

**February 28, 2017 – REGULAR SESSION**

President Steward called the meeting to order at 7:30 p.m.

The Clerk read the Invocation: 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

President Steward read the Open Public Meetings 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 4th day of January, 2017.

**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 | Maeve Cannon, Attorney         |
| ▪ Mr. Schroth – Present       | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present       |                                |
| ▪ President Steward – 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 #17R-40**) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$5,152,540.90 and to Pay Supplemental Bills per Resolution #17R-14 in the Amount of \$26,482.25

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

**ROLL CALL**

Mr. Baxter	YES
Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
President Steward	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 #17R-41/)**

1. Approval of Agenda Session Minutes for January 10, 2017; Approval of Regular Session Minutes for January 10, 2017
2. A Resolution approving Aaron M. Banka as a Senior Member of the West Trenton Volunteer Fire Company.
3. A Resolution authorizing the conduct of a Bingo sponsored by Ewing High School Project Graduation to be held on April 1, 2017

Councilman Baxter clarified his earlier statement made during the Agenda Session and said that he will be voting on this item as he was at the January 10<sup>th</sup> Council meeting.

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 Mr. Schroth. President Steward called for a roll call.

**ROLL CALL**

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

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

**(None for this Meeting)**

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

**(None for this Meeting)**

**NEW BUSINESS**

1. The Clerk read **(Resolution #17R-42)** A RESOLUTION CLARIFYING AND AMENDING THE END DATE OF THE TOWNSHIP LEASE AGREEMENT WITH THE CYO MERCER COUNTY FOR USE OF A PORTION OF THE HOLLOWBROOK COMMUNITY CENTER.

The Attorney explained that the CYO leases a portion of the Hollowbrook Center to conduct its programs for young children in the Township. Because the Hollowbrook Center has been closed for the past year, a chunk of their lease was not used. The CYO is asking that that “missing” year be added to the end of their lease.

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

**ROLL CALL**

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

2. The Clerk read (Resolution #17R-43) A RESOLUTION AUTHORIZING APPLICATION TO MERCER COUNTY FOR FUNDING ACTIVE RECREATION UNDER THE MERCER AT PLAY PROGRAM.

President Steward explained that this is to seek a matching grant from the County of Mercer for up to \$500,000.00 for various improvements to the Township's recreational facilities that were determined in consultation with the Recreation Advisory Board. The definitive list will be developed once the Township gets some sense as to the cost of the various projects.

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

**ROLL CALL**

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

3. The Clerk read (Resolution #17R-44) A RESOLUTION AUTHORIZING EWING TOWNSHIP'S APPLICATION FOR "BUILDING A SUSTAINABLE COMMUNITY THROUGH CREATIVE PLACE-MAKING AND REAFFIRMED SUSTAINABILITY EDUCATION AND OUTREACH", A SUSTAINABLE JERSEY GRANT BY THE EWING TOWNSHIP SUSTAINABLE GREEN TEAM.

President Steward stated that during the Agenda Session one of the Co-Chairs explained the aspirations for this \$2,000.00 grant.

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

**ROLL CALL**

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

4. The Clerk read (Resolution #17R-45) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO AWARD AN EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A:11-6 FOR EMERGENCY REPAIRS TO THE TOWNSHIP'S EXISTING STORMWATER COLLECTION SYSTEM.

The Attorney explained that this is for the collapse of a stormwater sewer pipe on Van Saun Drive. This is the second time that it has failed. The first time it failed, the Township tried to remedy it itself because the quotes that came in to fix it were so high. Those remedial measures failed again and it needs to be fixed. The Township Engineer certified the emergency and immediately solicited quotations. This is the lowest quotation at \$68,352.00 which is less than half of the next lowest quotation. The Mayor clarified that this is for a stormwater drain pipe; not sewer.

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

**ROLL CALL**

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

5. The Clerk read (Resolution #17R-46) A RESOLUTION AUTHORIZING AN EXTENSION OF THE GRACE PERIOD FOR FEBRUARY 1, 2017 TAX QUARTER.

President Steward said that we had a snow event during the timeframe in which the normal tax collection grace period was occurring and so this extends it until February 13<sup>th</sup>.

