

March 16, 2017 – AGENDA SESSION

President Steward called the meeting to order at 7:00 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 13th day of March, 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 | Wade Koenecke, Attorney |
| ▪ Mr. Schroth – Present | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – 7:20 p.m. | |
| ▪ President Steward – Present | |

DISCUSSION

1. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 300, SEWERS, ARTICLE II SEWER RATES AND CHARGES, TO AMEND THE INFILTRATION/INFLOW SEWER USE CHARGE FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS**

The Administrator said that in the last two years, ELSA has come before this Council for approval to borrow money. They have borrowed \$30 million dollars to fix the plant. The Township is fixing its various pump houses and is proposing to raise the I&I by twenty dollars per property owner which will raise about \$350,000.00. The rate will be left as is.

The Council President said that the current Ordinance sets a range that the I&I is assessed; right now, the range is \$75.00 to \$135.00. The Administration proposes that the range go to \$175.00 not with the intention of raising the rate to \$175.00.

The Administrator said that if the Township has to, it can raise the rate by Resolution. It is still the same idea. All the money collected for sewer still has to be put in the Sewer Fund Trust and when the Township cannot carry the bills the Township gets from ELSA, then the Township has to raise the rates one way or another. The I&I increase was up five percent; ELSA does not care which fund it comes out of – the I&I or the regular. The Township has to pay ELSA another \$500,000.00 this year.

President Steward said that she understood that the CFO surveyed neighboring jurisdictions about their I&I rate.

The Administrator said that Ewing is on the low side. Many Towns now do a quarterly billing at the same rate while we do an annual billing.

The Council President said that, if Council decides to move forward with this, at the next meeting it will be on the Agenda for Second Reading and Public Hearing along with the Resolution to amend the rates.

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

2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225-59 SCHEDULE XII: STOP INTERSECTIONS TO ADD STOP SIGNS ON TERRACE BOULEVARD

The Administrator explained that this Ordinance came about because residents met with him to complain that there are a lot of young children in the neighborhood and people are just coasting through the intersections onto Terrace Boulevard. The Administrator stated that he had the Township Engineer take a look at it. The Administrator added that the Township is looking to add speed humps this year or next.

Councilman Baxter commented that he thought Council had already approved stop signs for Brenwal Avenue, Florence Avenue and a third street.

The Administrator replied that he does not remember that and said he will check tomorrow and then mentioned to Councilman Baxter that many stop signs just tend to disappear.

Councilman Baxter then asked Peter Boughton if he knew whether or not there were stop signs on his street.

Peter Boughton (119 Florence Avenue) responded that they were expecting stop signs but he has not seen that any had been put up yet.

The Council President added that those streets are in the Schedule.

Mr. Boughton asked that as long as he was called up could he ask a question about the sewer rates – what is the approximate increase.

President Steward replied – twenty dollars per resident, annual.

President Steward addressed Councilman Baxter saying that Brenwal and Broad are in this Ordinance so it is probably a problem of missing signs.

A discussion followed as to which streets are listed in the Schedule as having stop signs.

Councilman Baxter said that he has been speaking with residents who are always asking when are the stop signs going to be put up. Mr. Baxter added that he did not think that the Township put them up yet.

The Administrator responded that he will check with Public Works as they keep a good record of when they replace signs as it costs \$125.00.

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

3. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 4, ADMINISTRATION OF GOVERNMENT, ARTICLE III, MUNICIPAL CLERK, TO AUTHORIZE AND DELEGATE TO THE MUNICIPAL CLERK THE AUTHORITY TO APPROVE THE GRANTING OF RAFFLE AND BINGO LICENSES TO BE HELD IN THE TOWNSHIP OF EWING

The Attorney explained that this Ordinance delegates to the Municipal Clerk the authority to issue bingo and raffle licenses. Currently, these licenses are issued directly from Council; this greatly streamlines the process. The regulation which allows the Governing Body to delegate this authority to the Clerk is: N.J.A.C. 13:47-1.1. Neighboring municipalities also delegate this authority to their clerks. It does not change any of the standards to qualify for a bingo or raffle license. It just makes it a much easier process for the non-profits.

