

April 12, 2016 – REGULAR SESSION

President Schroth called the meeting to order at 9:22 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

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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 – Absent | |
| ▪ President Schroth – Present | |

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

George Steward (30 Gilmore Road) commented that the new website was not ready to go live and then listed a number of issues with it: the lack of a search function on the homepage, the link panel on the homepage is not functional, only the April calendar is populated. Mr. Steward remarked that the website should be better considering the amount of money the Technology Department has gotten the past couple of years. Mr. Steward said that he wants to have a meeting with the Administration to give his insight, opinion and suggestions from a user’s point of view. Mr. Steward then asked for a timeline of meetings related to the budget between now and the Public Hearing for the budget listed as April 26th.

President Schroth replied that next Tuesday, April 19th at 6:00 p.m., we will have presentations from each of the Department Heads concerning their budget requests.

Mr. Steward requested that Council consider allowing the Public to take part in the question and answer process with the Department heads.

President Schroth replied that it is simply the Department heads presenting their budget requests and it is not part of the public discourse.

The Attorney explained that the Public Hearing may not take place sooner than twenty-eight days. These presentations are an information session for Council; Township employees should not be interrogated by the Public while presenting their budget. If a member of the Public has an issue with the budget or a comment, the Public should be

bring it up with Council. The Attorney added that at every public meeting there is a time for Public comment.

Councilwoman Keyes-Maloney remarked that it is the same process used by the State Legislature concerning the State budget except that the Public is not even allowed to speak during that meeting. Our meeting will allow the Public to speak.

Mr. Steward remarked that he could come up with a hundred questions that he could not get answers for in the five or ten minutes that are allowed. Because taxes support six percent of this budget, Mr. Steward stated that he wants to be more a part of this process.

President Schroth remarked that if you have questions afterward, you can follow-up with us and we will ask on your behalf.

Mr. Steward responded that it should be made more apparent that the Public will be able to comment.

Vice President Steward clarified that there will not be comments after each department presentation but at the end of the meeting.

There were no additional questions or comments from the Public.

BILLS LIST

1. The Clerk read (**Resolution #16R-62**) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,540,037.57 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$22,198.59

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

ROLL CALL

Ms. Steward	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	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-63 /**)

1. Approval of Agenda Session Minutes for December 8, 2015, February 23, 2016, March 8, 2016; Approval of Regular Session Minutes for December 8, 2015, February 23, 2016, March 8, 2016; Approval of Special Session Minutes for December 21, 2015
2. A Resolution Authorizing the Conduct of a Bingo Sponsored by the Children's Home Society of NJ
3. A Resolution Authorizing the Conduct of an On-Premise 50/50 Cash Raffle Sponsored by the Children's Home Society of NJ
4. A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by the Children's Home Society of NJ
5. A Resolution Authorizing the New Jersey State Police Memorial Association to Hold its Annual Chase (5KRun)
6. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Overpayment in the amount of \$250.00 to Charles Lawrence, 3 Marion Ct., Ewing, NJ 08628 for overpayment on rental property at 3 Marion Ct., Ewing, NJ 08628. He overpaid his Rental Registration.

7. **A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Overpayment in the amount of \$175.00 to Frances Anna Lapiere, 202 W. Upper Ferry Rd., Ewing, NJ 08628. The applicant was unaware of the senior discount.**
8. **A Resolution Authorizing a Refund of the Homestead Benefit, as Recommended by the Tax Collector, Due to the Property Being Tax Exempt in the amount of \$328.71 for homestead benefit, May 1, 2016, to Linkhorst Allen E & Joanne, 16 Downing Road, Ewing, NJ 08628 for property owner Linkhorst Allen E & Joanne, for Block: 458 Lot: 33 also known as 16 Downing Road.**

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
President Schroth	YES

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. **The Clerk read (Ordinance #16-07) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225-61 SCHEDULE XIV: TRUCKS OVER FOUR TONS TO EXCLUDE TRUCKS OVER FOUR TONS FROM BEAR TAVERN ROAD BETWEEN ROUTE 95 TO JACOBS CREEK ROAD**

President Schroth said that, as we discussed during the Agenda Session, this cleans up our ordinances to cover this portion of that roadway. The Attorney added that the title says it all.

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

ROLL CALL

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

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

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)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township of the Ewing in the County of Mercer finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$1,330,924 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget, shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the township of Ewing in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Ewing shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,330,924 and that the CY 2016 municipal budget for the Township of Ewing be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

STATEMENT

This Ordinance to permit an increase in the Municipal Budget to 3.5% over the previous year's final in cap appropriations and to establish a CAP bank in accordance with law.

