in the past, we believed that the proposals would come in under the \$40,000.00 threshold. Capital Health was unexpectedly high.

President Schroth said Robert Wood Johnson provides this service for other municipalities so they are certainly versed in this.

The Attorney said that Robert Wood Johnson is the current incumbent and are providing this service to the Town without issue.

The Mayor said that that is correct. They have a satellite office at the Ewing Athletic Club. In the summertime, when we hire a lot of summer help, individuals go to that site on Lower Ferry Road which is a lot more convenient. Robert Wood Johnson has been our primary source of this type of service for the last three or four years.

The Attorney apologized for the late notice; these quotations just came in today.

Councilwoman Keyes-Maloney asked, for the benefit of the Public, what exactly does this contract entail.

The Attorney responded that it is for the police officers who have to have annual physicals, for drug testing and urine testing for certain certified workers, and also for return to work physicals for anyone who has been out of work for an extended period of time on some sort of leave or worker's compensation.

Vice President Steward added that it is also for the firefighters.

The Mayor said that every employee who had been out for a period of time has to take a physical. Also, depending on the position, an employee may be required to take a physical fitness test.

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

**8. A RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING PURSUANT TO N.J.S.A. 40A:11-4.1 ET SEQ. FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES IN CONNECTION WITH THE TOWNSHIP'S PROPOSED POOL RENOVATIONS AT THE HOLLOWBROOK COMMUNITY CENTER**

The Attorney explained that we originally solicited proposals believing that they would come in under the \$40,000.00. Instead, the proposals came in pretty close to \$40,000.00 and since there were added services, it was believed that the proposals would likely go over. Since we had a good faith belief that they would likely go over, we needed to do a procurement. This is competitive contracting which is an evaluative process, as opposed to a strictly low bid process, because these services are professional services. Professional services can be procured by competitive contracting. Every time you use competitive contracting for the first time in a specific area, Council has to authorize the use of that process. Since the Township has not used competitive contracting for pool design, this Resolution is necessary. The Attorney further explained that under Local Public Contracts Law there are two types of publically advertised procurements that you can conduct. One is the standard low bid type of procurement where you put out bid specs and go with the lowest bidder. The law also authorizes the Township, in certain circumstances, to use competitive contracting where you put evaluative criteria in the specifications. Weights are attached to each of the criteria. The weighting is not publically released but is available at the time the bid is submitted. The bid goes to whoever has the highest score. It is a competitive, advertised, evaluative process.

President Schroth asked what is the timetable for this process.

The Attorney responded that for the normal low bid procurement it is a ten day advertised procurement. Competitive contracting is twenty days. A little longer as there is more that goes into the proposal. We would expect that by the first meeting in January we would come back to Council with a recommendation for an award.

President Schroth stated that this is part of the ongoing renovations at Hollowbrook. The Attorney said that that is right; this is the pool renovation.

President Schroth then asked if the pool will be completed by the beginning of summer.

The Attorney replied that this is for the design and engineering of the pool; for the professional services associated with that. Hopefully, this will be awarded right away and whoever the vendor is, will design the specifications for the construction. It will be partly driven by the weather, but the goal is to have it for the new season.

Councilwoman Wollert asked what types of improvements are we specifically looking at with regard to upgrading the pool and the facilities.

The Mayor responded that there are two upgrades. The pool needs new coping and the kiddie pool is going to be turned into a waterpark. We hope to have it completed for the summertime. The Mayor then gave an update on the renovations at Hollowbrook itself. We will not be able to open it up in January as we initially thought. Because of the asbestos and some other related instances that occurred, we are now looking at an April 1<sup>st</sup> move-in. We have already notified our tenants. It will definitely be opened by the summer.

Councilwoman Wollert asked if we will be doing any additional bonding.

The Mayor replied - no, we are not doing any additional bonding. The Hollowbrook bond that we already did will take care of that particular situation. We are also applying for a grant from the County.

The CFO added that the grant is "Mercer at Play".

The Mayor said that it is a \$500,000.00 matching grant so we are going to go out for \$1,000,000.00. It also includes putting in two new basketball courts at Moody Park because that program has grown so much. We are also going to reconstruct one Little League field. The softball program is non-existent, so the softball field at Moody Park will be turned into another Little League field and if needed in the future, softball will be handled at the Carlton site.

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

Both walk-on items were approved for action.

## **BILLS LIST**

- 1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$691,827.94 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$53,472.12**

Councilwoman Keyes-Maloney thanked the CFO for the descriptions which make it so much easier to figure out what this stuff is.

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

The Bills List was approved for action.

## **CONSENT AGENDA**

Council President Schroth presented the Consent Agenda for review.