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

**ROLL CALL**

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

6. The Clerk read (Resolution #17R-47) A RESOLUTION REJECTING ALL BIDS RECEIVED IN RESPONSE TO THE TOWNSHIP'S REQUEST FOR BIDS FOR A VENDOR TO MANAGE, OPERATE AND MAINTAIN TWO (2) PUBLIC SWIMMING POOLS LOCATED IN THE TOWNSHIP OF EWING FOR THE 2017 SUMMER SWIM SEASON.

The Attorney explained that the bid came in higher than anticipated so the Township, in looking at the specifications, determined to remove some of the initial set-up work and some of the close-out work to try to reduce the cost of the bid. Some other clarifications were made to the specification. It has now been re-bid in the hopes that the price will come in lower.

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

**ROLL CALL**

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

7. The Clerk read (Resolution #17R-48) A RESOLUTION SUPPORTING A-4532 EXEMPTING PERSONAL INFORMATION FROM OPRA LAW.

President Steward said that this Resolution is expressing the sense of Council and our support of this legislation in the State Assembly that would take care to protect residents' personal information from public records requests. Right now, it is rather open as to what can be obtained through public record requests.

The Attorney added that this legislation would also provide that if a requestor went to Court and prevailed, as long as the Township had a reasonable basis for and acted in good faith in the rejection of the OPRA request, then the fee shifting provision would not go into effect and the Township would not be responsible for the requestor's attorney fee. Right now, it is a very onerous provision and the Town has tremendous exposure when weighing these OPRA requests.

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

**ROLL CALL**

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

8. The Clerk read (Resolution #17R-49) A RESOLUTION AUTHORIZING THE AWARD OF A PUBLIC CONTRACT TO EIC INSPECTION AGENCY CORP. FOR THE PROVISION OF ELEVATOR INSPECTION SERVICES.

The Council President stated that the Township is required to have an elevator inspector.

The Attorney explained that bids were solicited on the basis that the DCA sets a maximum cost that can be charged to any of the third parties who are inspected by this inspection company. Bidders bid as a percentage of that maximum number. There was only one bid; sixty-eight percent for the first year and eighty percent for years two and three.

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

**ROLL CALL**

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

9. The Clerk read (Resolution #17R-50) A RESOLUTION AUTHORIZING THE AWARD A PUBLIC CONTRACT FOR FISCAL YEAR 2015 NJDOT TRUST FUND RESURFACING OF GREEN LANE IN THE AMOUNT OF \$167,740.26

President Steward said that this is the second half of the Township's DOT grant to resurface Green Lane from the bridge at Hollowbrook down to Ewingville Road. The Administrator added that we repaved Green Lane from Route 31 to the bridge last year.

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

**ROLL CALL**

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

10. The Clerk read (Resolution #17R-51) A RESOLUTION APPOINTING BASIT ALI MUZAFFAR AS A MEMBER OF THE EWING LAWRENCE SEWERAGE AUTHORITY

President Steward said that we are grateful that someone with such expertise is willing to serve the residents of Ewing Township on the Ewing Lawrence Sewerage Authority.

The Mayor added that Mr. Muzaffar is going to be a great choice for Ewing Township and with all of Mr. Muzaffar's expertise, the Township will be served very well.

The Administrator added that the Mayor asked him to take Mr. Muzaffar to ELSA's Reorganization meeting last week. The Board welcomed him and he will be on the Engineering Committee which is important to Ewing.

Councilman Baxter thanked Mr. Muzaffar for his willingness to serve.

The Council President then mentioned to Mr. Muzaffar that she and her colleagues are happy to be a resource to him; that he should not hesitate to reach out to them if he needs any help.

Mr. Muzaffar thanked the Mayor and Council and said that he is honored. Mr. Muzaffar said that he is looking forward to serving on the Board. Mr. Muzaffar then said that if the Township ever needs "another set of eyes" for any engineering issue, it would be his pleasure to help.

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. Wollert. President Steward asked for a roll call.

#### **ROLL CALL**

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

Mr. Muzaffar was then sworn in as a member of the Ewing Lawrence Sewerage Authority by the Mayor.

#### **CLOSED SESSION**

(None for this Meeting)

#### **ADJOURNMENT**

There being no further business President Steward called for a motion to adjourn. Mr. Baxter so moved seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. The meeting was adjourned at 7:50 p.m.

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Sarah Steward, President

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Kim J. Macellaro, Municipal Clerk