President Schroth said that this is standard procedure.

The Attorney explained that this is adopted annually and is good for two years on a rolling basis. It is a way to reward towns who are fiscally responsible; it establishes a "rainy day" fund.

The Administrator gave the example of Hurricane Sandy.

Councilwoman Keyes-Maloney added that with the property tax levy it becomes even more critical that we do this on an annual basis.

There were no additional questions or comments from Council. Ms. Keyes-Maloney made a motion to open the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote.

George Steward (30 Gilmore Road) said that this is just Council giving the Township permission to spend this money in the event that it is needed over the next couple of years. It raises the appropriation limit to three and one-half percent.

About one million dollars available this year will expire if not used. Mr. Steward said that he has heard a number of reasons why this is necessary and then read the portion of the Ordinance which said that it be in the interest of promoting the health, safety and welfare of the citizens. Mr. Steward asked Council to keep this in mind – it is Council acting on behalf of the citizens. Mr. Steward stated that there are no assessments based upon the possible use of this money.

The Attorney explained what a cap bank is.

Mr. Steward then said let us say that there is a need to use that million dollars this year. What does that million dollars due to the budget when it is used as right now the budget is balanced without that million dollars. How does that get reconciled with offsetting revenues to keep the budget balanced.

The Attorney said that it is a budgeting tool; you have to have it. You put it in your budget; you do not put it in later.

The Administrator said that it still has to come before Council; it would be treated like an emergency appropriation.

Councilwoman Keyes-Maloney added that it still has to be appropriated. DCA requires it, without this flexibility you do not have room to handle situations like Hurricane Sandy. School districts have similar authority.

President Schroth said that even if we use this, we are still under the cap.

Mr. Steward, Council, the Administrator and the Attorney then further discussed the cap bank.

There were no additional questions or comments from members of the Public. Mr. Baxter made a motion to close the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. Ms. Keyes-Maloney then moved the Ordinance, seconded by Mr. Baxter. President Schroth asked for a roll call.

ROLL CALL

Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Ms. Steward	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

BE IT ORDAINED by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 CHAPTER 225-49 SCHEDULE II: EMERGENCY NO PARKING is hereby amended as follows:

§ 225-49 SCHEDULE II: EMERGENCY NO PARKING.

- A. In accordance with the provisions of § 225-6, no vehicle shall be parked on the following main traveled or major roadways or portion thereof:

Name of Street	Side	Location
Albemarle Avenue	South	From Parkside Avenue to Hendrickson Avenue
Allison Avenue	North	From Buttonwood Drive to Groveland Avenue
Ardasley Avenue	North	From Buttonwood Drive to Groveland Avenue
Beechwood Avenue	East	From Parkway Avenue to Homan Avenue
Berwyn Avenue	East	From Parkway Avenue to Homan Avenue
Bismark Street	East	From Ingham Avenue to Southard Street
Brenwal Avenue	East	Entire length
Brian Avenue	East	From Heath Avenue to North Olden Avenue
Brookside Avenue	North	From Chelsea Avenue to Prospect Street
Bull Run Road	South	Entire length
Buttonwood Drive	Both	Somerset Street to Parkside Avenue
Carlton Avenue	Both	Entire length
Central Avenue	Both	Route 31 to Glen Mawr Drive
Clamer Road	Both	Entire length
<u>Clermont Avenue</u>	<u>South</u>	<u>Entire length</u>
Clover Avenue	South	From Prospect Street to Route 31
Concord Circle	Entire circle	Along inside curb radius, entire length
Darby Court	Both	Entire length
Downing Road	Both	Entire length
Eggerts Crossing Road	Both	Entire length
Farrell Avenue	Both	Parkway Avenue to Glen Mawr Drive
Federal City Road	Both	Entire length

