

February 28th, 2017 – AGENDA SESSION

President Steward called the meeting to order at 6:31 p.m. and read the Open Public Meeting 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 THE 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 |
| ▪ Mr. Schroth – Present | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Steward – Present | |

DISCUSSION

1. **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 is requesting that the end date of their lease agreement with the Township be modified because one year of their lease term had been removed. No other changes are being made to the lease agreement.

There were no questions or comments from Council or the Public.

2. **A RESOLUTION AUTHORIZING APPLICATION TO MERCER COUNTY FOR FUNDING ACTIVE RECREATION UNDER THE MERCER AT PLAY PROGRAM.**

The Administrator explained that this is in cooperation with the County who will match what the Township spends up to one-half million dollars. The Township will have one million dollars to refurbish the parks. The Recreation Advisory Commission has made some recommendations which include: additional basketball courts at Moody Park as well as rehabbing the tennis courts for additional parking. There are tennis courts at Ewing High, Banchoff Park and the Ewing Community and Senior Center; additional parking is needed at Moody Park. Also, improvements will be made to to the pool areas.

Councilman Baxter thanked the Administration for applying for this grant and also thanked the Mayor for working with him on trying to get some of these things done.

There were no additional questions or comments from Council.

Mildred Russell (119 King Avenue) asked what will happen with the tennis courts at Moody Park.

The Administrator responded that the tennis courts at Moody need to be rehabbed. That, alone, would cost one half million dollars. The Administrator stated that the Township would then not be able to do too much else. Tennis is not as popular as it once was and the Township does have tennis courts at the High School, Banchoff Park and the Senior Center. The wall will be left up. The Administrator added that the Township did apply for a Green Acres grant two years ago to refurbish the tennis courts; Trenton received the grant instead. The Township needs to spread out the money a little bit more than just spending it on tennis courts.

Mrs. Russell asked if, in the summertime, is it possible to arrange for a group of children to be able to use the tennis courts at the High School.

The Administrator replied – absolutely; reach out directly to Ted Forst to schedule the use of the courts ahead of time or “gamble” and just go over there.

President Steward added that NJTL runs a tennis program at both Ewing High and Cadwalader Park.

Mrs. Russell commented that in the old days there used to be a lot of activities over at Trenton State; but it is pretty tough to get anything done over there now.

There were no additional questions or comments from the Public.

3. 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.

Council President Steward introduced Joanne Mallowney, Co-Chair of the Ewing Green Team.

Joanne Mallowney (Co-Chair, Ewing Green Team) said that this a \$2,000 capacity-building grant from Sustainable Jersey. With it, the Green Team is hoping that it can extend its reach. During the past year, the Township has been very generous supporting Green Team activities and now the Green Team wants to try to get some money on their own. There are three parts to the grant: continuing education and outreach, community programming such as updating the Green Business Recognition Program and running a rain barrel workshop, and creative placemaking such as prizes for the scarecrow contest or contests for art installation. President Steward said that she is so impressed with what the Green Team does with relatively meager funds; that the Green Team is planning to do all of this with only a \$2,000.00 grant. President Steward then said that she is proud to support the Green Team’s efforts in applying for another grant.

Councilwoman Keyes-Maloney commented that Ms. Mallowney has been great with reaching out to the Arts Commission around the creative placemaking and then said that she hopes that the Green Team will continue to work with the Arts Commission. Ms. Mallowney said that the Green Team does hope to work with the Arts Commission with this grant; maybe with “Art Has No Boundaries.”

Councilman Baxter asked if the Green Team is ever going to get back to holding classes to make rain barrels.

Ms. Mallowney replied that that is one of the programs for this spring. The Green Team has had a couple of requests and Mr. Forst has told them that he has had a couple of requests for this workshop as well.

Vice President Wollert said that she was the Council Liaison to the Green Team when the group was first started. Vice President Wollert said that the progress that the group has made is nothing short of amazing. The group has done wonderful things for the Community and persevered when things did not look too positive a few years back. The Vice President then thanked the Group for their efforts.