- 1. Approval of Agenda Session Minutes for November 14, 2016; Approval of Regular Session Minutes for November 14, 2016**
- 2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$562.57 for November 1, 2016 fourth quarter taxes to Foran, William J. and Barbara, 9 Bedford Drive, Ewing, NJ 08628 for property owner Foran, William J. and Barbara for Block: 550 Lot: 12 also known as 9 Bedford Drive.**
- 3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$130.48 for October 1, 2016 second half sewer bill to Fentres, Cynthia, 20 Hastings Court, Ewing, NJ 08628 for property owner Fentres, Cynthia for Block: 588 Lot: 162 also known as 20 Hastings Court.**
- 4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$457.90 for November 1, 2016 fourth quarter taxes to Winters, Krista M., 42 Rebecca Ct, Ewing, NJ 08628 for property owner Winters, Krista M. for Block: 419 Lot: 90 also known as 42 Rebecca Ct.**

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. ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE CANCELLATION OF \$498,887.25 IN BOND PROCEEDS REMAINING UNSPENT NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND TO TRANSFER SUCH PROCEEDS TO THE CAPITAL SURPLUS FUND FOR FUTURE CAPITAL PROJECTS**

The CFO explained that the earliest cancellation is from 2012. Balances not used for their original purpose are being cancelled and transferred to the capital surplus fund to fully fund smaller projects going forward; to avoid having to borrow anything else. The money has already been borrowed; we will just reutilize it.

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

- 2. ORDINANCE APPROPRIATING \$440,000 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 Schroth said that this is the follow-up Ordinance to appropriate some of the money that is being cancelled and transferred to capital surplus.

The CFO explained that this Ordinance consists of a generator for the Municipal Building, a Police mobile command unit and a kiddie waterpark at the Ewing Senior and Community Center.

The Council President asked the Mayor to explain why we are getting a new generator.

The Mayor explained that the current generator only services part of the building.

The bearings on that generator need to be replaced at the cost of about \$35,000.00 to \$40,000.00. Even if these bearings are replaced, there would still be a need to purchase a generator for the Police Department. That would be more costly. It was decided, instead, to purchase a new generator that would cover the entire building. It is being engineered out right now.

The CFO added that the cost is about \$390,000.00 plus the engineering costs.

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

**3. AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING CHAPTER 354 TRAILERS TO PROHIBIT THE USE OF PORTABLE ON-DEMAND STORAGE OR PORTABLE STORAGE CONTAINERS ON RESIDENTIALLY ZONED PROPERTY EXCEPT IN CONFORMANCE WITH THE TERMS OF THE ORDINANCE.**

President Schroth said that this was discussed at some length during our last Council meeting when this Ordinance was introduced. This was brought about out of necessity and will be beneficial to Ewing residents as we are seeing an increase in these massive storage trailers throughout the Township. The Council President then described some particulars of the Ordinance and stated that there are provisions in the Statute for exemptions.

The Mayor added that since first reading, five more pods were put in. Two of the pods were put on the street, becoming a hazard. Chuck Latini, Anthony Messina and Bill Marchelowitz from Code Enforcement and resident Johnathan Savage have been instrumental in this.

Councilwoman Keyes-Maloney said that she had the opportunity to talk with Mr. Latini about some questions she had in terms of some research that she had done. Councilwoman Keyes-Maloney said that she absolutely supports the intent of this Ordinance. However, she does have some concerns and questions about the Ordinance as drafted and is hoping to work with the Administration around some of these issues. Councilwoman Keyes-Maloney said that Mr. Latini has been great about working through some of her questions and then stated her questions and concerns. The first relates to amendments in section 354-2 around the length of time that a trailer can be parked on the street. Councilwoman Keyes-Maloney said that she hopes that the length can be extended from two hours to four hours, in light of the fact that construction or even landscaping can take a long time, and that some sort of special exception clause can be added. As it relates to Section 354-10, Councilwoman Keyes-Maloney said that in terms of her research, it fluctuated. What we are talking about in terms of a potential fee is not necessarily out of line, but because this is a new fee structure, we might want to walk it back a little bit from the \$50.00 / \$200.00, to ensure that we get buy-in from residents; that they know about and will comply with this new registration requirement. Regarding Section 354-13 Subsection C, Councilwoman Keyes-Maloney said that we might want to leave it up to the Police to inspect pods and not give Construction inspectors the power to do this without a warrant. Regarding, Section 354-13, research showed that the time permitted for pods fluctuated between fourteen days and ninety days with a renewable period. Because this is new, we might want to do something closer to a fourteen day with another fourteen day renewable within one hundred eighty days instead of the discussed seventy-two hours to allow for renovations or staging a house for selling or buying. Finally, regarding penalties, we might want to take a deep dive to look at the penalty structure as right now the proposed penalty for a violation is \$1200.00.

Councilwoman Keyes-Maloney said that she looks forward to working with her colleagues regarding these changes and added that we should make sure that we are notifying all parties, including the pod companies, of these changes.