Name of Street	Side	Location
Florence Avenue	North	Entire length
Franklyn Road	Both	Entire length
Gilmore Road	Both	Entire length
Glen Clair Drive	Both	Entire length
<u>Glendale Avenue</u>	<u>West</u>	<u>Entire length</u>
Glen Mawr Drive	Both	Entire length
Graphics Drive	East	From Upper Ferry Road, entire length
Greenland Avenue	South	From Prospect Street to Route 31
Green Lane	Both	Entire length
<u>Greenwald Avenue</u>	<u>South</u>	<u>Entire length</u>
Harding Street	Both	Entire length to Broad Avenue
Hazelhurst Road	South	From Parkside Avenue to Prospect Street
Heath Avenue	South	From Princeton Avenue to Brian Avenue
Hillcrest Avenue	Both	Parkway Avenue to the City of Trenton
Hollowbrook Drive	Both	Entire length
Homecrest Avenue	South	From Prospect Street to Route 31
Ingham Avenue	North	Entire length
Jake Garzio Drive	West	From Upper Ferry Road
Keswick Avenue	South	From Buttonwood Drive to Groveland Avenue
Langford Lane	Both	Entire length
Lanning Avenue	East	Entire length
Lower Ferry Road	Both	Parkway Avenue to Hopewell Township
Lower Ferry Road	Both	Route 29 to Sullivan Way
Main Boulevard	East	Entire length
Marion Court	Entire court	Outside curb radius, entire length
McMullen Drive	East	Entire length
Millard Terrace	East/south	Along inside curb radius, entire length
<u>Monticello Avenue</u>	<u>South</u>	<u>Entire length</u>
Mountain View Road	Both	Entire length
New Hillcrest Avenue	North	From Parkside Avenue to Prospect Street
Oriole Drive	West	From Meadowlark Lane to end
Penn Court	Both	Entire length
Pennwood Avenue	South	Entire length
Pennwood Drive	Entire drive	Along inside curb radius, entire length
Plaza Court	Both	Entire length
Preston Avenue	West	From Stuyvesant Avenue to end
Railroad Avenue	North	From Grand Avenue to New Avenue
Roosevelt Street	East	From Ingham Avenue to Southard Street
Rosedale Avenue	South	From Parkside Avenue to Prospect Street
Scenic Drive	Both	Entire length
Somerset Street	Both	Route 31 to Buttonwood Drive
Stout Avenue	South	From Princeton Avenue to Brian Avenue
Stuyvesant Avenue	Both	Entire length
Theresa Street	Both	Entire length
Trent Street	South	From Calhoun Street to end
Weber Avenue	South	From Prospect Street to Route 31
Western Avenue	North	Entire length
Wynnewood Road	Both	Entire length

President Schroth explained that this is geared toward snowplowing and was recommended by the Police Department.

There were no questions or comments from Council. Ms. Keyes-Maloney made a motion to open the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. There were no questions or comments from the Public. Mr. Baxter made a motion to close the Public Hearing, seconded by Ms. Keyes-Maloney. It was agree by unanimous voice vote. Ms. Steward then moved the Ordinance, seconded by Mr. Baxter. President Schroth asked for a roll call.

ROLL CALL

Mr. Baxter	YES
Ms. Steward	YES

Ms. Keyes-Maloney YES
President Schroth YES

NEW BUSINESS

1. The Clerk read (**Resolution #16R-64**) A RESOLUTION OF EMERGENCY TEMPORARY APPROPRIATION

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

ROLL CALL

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

2. The Clerk read (**Resolution #16R-65**) A RESOLUTION AUTHORIZING EXECUTION OF A RECYCLING TONNAGE GRANT APPLICATION

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
President Schroth YES

3. The Clerk read (**Resolution #16R-66**) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MERCER AND THE TRENTON HEALTH TEAM FOR TUBERCULOSIS CLINICAL AND CASE MANAGEMENT SERVICES

President Schroth stated that this creates a joint services agreement to handle tuberculosis. It provides a cost savings to us and to the other towns in the County.

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

ROLL CALL

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

4. The Clerk read (**Resolution #16R-67**) A RESOLUTION REJECTING PROPOSAL AND AUTHORIZING RE-ADVERTISEMENT OF CONTRACT FOR PERFORMANCE OF HOME ENERGY AUDITS

Council President Schroth said that this is a Resolution to reject the bids for the energy audits primarily based on cost. Specifications will be revised and this will be rebid.

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

ROLL CALL

Ms. Steward YES

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

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

President Schroth announced that there will be a Special Session on Tuesday, April 19th. Department Heads will present their budgets. It will begin at 6:00 p.m. On Tuesday, April 26th, there will be a Public Hearing on the Introduced and Approved Budget. Also that night, the Board of Health will meet at 6:00 p.m., followed by the Agenda Session at 6:30. The Regular Meeting will begin at 7:00 p.m. or when the Agenda Session concludes.

There being no further business President Schroth called for a motion to adjourn. Mr. Baxter so moved seconded by Ms. Steward. The meeting was adjourned at 10:01 p.m.

David P. Schroth, President

Kim Macellaro, Municipal Clerk