Ms. Mallowney replied that the Green Team could not have done it without the support of everyone here.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

4. 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 there was a sewer pipe on Van Saun Drive that had a catastrophic failure some months ago resulting in a bunch of sinkholes. The Township repaired it, initially, using its own internal labor. Unfortunately, that effort to repair it internally caused another recent failure, so recently, that it needs to be repaired immediately and so that is the reason for this emergency contract. The Township Engineer has prepared a report as to the nature of the emergency and the DEP has been notified. This is an award of an emergency contract. \$68,352.00 is the cost of the repairs. This is much lower than the quotes that were initially obtained when the failure first occurred which is why the Township attempted to fix it on its own. It was during the busy season for this type of work and the quotes that came into the Engineer were so high that the thought was to try to fix it internally.

The Administrator added that all of the other bids were almost double.

The Council President asked if the Township Engineer went through the specifications to make sure that everyone was on the same page as to the nature of the work.

The Attorney replied – yes; that was the first thing the Engineer did. The contractor was adamant that his bid was appropriate.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

5. A RESOLUTION AUTHORIZING AN EXTENSION OF THE GRACE PERIOD FOR FEBRUARY 1, 2017 TAX QUARTER.

President Steward explained that there was a snowstorm on February 9th and the initial grace period was scheduled to end on the 10th. This is an extension of the grace period to the 13th in case there were any delays or impacts from the storm.

The Attorney added that this helps those who were not able to get in those last two days of the original grace period; that they would not be unduly prejudiced by the weather.

There were no questions or comments from Council or the Public.

6. 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 only one bid was received. It was higher than anticipated. The Town has determined to rebid the contract; removing some of the requested work on the front and back-end of the pool opening and closing and making it more of just the provision of lifeguards and pool oversight during the actual season. That bid is out now.

Councilman Schroth asked how many bids did the Township receive last year.

The Attorney replied that this is the first year the Township went out to bid.

The Administrator explained what had happened last year and then said that it became expensive for the Township because everyone hired to work at the pool had to be hired like any other full-time Township employee; including a background check.

Councilman Baxter commented that the onus would now fall upon the company awarded this contract.

The Attorney then listed what this company would be responsible for.

Councilman Baxter asked who will be in charge of the hiring.

The Administrator replied that this company would be responsible. They would be in touch with Mr. Forst on a regular basis.

Vice President Wollert asked if the Township does have a private company provide these services, would this company have to have liability insurance coverage.

The Attorney replied – yes. They would have to cover liability, workman's compensation, unemployment. They will be their employees. The company would be given a schedule and they would have to supply the labor.

Councilman Baxter asked if there is a provision that Ewing residents be considered first when it comes to hiring.

The Administrator replied that the Township has asked them to do that. It is part of the specifications. The company that bid indicated that they would do that. The Administrator added that if the Township does not get a successful bidder or the bid comes in too high the second time around then the Township will negotiate.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

7. A RESOLUTION SUPPORTING A-4532 EXEMPTING PERSONAL INFORMATION FROM OPRA LAW.

President Steward said that this is just expressing a sense of the Council in support of this legislation that seeks to protect citizens and prevent their personal information from being disclosed in response to an Open Public Record request. There are many instances in which the disclosure of documents is proper. But, Council also wants to be sensitive to the release of personal information especially in this age of identity theft and privacy concerns.

Councilwoman Keyes-Maloney added that the Bill has a Senate sponsor as well. It is moving in the Assembly and is expected to move in the Senate, hopefully, before the Budget break.

The Attorney suggested that another important element of the Bill is that it makes the fee shifting provision only apply in those cases where the Town has acted unreasonably. That is a huge thing. Because now a Town is sometimes caught between a rock and a hard place - between protecting private information that the Town believes should not be disclosed and, if a Court does not agree with them, then being subject to the attorney fees of the winning party. And, if the Town prevails, it does not get attorney fees. If an objector under OPRA files a lawsuit, if they get only one document out of many, they are entitled to attorney fees. Hopefully, the Court uses proportionality analysis in that situation but still the exposure is tremendous for the Town. A lot of times, commercial interests are using OPRA for commercial purposes; not even serving public information purposes. Right now, the only things protected from disclosure in terms of citizens are: social security numbers, unlisted telephone numbers and drivers' license numbers. Everything else is public – email addresses, phone numbers, dates of birth, names and addresses.