Chuck Latini (Township Planner and Zoning Official) thanked Councilwoman Keyes-Maloney for her comments and said that he does not have objections to any of her suggestions, per se.

Mr. Latini then commented on Councilwoman Keyes-Maloney's suggestions. Mr. Latini said that four hours, with the outright overnight restriction of trailers on the street, is a good compromise. It is reasonable to adjust the proposed fee structure from \$50.00/\$200.00 down to \$25.00/\$100.00 and it is appropriate to prohibit Construction officials from inspecting the content of pods. Mr. Latini said that the biggest one is seventy-two hours versus fourteen days. Mr. Latini stated that he does not have an issue with changing it to fourteen days as long as it can only be done twice within one hundred eighty days instead of ninety days.

Mr. Latini, the Attorney and Councilwoman Keyes-Maloney then briefly discussed, in general terms, the violations and penalties connected with this Ordinance.

The Attorney stated that these changes are not de minimis and will require a third reading and advertisement. Council has two options: one, after second reading tonight, Council can carry the Ordinance into the New Year; two, Council can start again with a fresh Ordinance in the New Year. The Attorney explained that it is only a matter of practice, as a courtesy to new members and not a matter of law, that ordinances are generally not carried over into a new year. This Council will have the same members next year.

President Schroth asked if this can be done at the Reorganization.

The Attorney responded that the Reorganization meeting is more of a ceremonial meeting and you may not want to discuss something such as this at that time.

President Schroth, Vice President Steward, the Attorney and Councilwoman Keyes-Maloney then discussed procedure.

Councilwoman Keyes-Maloney stated that this needs to be regulated and said that she would be open, given the fact that this is a continuing Body, to move to adopt this at the first meeting in January.

Councilwoman Wollert stated that she understood why this Ordinance was generated and then asked the Mayor how many and what type of pods are involved.

The Mayor responded and added that these containers are also becoming a traffic hazard as they are being put on the street. The Mayor reiterated that he understands that there are uses for these containers. However, some are becoming permanent structures; being used as sheds instead sheds being bought. The Mayor said that in the past two weeks he noticed, at least, four additional pods have been put in. The Mayor offered Council a third alternative - pass this Ordinance tonight so we can move forward and begin enforcement and then revisit it again in January.

Councilwoman Wollert, the Mayor, Mr. Latini and Councilwoman Keyes-Maloney then discussed pull trailers.

The Attorney pointed out that the Ordinance, as currently written, does provide for a one hundred twenty day phase-in period to allow residents to come into compliance.

President Schroth added that there is an element of discretion involved, on the Township's end, for folks seeking extensions of time.

Mr. Latini addressed the Council President's point saying that originally the Ordinance was more vague, but Councilwoman Keyes-Maloney brought up a good point about that and language was added. Residents need to justify in writing why they need an extension or an exemption.

Councilwoman Keyes-Maloney stated that the Ordinance language is not clear as to whether it allows Zoning Officials the authority to approve an exemption other than for relocation, fire or natural disaster. The Ordinance needs to be clarified to include other situations that may potentially occur.

The Mayor mentioned that in the past, if a resident had to go before a Board because of fire or structural damage, the resident had always been granted extensions for legitimate reasons.

There were no additional questions or comments from Council.

The Attorney reminded the Public that there will be a Hearing on this Ordinance at the Regular Session.

Mildred Russell (119 King Avenue) said that the Brae Burn Civic Association has asked for this for many years and then asked if boats are included in this Ordinance as there are a number in her neighborhood.

The Attorney responded that you are allowed a boat in your driveway; not on the street.

Mrs. Russell responded that there are two in the driveway and one on the street. Mrs. Russell said that he should have been ticketed by now.

The Municipality is too lenient. We have code officials; write tickets. This Ordinance, whatever it is, should be put in place as fast as possible because these containers are all over the place.

Wayne Kemper (255 Somerset Street) asked who does he contact about a situation in his neighborhood because when he calls, it just gets passed around; no one returns his calls.

President Schroth responded that, first, you would contact Code Enforcement. Then, if you do not get a response or do not feel it is appropriate, you would contact the Mayor or the Administrator.

Mr. Kemper said that he wants Council to see what people in his neighborhood have to deal with.

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

President Schroth and the Attorney then discussed the possible amendment procedure for this Ordinance at the Regular Session.

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

Councilman Baxter said that he was unable to attend last night's Recreation Advisory Board meeting as he was under the weather.

Councilwoman Keyes-Maloney reminded everyone that the volunteer reception will be held this Thursday from 6:30 p.m. to 8:30 p.m. at the Ewing Senior and Community Center. The Arts Commission did meet the first week in December. The Arts Show has been scheduled for January 29<sup>th</sup> at the Elks from 1:00 to 4:00 p.m. It is a youth arts show including home schoolers and folks from Arc as well as the Ewing school system. This show will eventually be transferred to the Municipal Building. Ms. Keyes-Maloney then mentioned the art currently on display at the Municipal Building and briefly described the upcoming art that will be displayed.

