

April 11, 2017 – REGULAR SESSION

President Steward called the meeting to order at 7:31 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

The Council President 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

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

The Clerk stated for the record that Mr. Baxter has an excused absence.

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

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

BILLS LIST

1. The Clerk read (**Resolution #17R-73**) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$791,846.00 and to Pay Supplemental Bills per Resolution #17R-14 in the Amount of \$5,619.37

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

ROLL CALL

Ms. Keyes-Maloney	YES
Mr. Schroth	YES
Ms. Wollert	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-74/)**

- 1. Approval of Agenda Session Minutes for February 14, 2017, February 28, 2017; Approval of Regular Session Minutes for February 14, 2017, February 28, 2017**
- 2. A Resolution Authorizing the Conduct of a Bingo Sponsored by the Children's Home Society of New Jersey Inc.**
- 3. A Resolution Authorizing the Conduct of an On Premises 50/50 Cash Raffle Sponsored by the Children's Home Society of New Jersey Inc.**
- 4. A Resolution Authorizing the Conduct of an On Premises Tricky Tray Sponsored by the Children's Home Society of New Jersey Inc.**
- 5. A Resolution Authorizing the Conduct of an On Premises 50/50 Cash Raffle Sponsored by Meals on Wheels of Mercer County**
- 6. A Resolution Authorizing the Conduct of a 50/50 Off Premises Raffle Sponsored by PTA St. Paul School**
- 7. A Resolution Authorizing the Conduct of a Tricky Tray Sponsored by PTO Bear Tavern Elementary School, Inc.**
- 8. A Resolution Authorizing the New Jersey State Police Memorial Association to Hold its Annual Chase (5KRun)**
- 9. A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector; a REFUND in the amount of \$1334.28 and a CANCELLATION in the amount of \$3216.96 due to: 100% Disabled Veteran Approved from 2-1-17 through 5-1-17, 1st & 2nd quarter tax bill to Carl W Oliver, 1457 Pennington Rd., Ewing, NJ 08618 for property owner Carl W Oliver for Block: 234.04 Lot: 9, also known as 1457 Pennington Rd.**
- 10. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1431.65 for February 1, 2017 1st quarter taxes to Lukasz, Milkowski, 1 Beckett Ct., Ewing, NJ 08628, for property owner Lukasz, Milkowski for Block: 588 Lot: 70 also known as 1 Beckett Ct.**
- 11. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$129.43 for April 1, 2017 1st half sewer bill to National Title Agency, 701 Rte 73 Suite 1, Marlton, NJ 08053, for property owner Josephine Suozzi for Block: 474 Lot: 41 also known as 35 Glen Stewart Dr.**

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

ROLL CALL

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (**Ordinance #17-11**) AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE TOWNSHIP OF EWING TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

The Attorney explained that this Ordinance completely replaces the Township's existing housing ordinance to bring it into compliance with the terms of the settlement agreement that the Town entered into in November of 2016 in connection with the Township's obligations under the Council on Affordable Housing Act requirements.

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

ROLL CALL

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

The Attorney stated that since this is a Zoning Ordinance, Council should refer this to the Clerk so the Clerk can refer it to the Planning Board for the Planning Board to conduct their Master Plan consistency review under the obligations of the Municipal Land Use Law. And then it will come back before Council for Second Reading, Public Hearing and Final Adoption. Council referred the Ordinance to the Planning Board.

2. The Clerk read (**Ordinance #17-12**) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND § 225-67, SCHEDULE XX: LEFT TURN PROHIBITIONS

President Steward said that this is to codify the "No Left Turn" when traveling south bound on Route 31 into the Panera Bread between Carlton Avenue and Main Boulevard.

There were no questions or comments from Council.

The Clerk correctly stated the Code Section Number at the request of a member of the Public. There were no additional questions or comments from the Public.

Mr. Schroth then moved the Ordinance, seconded by Ms. Wollert. The Council President asked for a roll call.

ROLL CALL

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

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

1. The Clerk read (**Ordinance #17-10**) AN ORDINANCE FOR THE CALENDAR YEAR 2017 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 0.5% 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 2017 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 \$1,155,179.05 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 2017 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 \$1,347,708.89 and that the CY 2017 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.

The Attorney explained that this is not actual money. It is the theoretical ability to raise the Township Budget by this additional reserved amount. It is recommended as a "best practice" and must be adopted prior to the adoption of the Budget.

There were no questions or comments from Council.

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

ROLL CALL

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

NEW BUSINESS

1. The Clerk read (**Resolution #17R-75**) A RESOLUTION ENDORSING THE 2017 HOUSING ELEMENT AND FAIR SHARE PLAN

President Steward stated that this corresponds to the Ordinance Council just referred to the Planning Board.

The Attorney added that it is part in parcel of the settlement agreement. All implement various aspects of the Town's compliance with their affordable housing obligations.

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

ROLL CALL

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

The Council President announced that she is recusing herself for Item Number Two due to personal conflict and asked Vice President Wollert to handle this item.

2. The Clerk read (**Resolution #17R-76**) A RESOLUTION ADOPTING AMENDED TRUST FUND SPENDING PLAN

The Attorney said that developers, in-lieu of building actual units, are required to contribute two and one half percent to the COAH Trust Fund. Those monies are then available to the Township to spend to meet its affordable housing obligations. This Plan outlines the way the money will be directed by the Township. It does not identify specific projects but rather identifies types of projects.

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

ROLL CALL

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

3. The Clerk read (**Resolution #17R-77**) A RESOLUTION ADOPTING AFFIRMATIVE MARKETING PLAN

President Steward explained that this sets guidelines and the format Council will be looking for from the developers to document their marketing plan to affirmatively reach underserved communities so that there is sufficient notice of the availability of income restricted units.

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

ROLL CALL

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

4. The Clerk read (**Resolution #17R-78**) A RESOLUTION AUTHORIZING THE PROHIBITION OF LEFT TURNS ALONG ROUTE NJ 31 (PENNINGTON

ROAD) AROUND THE CAMPUS TOWN'S ENTRANCE/EXIT DRIVEWAY AT THE COLLEGE OF NEW JERSEY

President Steward stated that this codifies the "No Left-Hand Turn" into the Panera off Route 31 South between Carlton and Main.

The Attorney and Councilman Schroth discussed the enforcement of "Left Hand Turn" prohibitions. The Attorney suggested that any Planning Board resolution be forwarded to Council who then can act to amend the Schedule. It would be a better process and easier from an enforcement perspective to have each "No Left Turn" listed in the Schedule instead of relying on a "By Reference" from a Planning Board resolution.

There were no additional questions or comments from Council. There were no questions or comments from 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. Schroth YES
President Steward YES

5. The Clerk read (Resolution #17R-79) A RESOLUTION AUTHORIZING AN EXTENSION OF THE SEWER REMITTANCE GRACE PERIOD FOR THE APRIL 1, 2017 SEWER BILL TO THE DATE OF APRIL 27, 2017

President Steward said that given the timing of the passage of the sewer rate, the sewer bills went out on April 1st. This grants an additional several days for residents to remit their sewer payment without penalty.

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

ROLL CALL

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

6. The Clerk read (Resolution #17R-80) A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

President Steward said this came to Council at the request of the IT Department. A list of the equipment is in Council's packet.

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
Ms. Keyes-Maloney YES
President Steward YES

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

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

Sarah Steward, President

Kim J. Macellaro, Municipal Clerk