

September 27, 2016 – REGULAR SESSION MINUTES

President Schroth called the meeting to order at 7:13 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 – Excused | Maeve Cannon, Attorney |
| ▪ Ms. Steward – Present | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Schroth – Present | |

The Clerk stated for the record that Councilwoman Keyes-Maloney has an excused absence for this evening.

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

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

BILLS LIST

1. The Clerk read (Resolution #16R-172) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$5,745,635.34 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$11,434.08

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

ROLL CALL

Ms. Steward	YES
Mr. Baxter	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:

1. **Approval of Minutes of the Special Meeting of August 4, 2016, August 16, 2016 (Agenda) and August 16, 2016 (Regular).**

There were no questions or comments from Council or the Public. 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/ABSTAIN
President Schroth	YES

Councilman Baxter stated that he approves the Minutes of August 4th, 2016 but abstains from the Minutes of August 16, 2016 as he was absent from that meeting.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

1. **The Clerk read (Ordinance 16-15) AN ORDINANCE AUTHORIZING THE EWING TOWNSHIP REDEVELOPMENT AGENCY TO ENTER INTO AN AGREEMENT WITH SRI REAL ESTATE PROPERTIES, LLC (SRI) A/K/A SONIC IN WHICH SRI WILL PAY EWING TOWNSHIP, IN LIEU OF FULL PROPERTY TAXES, AN AMOUNT EQUAL TO A PERCENTAGE OF TAXES OTHERWISE DUE UNDER THE FIVE YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ON THE VALUE OF PHYSICAL IMPROVEMENTS MADE**

BE IT ORDAINED by the Township Council of the Township of Ewing that the Ewing Township Redevelopment Agency is authorized to enter into an Agreement with SRI Real Estate Properties, LLC (“SRI”) A/K/A Sonic in which SRI will pay the Township of Ewing (“Township”), in lieu of full property taxes, an amount equal to a percentage of taxes otherwise due on the portion of the assessed value at the completion of the project above the assessment at the time of the commencement of the project.

Section 1:

The Ewing Township Redevelopment Agency has received an application from SRI to redevelop an area located within the Olden Avenue Redevelopment Area, identified as Block 40.01, Lot 3, and such application also requests financial assistance in the form of a tax exemption and abatement pursuant to the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq.

The Ewing Township Redevelopment Agency has negotiated an agreement with SRI, such agreement being formally approved and accepted by the Ewing Township Redevelopment Agency on July 6, 2016; and

SRI qualifies for a tax abatement on the physical improvements under N.J.S.A. 40A:21-1, et seq.; SRI shall be responsible for the payment of taxes on the existing assessment of the

subject property of \$300,000, and the abatement shall apply to the difference between such existing value and the assessed value of the property upon completion of the project. In other words, the abatement will apply to the assessed value of the project's improvements on the property.

In accordance with N.J.S.A. 40A:21-10(c), the Township is authorized to enter into an agreement with SRI in which SRI will pay to the Township, in lieu of full property tax payments, an amount equal to a percentage of taxes otherwise due on the value of the project's improvements on the property, according to the following schedule:

- (1) In the first full tax year after completion (2016), no payment in lieu of taxes otherwise due;
- (2) In the second tax year (2017), an amount not less than 20% of taxes otherwise due;
- (3) In the third tax year (2018), an amount not less than 40% of taxes otherwise due;
- (4) In the fourth tax year (2019), an amount not less than 60% of taxes otherwise due;
- (5) In the fifth tax year (2020), an amount not less than 80% of taxes otherwise due;
- (6) In the sixth tax year (2021), an amount not less than 100% of taxes otherwise due.

The amounts equal to taxes currently being paid on the property to the Ewing Township Board of Education, the County of Mercer, and the Township of Ewing will remain constant over the period of the agreement.

Section 2. This ordinance shall take effect upon final adoption and publication in accordance with law.

STATEMENT

This Ordinance authorizes the Ewing Township Redevelopment Agency to enter into an agreement with SRI Real Estate Properties, LLC ("SRI") A/K/A Sonic under the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq. on the value of improvements made.

Adopted:

The Attorney explained that this Ordinance is before Council for approval of a five-year abatement under the abatement law. This property is in the Redevelopment Zone and is eligible. The abatement is only on the value of the improvements on the property; the underlying assessment is unchanged. This will be a five-year phase-in in twenty percent annual increments until the property is at full taxation after five years.