Vice President Steward reported that the Green Team had their Holiday gathering on December 7<sup>th</sup>. Silver Certification was celebrated and out-going member Peter Boughton was honored for all of his contributions to the Green Team over the years. The Green Team will also hold their annual retreat on January 14<sup>th</sup> to plan for the upcoming year.

Councilwoman Wollert said that she did not have anything to report.

President Schroth said that the Planning Board did not hold a meeting this month so he does not have anything to report.

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**

Judith Peoples (295 West Upper Ferry Road) said that she wanted to discuss the letter residents of State Police Drive received. The letter attempted to solve a problem that was set in motion a long time ago. Technology prompted the current problem; the solution does not need to make the situation worse than it already is. There needs to be a solution but that solution does not need to have unintended consequences. State Police Drive off River Road is residential. Ms. Peoples said that those residents should get the highest priority in consideration as to how this situation is going to be resolved and should not be forced to change how they identify themselves. Ms. Peoples said that it is Council's responsibility, not the Administration's, to solve this and to establish policy. Ms. Peoples then suggested one way, perhaps, that technology can fix this. Ms. Peoples said that there has to be a solution and that solution is not changing the name of State Police Drive.

Andrea Belardo (10 State Police Drive) said that she has been a tax paying citizen of this Township since 1979 and stated that she has in her possession a “Statement of Disapproval and Protest” about this address change. It is signed by every occupant of State Police Drive. Ms. Belardo said that she does not believe that she should even have to be here tonight defending where she lives. Some of the other residents have lived on State Police Drive for fifty plus years. Almost all are senior citizens. Ms. Belardo stated that this was done with no consideration for the aggravation, the extra expense that they would have to incur and the fact that they will lose our identity. As it stands now, there really should be no confusion. At the beginning of their street, there are two large signs that say, “Dead End, Residents Only”. State Police Drive has been State Police Drive for over seventy-five years. All the residents take comfort in the safety factor of living on State Police Drive. There is also a group home for mentally challenged residents who are used to living on State Police Drive. Should they wonder off and become lost, it will be a burden to them and to the people who have to rescue them. Ms. Belardo added that we are all in sympathy with the incident that took place but we do not feel that one incident should put us at a disadvantage. EMTs have always been able to find the residents of State Police Drive when they needed to get to them and EMTs should be familiar with the area in which they serve. There has to be a better way to solve this problem that is less of a burden to them and acceptable to everyone. The other road involved does not have any signs that say “State Police Drive”. It just says, “Truck Entrance – State Police” and with a huge wall that mentions what is there. Ms. Belardo said that this is not over, the residents are going to fight this to the nth degree. There are other roads within the Township that are confusing, such as, Lower Ferry Road, Upper Ferry Road and West Upper Ferry Road. Ms. Belardo asked if the Township is going to change those roads and then stated that she thought not. Ms. Belardo asked Council how they would feel if they had to change where they live. Change deeds, bank accounts, checks, licenses – everything. It is an extreme burden and an expense and then Ms. Belardo asked who is going to reimburse them. The six entities from the other area are not even here tonight. If they are comfortable with changing their area then so be it. Ms. Belardo then introduced Mrs. Menzel, widow of State Police Captain Menzel and stated that Mrs. Menzel wants to stay on State Police Drive as it honors all who were State Police.

Marsha Felcone (State Police Drive) stated that she has been living on State Police Drive since 1965 and said that the letter notifying them of the address change gave no explanation as to what exactly happened. Ms. Felcone stated that she thought there had been some sort of confusion with some sort of emergency vehicle. Mrs. Felcone suggested that a sign be placed on the existing markers saying, “State Police Headquarters” with a large arrow pointing to the headquarter entrance which is only a short distance away. Ms. Felcone stated that frankly a member of EMS should know where the State Police Entrance is and should know that it is a four lane entrance and added that if there was a problem at the State Police, someone should have opened the gate. Ms. Felcone then stated that she feels safe living there. Fraudsters might think twice involving you in a credit card scheme if they see that your address is State Police Drive. Changing the name would take that away from them. The residents want everyone to be safe but are happy with the way things are.

Mark Stillitano (8 State Police Drive) stated that he was a little upset when he received the letter and then asked when does this name change officially start. The letter does not give an effective date.

President Schroth replied that this is not something that is simply done. A name change has to be adopted by Ordinance. It has not yet come before Council. This is not something that is going to happen automatically or necessarily at all.

Mr. Stillitano remarked that you can see how this is confusing and said that he agrees with his neighbors; EMS should be aware of where they are going and then said that it would have been nice to know this was coming before Council. The letter reads as if it was a done deal.