Councilwoman Keyes-Maloney explained that the legislation came about in the context of third party vendors who were seeking OPRA records for the purpose of selling lists. Anybody who is a dog owner who has a license, as an example, they would seek those records and then sell that information to a pet shop in the area. The question then became whether that was within the constructs of what OPRA was expected to do. Councilwoman Keyes-Maloney said that she believes that both the Assembly and the Senate believe that it is not. For this reason, this legislation protects privacy while at the same time recognizing that OPRA does serve a valuable purpose in terms of transparency.

Councilman Schroth added, for the benefit of public, that there are attorneys, basically a cottage industry, where they specialize in seeking these pieces of information; making these requests often times knowing full well that it is going to be something not turned over or reluctantly turned over. These attorneys make a living by winning these cases and getting their legal fee paid by municipalities.

The Attorney said that that is absolutely correct. There are organizations that are constantly blanketing municipalities with OPRA requests – voluminous, very burdensome requests.

Councilman Schroth added that the time constraints are very narrow – seven days to provide this information.

President Steward said that the intention of OPRA is to be transparent; it is not to release private information for commercial solicitation. It is about finding that balance. We have a commitment to transparency and open government but there is a line in there somewhere where we have to balance the privacy of residents.

The Attorney added that that is right and it is not for creating new business for attorneys.

Vice President Wollert commented that it is just the unintended consequences of many laws. Vice President Wollert stated that it is her opinion that this is a first step; this whole thing should be revisited. It is onerous. Vice President Wollert said that is her own personal view; she is not speaking for Council. The Vice President then said that she is not against public information, but within limits.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

8. A RESOLUTION AUTHORIZING THE AWARD OF A PUBLIC CONTRACT TO EIC INSPECTION AGENCY CORP. FOR THE PROVISION OF ELEVATOR INSPECTION SERVICES.

The Council President said that Council did this recently on an emergency or a short-term basis.

The Attorney said that the existing contract was just extended pending the bid process. The Town must have an elevator inspector who inspects elevators in private buildings and that is who is being charged. The Department of Community Affairs sets a maximum fee that can be charged and then vendors bid as a percentage off that maximum fee. The Public gets the benefit of best price and competition among vendors to serve as a Township's vendor. This particular vendor bid sixty-eight percent of the DCA fees for the first year and eighty percent of the DCA fees in years two and three. There was only one bidder in response to the solicitation.

There were no questions or comments from Council or the Public.

9. 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

The Administrator explained that this is the second half of a grant from the State that had been put on hold during the sales tax debate. It will be used to pave the rest of Green Lane from the bridge at Hollowbrook out to Ewingville Road. It is considerably less than what was estimated by the Engineers; whatever the Township does not spend, has to be returned to the State.

Council President Steward asked if it is the intention of the Administration to maintain the bike lane.

The Administrator replied – correct.

Councilman Baxter asked if the new bus shelters are still going to be put up.

The Administrator replied – yes and said that he has a meeting scheduled next week with the County Department of Transportation Engineer to go over all of the bus shelter locations that Councilman Baxter recommended and the County approved. There is still an issue with one location – at the new Wawa that is being built. It might have to be moved as there is already a bus shelter right there in front of the Credit Union. The Administrator explained that the Township is going to put up and maintain seven new bus shelters.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

10. A RESOLUTION APPOINTING BASIT ALI MUZAFFAR AS A MEMBER OF THE EWING LAWRENCE SEWERAGE AUTHORITY

The Mayor said that Ewing has a seat at the Ewing Lawrence Sewerage Authority. As everybody on Council knows, our good friend Ray DeFrancesco passed away about a month ago which left a vacancy. With Mr. DeFrancesco gone, the Township lost a big part of the working knowledge of the Sewerage Authority and what goes on there. A lot is required for somebody to fill that spot. It was incumbent on the Township to look for somebody who had an engineering background, who knew what is going on at the Authority, who would not be snowballed by other engineers working for the Authority and who could come in as a brand new member and not to have to just sit there and learn the process but instead be able to work for the best interests of Ewing.