President Steward mentioned that one, we do have groups that come in and get caught up due to the Council meeting schedule, not realizing that these have to go before Council for approval. And two, these also get vetted by the State – the Legalized Games of Chance Control Commission. President Steward added that just as the Clerk issues all sorts of other licences and permits without individual Council action, this just adds another one to that purview.

Councilman Baxter asked if we are going to require applicants to apply by a certain date prior to the event; The Clerk's Office is busy as it is, we are not going to allow applicants to come in the day of to get a gaming license.

The Attorney responded that it is not even possible for an applicant to come in the day of an event because it still has to follow Legalized Games of Chance Control Commission regulations.

The Clerk added that a gaming license can only be issued by a municipality after the State has it for fourteen days.

The Council President then asked the Clerk to let Council know if any concerns arise out of this change. President Steward added that in the entire time she has been on Council she has not yet found grounds to deny any gaming application that has come before Council.

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

4. A RESOLUTION AUTHORIZING CY2017 RESERVE BUDGET TRANSFERS

The Administrator said that these budget transfers result from last year's expenditures.

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

5. A RESOLUTION AUTHORIZING PROCEEDINGS AGAINST THE LANDLORDS OF 1657-1659 PENNINGTON ROAD PURSUANT TO EWING CODE 284-10 ET SEQ.

The Attorney said that there have been numerous complaints from neighbors about the tenant at this property; several of these have resulted in 2C disorderly persons offenses. This allows proceedings to begin under the Township's "Animal House" Ordinance. To apply this Ordinance, a tenant of a particular property has committed two disorderly persons offenses within a twenty-four month period at that property. The Town may institute proceedings against the property for the imposition of a bond against the landlord of the property to try to curb against a future offence at that property. It designates the Business Administrator as the person who can start the proceedings. A hearing will be scheduled and if the charges are founded, a bond may be placed against the landlord of up to \$5,000.00. This Resolution also appoints Rocky Peterson, Esq. to be the Hearing Officer at this Proceeding.

The Council President stated that this will bring pressure on the property owners to regulate their tenant's behavior.

The Attorney added that this behavior was brought to the landlord's attention several times and the landlord did not take any action.

The Administrator added that the tenant is presently serving some time for the latest offense.

Councilman Baxter asked if twenty-four months is the standard; can it be made twelve months.

A discussion followed between the Administrator, Councilman Baxter, Councilwoman Keyes-Maloney and the Council President regarding Councilman Baxter's question.

There were no additional questions or comments from Council. There were no questions or comments from 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 AND AUTHORIZING THE TOWNSHIP TO NEGOTIATE A CONTRACT AWARD BASED ON THE TERMS OF THE BID SPECIFICATIONS

The Attorney explained that the law allows for a municipality to negotiate a contract award after the solicitation and rejection of bids on at least two occasions. A municipality is authorized to negotiate with those that bid based on the terms of the bid specifications. In this case, there was only one bidder.

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

7. A RESOLUTION APPROVING CHANGE ORDER NO. 2 INCREASE TO SCOZZARI BUILDERS, INC. FOR THE HOLLOWBROOK COMMUNITY CENTER RENOVATIONS AND ALTERATIONS IN THE AMOUNT OF \$151,320.19

The Administrator listed the items included in this change order; including having to put in a fire alarm subpanel in order to bring the building up to code. The Administrator added that the Administration is trying to get Hollowbrook open by April 10th. This is only the second change order and for this kind of project, you normally have more.

Councilman Schroth asked if the fire alarm panel is something not already required by regulation; it should have been in.

The Administrator replied – yes, it should have been.

Councilman Schroth said that the fire alarm panel was not part of the original project simply because it was only an asbestos removal project at that time.

The Administrator responded – correct.