President Schroth reiterated that it is not yet before Council. It is not on tonight’s Agenda.

Mr. Stillitano said that the Assessor said that the street sign will be going up in a couple weeks.

The Council President replied that the Assessor may have been either misinformed himself, or misunderstood or misspoke or jumped the gun. President Schroth assured Mr. Stillitano that this is not something that is going to happen in a couple of weeks; there is a legal process.

The Attorney explained that before any name change or renumbering of a street can be effective, the effected residents have to be given at least a ninety day notice. The letter went out December 6<sup>th</sup> so the earliest this can be effective is March 7<sup>th</sup>.

The way the Ordinance is set-up, the Assessor does have the ability to change names or renumber; but, at the same time, in order for that to be effective, Council has to pass an Ordinance.

Mr. Stillitano asked what exactly happened to necessitate this and why did the Assessor make it sound as if this was done and the sign was going up.

The Mayor first apologized for the way that this was handled and said that he had a conversation with the Assessor and spoke with the Business Administrator. The Mayor stated that he was not aware that this letter had gone out. The letter only quoted the Statute and gave the new street names; it did not give any great detail as to what happened. It should have been handled more diplomatically. The Mayor said that he did not really want to speak to the reason for the change as he was only getting that information in dribs and drabs because it was an emergency situation. The Mayor added that this is not the first time that a situation such as this has happened. The Fire Chief said that they also have been dispatched to the wrong place. The Director of EMS, who is one of those that requested this, is here tonight to speak to this situation. We were lucky that we did not have a loss of life. The Mayor said that he realizes that this is once in forty years, but if it was you in those forty years then it is a problem. The Mayor then pointed out that street numbers have been changed and mentioned the situation that occurred on Fifth Street. Most issues come up when emergency vehicles are dispatched. The Mayor said that he agrees with Ms. Peoples that it is about technology. But, at the end of the day, if he has a truck sitting at the wrong place, it is a problem.

Delofortte Clark (Township EMT Director) said that he wanted everyone to know that after listening to everyone he is very empathetic with what they are going through and stated that he wanted to explain what happened that day as it has happened multiple times in the past.

President Schroth asked everyone in attendance to allow Mr. Clark to speak without being interrupted. If there is an appropriate response, it will be heard.

Mr. Clark stated that on September 22<sup>nd</sup>, there was a dispatch to 12 State Police Drive, which included Fire and EMS. The report was that a front-end loader had overturned and pinned the driver underneath. It was a critical call. Mr. Clark said that EMS is very familiar with the low end of State Police Drive because they serve a couple of houses frequently. When EMS hears 12 State Police Drive they know that is the residential side and not the Barracks. Mr. Clark stated that he was the first on scene and when he arrived at 12 State Police Drive, he saw a front-end loader but did not see anyone trapped so he knocked on the door. The lady who answered said there was no emergency here. Mr. Clark then called Dispatch to make sure they had the right address. They rechecked and the address was 12 State Police Drive. It took about ten minutes for Dispatch to realize that the address was 12 State Police Drive but inside the Headquarters. Apparently, it was Building 12. But, on the dispatch screen it showed up as 12 State Police Drive. Technically, it was dispatched correctly; perhaps someone could have asked more questions – is this a residence or the Barracks. It was about a ten minute delay. Fortunately, the man fell out of the front-end loader but it did not tip over on him. He had moderate injuries and EMS was able to transport him. Mr. Clark emphasized that if it had tipped over on him, those ten minutes could have led to a tragic outcome. Mr. Clark stated that afterwards, he called County Communications to try to figure out how we could avoid this from ever happening again. There really is no way because of how 911 works – when you call 911, your address is attached to a phone number. Mr. Clark again said that he is very empathetic, but he has been in Ewing since 2001 and he knows for a fact that this is not the first time something like this has happened. There is a problem with both being named State Police Drive and having the same numbers. Mr. Clark said that he is afraid that one day it will be a residence but he will have convinced himself to go to the Barracks first. That is why the Township is taking this stance - to protect everyone. Mr. Clark stated that it is his goal to explain what happened that day.

President Schroth asked Mr. Clark if there is a way to maintain the address of State Police Drive but somehow alter it slightly.

Mr. Clark responded that, technically, when you look at it on a map, both are labeled State Police Drive East.

Council then spent time looking at and discussing the map.

The Mayor then mentioned that we did call the State Police and asked them to change their numbers so we would not have duplicates. The State Police were not willing to change their building numbers.

Vice President Steward asked if there was a way to include Building 12 and not Number 12 on the dispatch screens.

Mr. Clark responded that he is not an expert in that area and proceeded to explain how he thought it worked.

President Schroth then stated that we will first hear questions from Council for Mr. Clark and then we will hear questions and/or comments from the Public in order to keep this orderly.

Vice President Steward stated that we need to get some clarity as to how calls come into 911 Dispatch.