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

ROLL CALL

Ms. Wollert	YES
Ms. Steward	YES
Mr. Baxter	YES
President Schroth	YES

NEW BUSINESS

1. The Clerk read (Resolution #16R-173) **A RESOLUTION APPROVING A PROPERTY TAX REDUCTION FOR 7 FARM ROAD LOCATED AT BLOCK 223.06, LOT 109 ON THE EWING TOWNSHIP TAX MAP**

The Attorney explained that a tree fell on this house and rendered it uninhabitable. The owner made a request that the assessments on the improvements on this property be abated until the house is fixed. The underlying property assessment will remain unchanged and property taxes will continue to be paid on that.

Councilman Baxter asked if the house itself is still there.

The Attorney replied – yes.

The Administrator added that the tree came down right on the house.

Councilman Baxter asked if anyone was hurt.

The Administrator replied – no.

President Schroth ask if the house will be leveled as a result of this.

The Administrator replied that that will be up to the insurance company, but structurally it is not safe to live in.

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

ROLL CALL

Ms. Steward	YES
Mr. Baxter	YES
Ms. Wollert	YES
President Schroth	YES

The Clerk read Items Two through Five.

2. The Clerk read (**Resolution #16R-174**) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND(S) OF SANOCKI – 1822 PENNINGTON ROAD (BLOCK 161, LOT 20.01) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 070
3. The Clerk read (**Resolution #16R-175**) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND(S) OF SANOCKI – 1824 PENNINGTON ROAD (BLOCK 161, LOT 1.02) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 070
4. The Clerk read (**Resolution #16R-176**) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND(S) OF SANOCKI – 1826 PENNINGTON ROAD (BLOCK 161, LOT 2.02) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 070
5. The Clerk read (**Resolution #16R-177**) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND(S) OF GF PRINCETON LLC SITE PLAN (BLOCK 371, LOT 3.04) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 066

The Clerk added that for Item Five, the address is 370 Scotch Road.

The Council President asked if it is 370 or 371 Scotch Road.

It was agreed that it is 370 Scotch Road.

The Administrator added that 371 is the Block.

There were no additional questions or comments from Council. There were no questions or comments from the Public. Ms. Wollert made a motion to move Items Two through Five as a Block, seconded by Mr. Baxter. President Schroth asked for a roll call.

ROLL CALL

Mr. Baxter	YES
Ms. Wollert	YES
Ms. Steward	YES
President Schroth	YES

6. The Clerk read (**Resolution #16R-178**) A RESOLUTION AUTHORIZING THE INSTALLATION OF SEVEN (7) BUS SHELTER(S) LOCATED WITHIN THE

TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY AS PROVIDED AND FUNDED BY NEW JERSEY TRANSIT CORPORATION

President Schroth explained that these are shelters being put up at a variety of bus stops per the Department of Transportation. DOT is paying all the expenses relating to the installation and The Township will be responsible for the maintenance of these shelters.

The Administrator added that if Council approves this, the Resolution will be forwarded to the County because all of these are located on County roads.

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. Wollert	YES
President Schroth	YES

7. The Clerk read (**Resolution #16R-179**) **A RESOLUTION CONSENTING TO THE APPOINTMENT OF JIM HENDRICKS TO THE EWING TOWNSHIP ARTS COMMISSION**

President Schroth said that we have an appointment on the Arts Commission. Mr. Hendricks is eminently qualified for that position.

The Administrator added that he has been active in art shows throughout the region and has recently moved to Ewing. The Arts Commission has blossomed as an active group. He will bring a different perspective.

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

ROLL CALL

Ms. Wollert	YES
Ms. Steward	YES
Mr. Baxter	YES
President Schroth	YES

8. The Clerk read (**Resolution #16R-180**) **A RESOLUTION CONSENTING TO THE APPOINTMENT OF FRANK SCANGARELLA TO THE ZONING BOARD, FILLING THE UNEXPIRED TERM OF JAMES KOSTINAS WHICH EXPIRES ON DECEMBER 31, 2018.**

President Schroth said that Mr. Scangarella is eminently qualified to fill this vacant position on the Zoning Board. He previously served on the Zoning Board in Lawrence Township; he served as Governor's Council Deputy Attorney General and is the current Assistant Director of the New Jersey Environmental Trust. President Schroth then introduced Mr. Scangarella and asked him if he wanted to address Council.

Mr. Scangarella thanked Council for considering him for this position.

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

ROLL CALL

Ms. Wollert	YES
Ms. Steward	YES
Mr. Baxter	YES
President Schroth	YES

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

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 7:27 p.m.

David P. Schroth, President

Kim J. Macellaro, Municipal Clerk