The Mayor thanked Aaron Watson for steering him on to this particular gentleman. The Mayor then introduced Basit Ali Muzaffar and said that his resume is very impressive. We are going to fill that spot and not have to skip a beat.

There were no questions or comments from Council or the Public.

All Discussion Items were approved for action.

BILLS LIST

1. **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**

President Steward asked about the reimbursement to the high school for mural supplies.

The Administrator replied that it will be right out here by the back stairwell. Students from the High School will be doing the work; the Township will be buying the supplies. The mural will depict Ewing Township.

Councilwoman Keyes-Maloney commented that Council will have a chance to review the plans. Councilwoman Keyes-Maloney said that the CFO does a very good job of explaining what the things are but then asked if the oxygen tank rentals are for the EMTs.

The Administrator replied – yes and then explained that the Township has a second ambulance riding during the day because the call volume is very high. Calls include coverage for neighboring municipalities. Because of the increased volume of calls and with insurance covering most of the calls, the Township has two additional hires. The rentals cover until the new gear comes in.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

CONSENT AGENDA

Council President Steward presented the Consent Agenda for review.

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 stated that he will be abstaining from the January 10th meeting minutes because he was not at that meeting.

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

President Steward explained, for the benefit of the Public, that there was a snafu with the public notice of the ordinances at the last Council meeting. We needed to give adequate notice for this meeting. Those Ordinances – PODS, street naming and a handicapped space on North Olden - will be carried over to the next Council meeting for a Second Reading, Public Hearing and Final Adoption.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney reported that preliminary plans for Project Graduation were discussed at the EDAA meeting this past week. The EDAA partners with the High School on drug and alcohol education. Councilwoman Keyes-Maloney then mentioned the cart which students try to drive. It is a good way to show what impairment looks like. In addition, EDAA is going to partner with TCNJ who is also doing something similar through their ADEP program in the spring.

Vice President Wollert reported that at the Senior Executive Committee meeting last week a number of things were discussed. There was a luncheon last week on Friday. They also discussed the Hollowbrook renovations which are coming along slowly but surely; they were given information that the building is expected to be open in May or June, if things go as planned. The Seniors are also reaching out to the Ewing Observer to do a feature article on senior activities. The pool tables are being refurbished and they will hold a pool tournament with surrounding senior centers once the tables are re-covered. A new bus is being ordered and will be available for use this year because the lift did not work on the old one. The new bus will aid with mobility issues. Vice President Wollert said that the Seniors always look forward to new members in their clubs or to participate in the daily activities held at the Senior Center.

Councilman Schroth stated that he missed the last Green Team meeting and then asked the Council President if it would be okay for him to invite Joanne Mallowney to give a summary as to what happened at the last meeting.

Joanne Mallowney (Co-Chair Ewing Green Team) said that they had an informational program for residents to learn what they need to do with regards to the emerald ash borer. There was a very nice turnout of some thirty people. Ms. Mallowney then explained that the emerald ash borer is an invasive Asian insect that has been in the country since about 2002 and has made its way over to the East Coast from Michigan. It is going to kill about ninety-nine percent of our ash trees. Residents have a choice: to treat or to lose a tree. The treatment is not inexpensive. A major concern is that ash trees become very brittle after they are infested so residents have act proactively in removing them.

Councilman Schroth asked how many ash trees are there in the Township.

Ms. Mallowney replied that the Rutgers report identified 894 on municipal property within ten feet of a roadway. This does not include those on private property.

Ms. Mallowney then mention that the 11th Mercer Green Fest will be held on March 18th from 11:00 a.m. to 4:00 p.m. at the Rider University Student Recreation Center.

President Steward stated that the Planning Board has not met. There is a meeting this Thursday. President Steward then announced that the Community Garden registration opens on March 1st for returning plot holders. Two weeks after that, registration is open to residents.