Mr. Clark responded that Mr. Narducci would be better able to answer questions regarding 911 communications.

Councilwoman Keyes-Maloney stated that she wanted to make it clear to the Public that when the Mayor approached the State Police and other Departments; they were unwilling to modify the name of their street.

The Attorney replied - correct and then explained that the first step was to ask the State Police to change either their name or number and they declined. It is State property; the Town has no authority to force them to do this. The Attorney then mentioned that a possible solution would be to distinguish between State Police Drive and State Police Drive East.

Mr. Clark responded that taking East off the street name for the residents would not change anything as inside the Barracks, it does not come up as State Police Drive East either.

Vice President Steward asked Mr. Clark if he got the sense that emergency responders do know the difference between the residential and the Barracks.

Mr. Clark explained the normal procedure when they are dispatched to State Police Headquarters. Normally, it comes up as State Police Headquarters. You know you are going to the Headquarters with the exception of Trooper Drive when someone is at the gate. Traditionally, everything is done by radio, this time, the phone call was generated from inside the building and the Dispatcher just saw State Police Drive. We could potentially have this problem again if the Dispatcher does not recognize (and then ask) that there are two State Police Drives.

There were no additional questions for Mr. Clark from Council.

The Mayor added that if someone uses a cell phone to call 911 it does not guarantee that the calls go to our Dispatch. Particularly around the River Road area, most of the calls go to Bucks County and are then rerouted to our County Central. That takes time and there are also translation issues. This is the type of problem we are encountering.

Madeline Menzel (17 State Police Drive) stated that she is the widow of State Police Captain Donald Menzel and mentioned that when she was dating her husband, State Police Drive was open, it was the main drive in. Now, the entrance is Trooper Drive. Ms. Menzel then asked why calls from inside Headquarters can not come up as Trooper Drive. Ms. Menzel stated that her husband had been sick for two years; many times she had to call for an ambulance. There was never a problem. Ms. Menzel said that there is always going to be a mix-up somewhere if it is not communicated properly. Trooper Drive is the main entrance, what is so hard about it; ask a question.

President Schroth responded that at the moment it is beyond our control as a municipality. The Mayor explained to us that his first action was to contact the State Police to ask them to change the name of their street as they had created a problem when naming their streets and they would not do so.

Ms. Menzel then asked the Council President if he would like her to speak with the Colonel. President Schroth responded – yes. Perhaps, it will take someone who knows the State Police well to go to them and explain the situation as the Mayor had been told no. President Schroth thanked everyone for being here and said that we all take this seriously which is why the EMS Director is here. This is a life and death situation for everyone. We are going to find a solution. The Council President assured the members of the Public that there will not be a new street sign on your street next week or in the next month. It is something that has to be done properly. There is a procedure that has to be followed.

Resident (State Police Drive) said that after a reverse 911 call from the Mayor concerning a bear sighting, he called the Mayor and was told that a bear was sighted on Cozy Road. The resident said that he told the Mayor that he lived on State Police Drive. The Mayor then said that that is Cozy Road. The resident then commented that he lived on that street for thirty years and it is the Mayor that has to tell him that he lives on the wrong road. The resident suggested a number of street names to distinguish the two areas and said it is simple to do that.

Andrea Bellardo (10 State Police Drive) stated that their street sign simply says "State Police Drive." It does not say "State Police Drive East."

President Schroth replied that there is no disagreement on that point. Mr. Clark's point was that when these things come up on the computer screen, it does not show "State Police East" on the State Police end of it either.

Ms. Bellardo then asked why could not the caller just have said that the call was coming from State Police Headquarters.

President Schroth replied that that is a legitimate point. The problem is, as an example, what if it is a twelve year old kid and there was an accident.

Ms. Bellardo responded that these are all "ifs, ifs, ifs."

President Schroth replied that that is the problem. When you are talking about emergency situations, people panic. That is the problem EMTs face, they get a panicked phone call. They can only rely on the messenger and what is showing up on the computer screen. President Schroth reiterated that Ms. Bellardo's point is well taken. We know what State Police Drive says, that it does not say, "State Police Drive East." We apologize for the miscommunication, it happened, and that is why we are going to take the steps to do this properly now and that includes trying to find a way to not necessarily change the name of State Police Drive. None of us want that.

Ms. Bellardo said that they appreciate Council going to bat for them and then commented that when her tax bill comes, it does not say "State Police Drive East."

President Schroth said that we are going to work on this and hopefully the next stage of this begins with the help of your neighbor when she is at Headquarters on Saturday.

Ms. Bellardo said that we have to depend on things that are more concrete.

President Schroth reiterated, just so there is no confusion, that the Township has already contacted the State Police and they said "No." The Township can not force them to change the name of their street because it is a state entity. The Township has no legal authority.

Ms. Bellardo commented that it is big government walking all over the little people.