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

8. A RESOLUTION PROCLAIMING THE WEEK OF MARCH 19-25, 2017 AS NATIONAL POISON PREVENTION WEEK

President Steward explained that Council received information from a Rutgers program that advocates for poisoning awareness; making sure that people are aware of the resources that exist in case one has been poisoned.

President Steward asked the Administration for this to be posted on the Township website.

Councilman Baxter asked that this information be forwarded to all day care facilities in the Township.

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

BILLS LIST

- 1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$4,203,510.15 and to Pay Supplemental Bills per Resolution #17R-14 in the Amount of \$20,843.45**

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

CONSENT AGENDA

Council President Steward presented the Consent Agenda for review.

- 1. A Resolution Authorizing Church of the Blessed Sacrament – Our Lady of the Divine Shepherd to Hold a March on March 24, 2017**
- 2. A Resolution Authorizing Church of the Blessed Sacrament – Our Lady of the Divine Shepherd to Hold a March on April 1, 2017**
- 3. A Resolution Authorizing St. John’s Baptist Church to Hold a Block Party/Road Closing (Auto Show) on July 15, 2017**
- 4. A Resolution Authorizing the Conduct of a Bingo Sponsored by Incarnation St. James Parish**
- 5. A Resolution Authorizing the Conduct of an On Premises 50/50 Cash Raffle Sponsored by Incarnation St. James Parish**

6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1684.92 for overpayment of 1st Quarter Taxes to CitiMortgage Inc, PO BOX 23689, Rochester, NY 14692, for property owner Evelyn Mims & Gary Griffin for Block: 419 Lot: 147 also known as 72 Jacob Ct.
7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1269.02 for overpayment of 1st Quarter Taxes to Leonardo, Acevedo, 222 Kings Rd, Madison, NJ 07940 for property owner Leonardo, Acevedo for Block: 462 Lot: 12 also known as 107 Meriden Ave.

There were no questions or comments from Council or 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 commented that all three are from two meetings ago.

1. AN ORDINANCE OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, AMENDING THE REVISED ORDINANCES OF THE TOWNSHIP OF EWING, AMENDING SECTION 225-52, ENTITLED "SCHEDULE V: HANDICAPPED PARKING ON STREETS," TO ADD A HANDICAPPED PARKING SIGN AT 1420 N. OLDEN AVENUE (COMMONLY KNOWN AS "SHORT OLDEN AVENUE")

President Steward explained that this was requested by the resident and vetted by the Police Department who concurred with the request to add a handicapped parking space at this address.

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

2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 325 TITLED "STREETS AND SIDEWALKS"

President Steward stated that this Ordinance amends the process by which the Township names and renames the streets in the Township. This is a follow-on to the concern brought to Council by residents about how streets are named and renamed in the Township. This allows for the Tax Assessor to make a request of Council to rename existing streets which Council will act on at the next Council meeting. Notification will be provided to the residents of this meeting. President Steward added that she spoke with Senator Turner last evening and thanked her for intervening in the State Police Drive matter. Senator Turner was delighted to receive the letter of thanks from the residents of State Police Drive.

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

3. AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING CHAPTER 354 TRAILERS TO PROHIBIT THE USE OF PORTABLE ON-DEMAND STORAGE OR PORTABLE STORAGE CONTAINERS ON RESIDENTIALLY ZONED PROPERTY EXCEPT IN CONFORMANCE WITH THE TERMS OF THE ORDINANCE.

President Steward said that this has been reviewed a few times this year and is suggesting some changes to the Ordinance as passed in February.

Councilwoman Keyes-Maloney explained that the changes are two-fold. This allows someone to have a pod on their property for up to fifteen days before they have to register it. It also reduces the registration fees. It modifies the process to allow for some limited flexibility in light of those moving into Town who may not be aware of the Ordinance and also those who may be using a pod for a short time. The intent of the Ordinance was to address situations where someone was utilizing it for purposes other than for a short duration.