Councilman Baxter reported that the Recreation Advisory Board has been busy. The heater broke on a batting cage, it is being fixed now. The Board's recommendations for the Mercer at Play grant had been relayed to the Mayor. Councilman Baxter said that any nominations for the Rec Honor Roll should be made to the Board. You can check with Ted Forst regarding the criteria. There was an incident of vandalism at Carlton Hockey Rink. It had to be closed for a time but is now back open. Councilman Baxter said that it is his understanding that with regard to the renovations at the Hollowbrook pool, the deep end will only be five feet deep. Councilman Baxter reminded everyone that now is the time to put in your request for the use of the fields – Little League, softball, Babe Ruth. This is the time when Ted Forst puts together the list to make sure everyone has field time. The Recreation Advisory Board also discussed a request from a food truck owner to set up at the different parks from 11:00 a.m. to 2:00 p.m. The Administration has the final say.

There were no additional Commission or Committee Reports.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Andrea Belardo (10 State Police Drive) read a statement from the residents of State Police Drive:

Through the thoughtfulness and kindness of Council President Sarah Steward, we have been verbally informed that our addresses on our beloved street, State Police Drive, Ewing Township, have been preserved and will remain intact permanently. We so very much appreciate her verbal notification of this which, of course, gave us a certain level of peace and comfort. But, we would also like to hear an official and on the record statement confirming and assuring us of this fact. In anticipation of this official notification here by Council, on behalf of myself and all the residents of State Police Drive, we are all here to express our sincere thanks to Council and all of you for all that you have done to bring about this positive result. We would all like you to know how very

much we appreciate your efforts on our behalf and express our gratitude to you for your consideration in reviewing this situation to bring about an intelligent and sensible resolution. Again, we thank you so very much for a job really well done.

Ms. Belardo added that she and the residents of State Police Drive would also like to know if there was someone else who had a hand in bringing about this positive result so that they can appropriately express their gratitude and appreciation to them.

President Steward said – you're welcome and then said that it is always our interest to do our best to balance the needs of public safety with the needs of the residents. And, President Steward said, that she is grateful to and on the list of people to thank are the Mayor and Administrator who went back and looked at the situation to see if there were other ways we could resolve this without changing the name of the street. And, as such, reached out to Senator Turner, who through her good offices, connected with the State Police who were willing to make some changes in the system so that there would not be an overlap of the buildings and the street numbers. President Steward said that she appreciated the work of the Mayor, the Administrator and Senator Turner and her staff for following up on this and making sure that we got a response from the State Police.

The Administrator read into the record the email that came from the State Police to Senator Turner's Office:

New Jersey State Police contacted the Ewing Township Communications Supervisor of the Day, Kristin, and made an inquiry as to an address of New Jersey State Police Headquarters in their data base. She advised that State Police Headquarters address in their data base is reflected as State Police Drive. The State Police requested that they edit their data base to reflect that State Police Headquarters is now known as "Trooper Drive".

The State Police also advised that State Police Drive be maintained in their data base as there are residences on that street. Kristin advised that they would make the change.

The State Police then contacted Mercer County Communications and spoke with Supervisor John Newbon. He advised that they had a couple of addresses for the Headquarters, 1034 River Road, 7068 River Road. The State Police requested that he remove these addresses from their data base, and replace New Jersey State Police Headquarters as "Trooper Drive". Supervisor Newbon stated he would make these changes to their data base. State Police advised Supervisor Newbon that State Police Drive be maintained in their data base since there are residences on that street.

It should be noted that there are no signs at the base of the main entrance to State Police Headquarters, Trooper Drive. Accordingly, the process has been initiated to install two signs at the base of the driveway to reflect "Trooper Drive".

Ms. Belardo thanked the Administrator for reading the statement officially.

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

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Steward asked for a motion to adjourn. Mr. Baxter so moved, seconded by Ms. Wollert. It was agreed by unanimous voice vote. The Meeting was adjourned at 7:20 p.m.

Sarah Steward, President

Kim J. Macellaro, Municipal Clerk