President Schroth replied that it is the law of the State of New Jersey.

Ms. Bellardo then commented that just because the law may say you can do it, it does not mean that you should. Ms. Bellardo asked when would they know if the street name is changed and then said that they are going to continue this fight.

President Schroth then explained the process and asked the residents to watch the Township website.

Ms. Bellardo then asked who makes the final decision.

President Schroth replied Council, if we choose to act.

Vice President Steward recommended that the residents keep an eye on Council's Agendas.

President Schroth and Ms. Bellardo further discussed procedure and how the residents will know what is going on.

Councilwoman Keyes-Maloney asked Ms. Bellardo to leave her contact information with the Clerk and said that a member of Council will reach out to you as this unfolds. If Ms. Bellardo has information that she wants to share with us, she can reach out to us. The Clerk is very good at making sure we are in communication with our residents. This is not the first time that we have had an ongoing conversation with residents.

Ms. Bellardo stated that even the letter recognized that these are two separate entities.

President Schroth reiterated that the problem is, for whatever reason, when it shows up in the computer, it does not distinguish between the two entities.

Ms. Bellardo responded that all State Police business should be Trooper Drive.

The Council President again stated that we went to the State Police and asked them to change their street name and they refused to do so.

Councilman Baxter said the Mayor has his contacts with the State Police since they are in our backyard. It is unfortunate that your road is a municipal road controlled by the Municipality and the State Police road, is a State road and so they have the authority to say, "no." The residents should have never received this letter and it should have never come out the way it did come out. Moving forward, it takes a least ninety days before we can start with an Ordinance that could change the name. Hopefully, within this time frame we will find some type of resolution.

The Mayor said that the letter portion of this has been thoroughly addressed with the appropriate person. The Mayor added that he can sympathize with the residents and hopes that it works out as everyone would like it to work out. However, doing nothing is not an option. Council has to act one way or the other in this particular situation.

Mildred Russell (119 King Avenue) presented to Council a letter that she wrote to the Mayor regarding Pennington Road being closed a lot and trucks being moved to other firehouses. Mrs. Russell said that she was before Council in April regarding this. It was very upsetting to the people in the community and when we tried to find out what this was all about we were told that the reason for this was that Pennington Road was short on

volunteer firemen. Mrs. Russell expressed concern that her group did not receive a response to their report regarding this matter. Mrs. Russell said that she is here tonight because everyone needs to know that the Mayor, the volunteer firemen, and the career firemen need help. Her group's research showed that firehouses are in trouble throughout Mercer County. Pennington Road has missed many calls – the volunteer firemen are not showing up. Something must be done. Everyone should get together to discuss this. Mrs. Russell said that they suggest in their letter that the Township use retired career firefighters.

The Council President commented that he knows for a fact that they actively meet to discuss these issues. Everyone is aware of the problem with getting good volunteers. We can not make them volunteer. President Schroth said that he looks forward to reading Mrs. Russell's letter.

Mrs. Russell said that she knows that it will take money. It is not just our section, but all of Ewing Township.

The Mayor responded that he explained to Mrs. Russell in great detail what we are doing. Fire calls for Pennington Road are automatically routed to Prospect Heights and West Trenton; all three respond. The Mayor said that he has called for a NFIRS report and we are negotiating with the FMBA an eight hour schedule, a ten hour schedule and a twelve hour schedule Monday through Friday only. Including weekends right now would be unaffordable and the volunteer fire companies would be "dead in the water although at some point weekends will be phased in. The Mayor stated that he has spoken with the paid, with the fire chiefs and to a man they do not want to have a paid company. They are okay with it Monday to Friday but they do not want it expanded as they want to fight those fires. For whatever reason, Pennington is not attracting many volunteers. We encourage people who want to volunteer to live in that district but very few volunteer from Pennington Road. People have applied to be volunteers from Pennington Road but they are from the College of New Jersey; when they are in class, they are not responding and they are seasonal at best. We are looking for committed volunteers. Prospect Heights is the only one able to maintain the number of volunteers that they need. The Mayor stated that every section of this Town is well protected. We meet the State and Federal requirements that you have to respond to a fire within twelve minutes. We are trying the best that we can to ease the minds of the residents that their homes and businesses are protected. The Mayor explained that what will happen in the short term, is that we will be covered by paid fire from 6 a.m. to 6 p.m. using a staggered ten hour schedule and will rely on volunteers on weekends and nights. The Mayor reiterated that regardless, we are still responding within the standards of the law and that he is in constant communication with both paid and volunteer. We try.

Mrs. Russell responded that she did not say that you do not try but instead said that the system is inconsistent and you can not be inconsistent with people's lives.

