

## March 22, 2016 – REGULAR SESSION

President Schroth called the meeting to order at 7:29 p.m. and read the Open Public Meetings Statement:

Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

Flag Salute

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 SHEET PROVIDED IN THE FRONT OF THE ROOM. ALL QUESTIONS AND COMMENTS FROM THE PUBLIC WILL BE DIRECTED TO THE COUNCIL PRESIDENT. WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND YOUR ADDRESS.

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

### ROLL CALL

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

### STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no statements or comments from members of the Public.

### BILLS LIST

1. The Clerk read (Resolution #16R-55) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,059,053.05 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$1,473.03

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Baxter. President Schroth asked for a roll call.

### ROLL CALL

Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Ms. Steward	YES
Ms. Wollert	YES
President Schroth	YES

*All items listed under Consent Agenda, are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.*

## **CONSENT AGENDA**

The Clerk read the Consent Agenda: (Resolution #16R-56/)

1. Approval of Agenda Session Minutes for July 28, 2015, September 22, 2015, October 27, 2015, November 10, 2015, January 12, 2016, January 26, 2016, February 9, 2016, February 23, 2016; Approval of Regular Session Minutes for July 28, 2015, September 22, 2015, October 27, 2017, November 10, 2015, January 12, 2016, January 26, 2016, February 9, 2016, February 23, 2016; Approval of Reorganization Minutes of January 1, 2016
2. A Resolution Authorizing the Conduct of an On-Premise 50/50 Cash Raffle Sponsored by Prospect Heights Volunteer Fire Co #1
3. A Resolution Authorizing the Conduct of an On-Premise 50/50 Cash Raffle Sponsored by Sunshine Foundation

President Schroth stated that the minutes for February 23, 2016 have been removed from the Consent Agenda.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Resolution, seconded by Ms. Steward. President Schroth asked for a roll call.

### **ROLL CALL**

Ms. Steward	YES
Ms. Wollert	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
President Schroth	YES

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

1. The Clerk read (Ordinance #16-05) AN ORDINANCE FOR THE CALENDAR YEAR 2016 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

The CFO explained that this is a standard Ordinance we do every year to raise our appropriation up to the maximum three and one-half percent of the prior year with exclusions for debt service and other matters. This will “bank” for the next two succeeding budget years should it not be used this year; which it was not.

There were no questions or comments from Council.

George Steward (30 Gilmore Road) commented that just because it is “routine”, it does not make it “right” and then asked if every municipality exceeds the cap by three and one-half percent every year. It does not have to happen if we are fiscally sound.

President Schroth replied that, with over four hundred municipalities in the State, he does not necessarily know what the practice is for each and every municipality. This does not necessarily mean that we are going to exceed the cap; it just allows us to do so, as allowed by law, if the need arises.

The CFO added that it is pretty standard across the State. It is almost like a rainy day fund for future use; you do not necessarily have to use it – it will lapse within two years. On the DCA website, you can see the financial reports for all the municipalities that have cap banks outstanding. Ewing is on there. It is purely precautionary.

The Administrator added that if we were going to use it, it would have to be brought before Council.

Councilwoman Wollert explained that a number of years ago, when the Township had some issues with its finances, the Mayor and some members of Council met with Local Government Services. It was actually a criticism that we had not enacted this. We would not have been in the financial difficulty that we were in if we had banked that money. It is a standard operating procedure. There had been a misunderstanding; people thought that the money would be spent; but that is not its purpose. It is a safeguard for a possible need; we have not had to use it for years now. It is a firewall to protect the Town.

Councilman Baxter asked the CFO if putting a cap bank in place means that we are not financially sound.

The CFO replied no; the cost-of-living varies from year to year. Statute allows us to bank up to three and one-half percent. We may use some of it some years; some years we may use all of it.

Councilman Baxter asked if it still has to be collected.

The CFO replied – no. It is basically like a rainy day fund. We may never use it; we have not used any of the bank this year, but it is available the next two years if needed.

There were no additional questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Ordinance, seconded by Ms. Steward. President Schroth called for a roll call.

#### ROLL CALL

Ms. Steward	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Ms. Wollert	YES
President Schroth	YES

2. The Clerk read (Ordinance #16-06) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225-49 SCHEDULE II: EMERGENCY NO PARKING TO ADD THE SOUTHERN SIDE OF CLERMONT, MONTICELLO AND GREENWALD AVENUES AND THE WEST SIDE OF GLENDALE AVENUE FOR THE ENTIRE LENGTH OF THOSE ROADS

President Schroth stated that this was at the recommendation of the Police.

The Attorney added that this is during a snow emergency to allow plows and emergency vehicles to get through.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Ordinance, seconded by Mr. Baxter. President Schroth called for a roll call.

#### ROLL CALL

Mr. Baxter	YES
Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Ms. Steward	YES
President Schroth	YES

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

(None for this Meeting)

#### NEW BUSINESS

1. The Clerk read (Resolution #16R-57) A RESOLUTION INTRODUCING AND APPROVING THE MUNICIPAL BUDGET OF THE TOWNSHIP OF EWING, COUNTY OF MERCER FOR THE CALENDAR YEAR 2016

President Schroth said that this introduces the Budget. It will then be available for the Public to review. In subsequent meetings, we will have presentations by the various department heads; the Budget will be discussed prior to its adoption.