Councilman Baxter asked if this also includes trailers.

Councilwoman Keyes-Maloney responded – yes.

Peter Boughton (119 Florence Avenue) said that his daughter is asking to be allowed to store a pod on his driveway for several months and then asked, under the new Ordinance, would that require any setbacks from the street or side yard or require any permitting.

Councilwoman Keyes-Maloney replied that it is not so much a set back issue; it has to be on the driveway and then said that Mr. Boughton would have to register it with the Code Enforcement Office as he would be exceeding the fifteen day limit. Councilwoman Keyes-Maloney then further explained the process to Mr. Boughton.

Councilman Baxter asked if there is a length involved.

Councilwoman Keyes-Maloney replied that there is a limit to the size of the pod to ensure that people are not putting intermodal containers on their property which are also banned.

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

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney said that the Arts Commission met about a week ago and had the opportunity to honor one of the artists whose work had been on display at the Municipal Building in the January timeframe. In addition, the Arts Commission was able to solidify an upcoming event. Councilwoman Keyes-Maloney thanked Council President Steward for spearheading this effort. Homefront in conjunction with Mercer Arc, the Arts Commission and “Art Has No Boundaries” will be having an art show at the Municipal Building on April 13th. The program will showcase art from residents of both Homefront and the Arc. Councilwoman Keyes-Maloney then said that the second student art show of the year will be held the end of April.

Councilman Baxter said that he has not been able to meet with the Recreation Advisory Board due to his health and then mentioned that the Ewing High School men and women won their sectional Group B championship. The girls lost and did not have a chance to go to the Tournament of Champions. The boys lost in the first round of the Tournament of Champions.

There were no additional Commission and Committee Reports from Members of Council.

President Steward mentioned that Shred Day is April 22nd; usually from 9:00 a.m. to 1:00 p.m. and then mentioned that the Green Team Bike Committee met yesterday to be planning the annual bike ride.

Councilwoman Keyes-Maloney mentioned that the “Living Local” Expo is this Saturday at Rider.

President Steward added that it is now called the “Mercer Green Fest” and will be at the Rider gym from 11:00 a.m. to 4:00 p.m.

There were no additional announcements.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

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

CLOSED SESSION – The Attorney read (**Resolution #17R-52**)A Resolution Excluding the Public from a Public Meeting – Discussion of Personnel Settlement

At 7:36 p.m., the Attorney read the Resolution to enter into a Closed Executive Session pursuant to the Open Public Meetings Act to discuss a personnel matter and to receive the advice of Counsel. Minutes will be made available, if and when appropriate, when the matter is concluded.

At 7:36 p.m., Ms. Keyes-Maloney made a motion to enter into Closed Executive Session, seconded by Mr. Baxter. It was agreed by unanimous voice vote.

Peter Boughton (119 Florence Avenue) asked permission to make an announcement prior to Council going into Closed Executive Session. Mr. Boughton said that the Community Fest is being held on September 23rd. The group Mr. Boughton is involved with will be holding an event with a theme of “Ride for Health”. Most likely, the event will provide for donations to the American Cancer Society since September is Prostate Awareness Month. Mr. Boughton said that the group is trying to work out a bike route that will begin and end at the College of New Jersey, in conjunction with the Community Fest.

At 7:51 p.m., Ms. Wollert made a motion to close the Closed Executive Session, seconded by Mr. Baxter. It was agreed by unanimous voice vote.

At 7:51 p.m., Mr. Schroth made a motion to enter back into Open Session, seconded by Ms. Wollert. It was agreed by unanimous voice vote.

All items, including this Closed Session item, were approved for action.

ADJOURNMENT

There being no further business, President Steward asked for a motion to adjourn. Ms. Keyes-Maloney so moved, seconded by Ms. Wollert. It was agreed by unanimous voice vote. The meeting was adjourned at 7:52 p.m.

Sarah Steward, President

Kim J. Macellaro, Municipal Clerk