President Schroth commented that Council knows how hard the Mayor has been working on this very difficult issue. Council has been part of the incentive program that the Administration created in conjunction with the volunteer fire departments to try to generate more volunteers. This program has had marginal success with most of the success being at Prospect Heights and minimal, if any success, at Pennington. The Council President then thanked the Mayor for his efforts in this regard and said that it is clear to Council that public safety is the number one priority of this Administration.

The Mayor said that he did not want anyone in this room to think just because firemen are not at that one particular station that lives are in jeopardy in any one particular area. We get there in the same amount of time. Yes, we would like the firemen to be housed where they are supposed to be but at the end of the day, we respond in the appropriate amount of time to every section in this Town. The Mayor then explained that 911 fire and EMS calls are not handled in this building but rather are automatically sent to Dempster Central in Lawrence Township. The Mayor stated that this is going to happen in steps; we are working with the FMBA to have more personnel cover a longer time period. If it goes to seven days a week, then the volunteers will be gone. Volunteers have a long history here and we want to give them every chance. But, it most likely will go the same way as with EMS services – twelve hours a day seven days a week.

Bertha Scott (Municipal Prosecutor) thanked the Mayor and Council for giving her the opportunity to serve the people of this Township and wished everyone a happy holiday season.

Dr. Al Page (67 Broad Avenue) said that he has been before Council several times and each time he mentions that he is a team player. Dr. Page said that he wants to comment on some of the things he heard tonight. Dr. Page said that he is not a member of the group here tonight, but advised that you can not begin to solve a problem by just saying that you did or did not do this or that; it must be put in writing especially if someone is hurt and it

goes to Court. Dr. Page thanked Councilwoman Keyes-Maloney for being the only member of Council to correspond with him. Dr. Page then advised Council not to let the situation at 31 Charles Street go to Court. Pandora's box will open and when it opens do not call him because he had come before Council and told Council that he is a team player. Dr. Page said that he has never lost a case in sixteen years at the Trenton Board of Education. Dr. Page then said that he is putting together a group to preserve public education and then mentioned the drug problem and the privatization of education. Dr. Page then asked, if he is a team player, why have we not met to solve that problem over there that the State is involved in. Dr. Page mentioned a time when former Mayor Ball drove by his house and asked him if he wanted to borrow a generator. Dr. Page said that if we go to Court, he is going to call former Mayor Ball as it shows that everybody knew that this was a flood area; some people even came down when it was being built and never said a word. Dr. Page asked everyone to join the NAACP and said that four years from now we will win the election. Dr. Page added that it is important that this meeting is being recorded. Dr. Page then said that he had met with Mr. Latini and we started trying to solve some of the problems. Dr. Page then discussed the College of New Jersey and said that the College owes everybody and suggested that neighborhood kids should be able to go to college for free but then they have to volunteer; that would solve the Township's problem of volunteer firemen. The Council President said that Dr. Page's suggestions are well taken and Council welcomes his input. President Schroth asked Dr. Page to contact him at his office to discuss the issues.

Dr. Page replied that he does not want to contact the Council President at his office. Mr. Latini is a good man. Dr. Page said that he wants to go step by step by step and wants to help the Township solve its problem.

President Schroth said that he wanted to make sure that Dr. Page had the opportunity to speak. Council is open to any concrete suggestions that Dr. Page may have. As Dr. Page knows, Mr. Latini is available to address his issues and the Mayor is also available.

Dr. Page said he wants Council to know that if he is called as a witness, the first question is – is it in writing. And the second question is that he is going to an NAACP meeting and hopes to see everyone there as everyone can come. We can solve problems together because we have some big problems coming.

Dr. Faye Ball (47 Somerset Street) asked how many paid firemen does the Township have. The CFO responded - nine.

Dr. Ball then asked what is their rotation – are all nine at one fire station or are there three at each fire station.

The Mayor replied that, currently, we have nine paid. There are three at each house. The Mayor explained that in our talks with the FMBA, moving forward, the Township is going to have a minimum of twelve for an eight hour schedule. The Township is hoping to go with a ten hour schedule with staggered shifts. There would be a minimum of sixteen. Regardless of it being either an eight hour schedule or a ten hour schedule, there will be a minimum of four per station at any given time. This will allow us to not have to wait for a second truck. The first truck can go in and fight the fire instead of just containing it.

Dr. Ball asked do they only work during the week and are the hours six a.m. to six p.m.

The Mayor responded that the hours during the week are eight a.m. to four p.m.

Dr. Ball then asked what happened to all the Mayors' portraits.

The Council President responded that the portraits were moved outside the Council Room when the room was redone.

Dr. Ball commented that it was nice to have the portraits in the Council Room.

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

The Mayor wished everyone a happy holiday.

#### CLOSED SESSION

(None for this Meeting)

#### ADJOURNMENT

There being no further business, President Schroth asked for a motion to adjourn. Ms. Steward so moved, seconded by Ms. Wollert. The meeting was adjourned at 9:18 p.m.