The Mayor said that our general operating budget for this year, depending on what Council decides during this process, will be \$43,378,000.00. The increase over the last year is less than one percent. State aid that we have received over the last three and one half years has remained flat at \$9,766,000.00. We have made some amendments to our Chapter 48 in 2014 which will have future savings. Current contracts that we have negotiated or are in the process of negotiating have been less than two percent. Regarding employee health contributions for 2016, we estimate that we will receive \$450,000.00 from employee paychecks. The Mayor stated that there will be a tax increase. Trying to stay within our means as we have done the past five years, the tax increase will be two cents. For the average homeowner, this will be about twenty-five dollars a year or six dollars and fifty cents per quarter. The Mayor said that with an operating budget of \$43,000,000.00 we could have taken it to some \$45,000,000.00 and still remain within the two percent cap. However, that was not our issue, we wanted to do the right thing - to do the things that need to be done, but be cognizant of the fact that homeowners have not received increases in pay or in their pensions. The Mayor then discussed how the value of the Township has increased from \$1,832,469,822.00 in 2010 to \$1,952,608,702.00 in 2016. The overall increase in the rateable is \$120,000,000.00. The Mayor said that he sees that trend continuing as there are a lot of things in the hopper. The full value of that will not be seen for five or six years. The Mayor then mentioned, concerning economic development, that we are looking for another hotel – the Hyatt Regency – with one hundred twenty-five beds. Even though our rateables and revenue have increased so have are our costs. Taxes need to increase in order for us to do the kinds of things residents have been asking for - putting in speed humps, paving the roads, adding park equipment, cleaning our parks. There needs to be a discussion about renovations to our buildings; these building have been neglected in the past and now a lot of work is needed. The Mayor then discussed the 2015 sewer bill - \$8,490,000.00 – and mentioned that there has been no increase in the sewer rate for the past three years. The Mayor said that it is an austere budget. It is up to Council to decide if anything can be cut. Council will have the opportunity to talk with the Department Heads. The Administration will supply Council with any requested information. The Mayor then presented the 2016 Budget to Council.

There were no questions or comments from Council.

Ron Prykanowski (16 Thurston Avenue) read “A Resolution Introducing and Approving the Budget...” and then said that that title is confusing because Council is not actually approving it tonight.

The CFO replied that Council is approving the Budget as introduced tonight. After a Public Hearing and no less than twenty-eight days, it will be amended and/or adopted by Resolution.

George Steward (30 Gilmore Road) asked what is the tax percentage increase.

The CFO replied that it is one point five two percent.

Mr. Steward asked if there is a number on the capital budget.

The CFO responded that it is just shy of four million dollars. It is not actually a budget, but a document subject to change.

Caroline Steward (30 Gilmore Road) asked how is the reappraisal going to play into this budget.

President Schroth replied that that will be next year.

The Attorney added that the revaluation will be formed this year but will not be effective until next year.

There were no additional questions or comments from the Public. Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Baxter. President Schroth asked for a roll call.

**ROLL CALL**

<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>President Schroth</b>	<b>YES</b>

2. The Clerk read (Resolution #16R-58) **A RESOLUTION AUTHORIZING THE ASSIGNMENT OR TRANSFER OF GENERAL APPROVAL FOR CLASS C RECYCLABLE MATERIALS TO EWING REALTY PARTNERS, LLC**

President Schroth said that this is a DEP request and requirement.

The Attorney explained that the compost facility itself has already been transferred. This is the permit to perform the recycling at the facility. It is a DEP issued permit. The DEP wants to see a Resolution from Council authorizing the transferring of the permit to the purchaser.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Resolution, seconded by Ms. Steward. President Schroth called for a roll call.

**ROLL CALL**

<b>Ms. Steward</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>President Schroth</b>	<b>YES</b>

3. The Clerk read (Resolution #16R-59) **A RESOLUTION APPROVING ERIC J. ST. AMAND AS AN ACTIVE FIREFIGHTER MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY**

President Schroth explained that when a new firefighter joins a fire company, it is required that Council approve by way of Resolution.

There were no questions or comments from Council or the Public. Mr. Baxter then moved the Resolution, seconded by Ms. Keyes-Maloney. President Schroth called for a roll call.

**ROLL CALL**

<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>President Schroth</b>	<b>YES</b>

4. The Clerk read (Resolution #16R-60) **A RESOLUTION AUTHORIZING A PERFORMANCE GUARANTEES RELEASE FOR SONIC – SRI REAL ESTATE PROPERTIES BLOCK 40.01, LOT 3, 1660 NORTH OLDEN AVENUE EWING TOWNSHIP ENGINEERS REMINGTON & VERNICK AND AFFILIATES #1102 / 060**

President Schroth said that this is a standard procedure upon completion of work; releasing the bond for site improvements.

There were no questions or comments from Council.

Mildred Russell (119 King Avenue) said that she has heard about Olden Avenue for five years and then commented that the only thing that she has noticed is that it looks worse each year. Mrs. Russell asked for an explanation of this process. The Attorney explained the site improvement process; including performance and maintenance bond procedures.

There were no additional questions or comments from the Public. Ms. Keyes-Maloney then moved the Resolution, with a minor amendment in the spelling of "Avenue", seconded by Mr. Baxter. President Schroth asked for a roll call.

**ROLL CALL**

Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Ms. Steward	YES
Ms. Wollert	YES
President Schroth	YES

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

There being no further business President Schroth called for a motion to adjourn. Ms. Wollert so moved seconded by Mr. Baxter. The meeting was adjourned at 8:02 p.m.

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David P. Schroth, President

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Kim J. Macellaro, Municipal Clerk