

## March 28, 2017 – AGENDA SESSION

President Steward called the meeting to order at 6:33 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 4<sup>th</sup> 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

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

### DISCUSSION

1. **ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING ZONING OF SOLAR ENERGY RESOURCES WITHIN THE TOWNSHIP**  
**DISCUSSION PURPOSES ONLY, NO ACTION REQUIRED**

President Steward stated that this is something we have been discussing at some length with residents who have brought their concerns to us and to the Administration. The proposed Ordinance has been brought to the Planning Board for their review. Councilwoman Keyes-Maloney has helped shepherd this process along with the Township Planner, Mr. Latini. President Steward stated that it is her hope to engage Council on this. It is not on the Agenda tonight; she just wanted to give Council an update as to the current draft so Council can discuss the best way to move forward.

Councilwoman Keyes-Maloney stated that if this moves forward, it will be referred back to the Planning Board. This Ordinance seeks to regulate solar installations in both residential and commercial zones. It also seeks to create safe zones for fire personnel - a solar installer must ensure access and egress on a roof. The Ordinance also looks to ensure that there is a process in place if someone abandons their solar energy installation as well as to give preferences as to where such a facility can be sited. In a residential situation, that is almost always going to be on a roof absent some sort of special circumstance. For a ground install situation, this Ordinance will make sure a buffer is in place as well as provide proper installation in relation to any neighbors. Finally, it ensures a permitting process. Councilwoman Keyes-Maloney explained that this Ordinance came about in light of some action several months ago where there was a question as to whether or not a ground install facility is consistent with the Township’s Master Plan and with Township Ordinances. It is hoped that by adopting this, the Township will have clear cut rules regulating this going forward.

**Councilman Baxter asked if there is agreement as to the size of the residential property that would allow ground installations.**

**Councilwoman Keyes-Maloney responded that we tried to base it on the actual zone which, in essence, dictates parcel size. Unless it is in a non-residential zone, the significant preference is that it only occur on a roof.**

**Councilman Baxter stated that there is not much land in Ewing, especially in the residential areas, and said that he would not want to see a solar farm and he would also not be in favor of solar panels on the ground. If residents want solar panels, they should be put on the roof.**

**Councilwoman Keyes-Maloney replied that this is an attempt to ensure that that is what happens. The zone will dictate if an installation can occur on the roof or on the ground.**

**Councilwoman Wollert asked if a resident puts panels on their roof, do they need to provide documentation that they have a decommissioning plan. And, if that is the case, is the Township going to have any guidelines or rules for that.**

**Councilwoman Keyes-Maloney replied that it is her understanding that when you enter into a residential solar installation contract, this is part of that process. It is something that we would have to work on to cover those residential users that are on a large enough parcel within an appropriate zone.**

**Councilwoman Wollert and Councilwoman Keyes-Maloney then discussed the abandonment issue.**

**Councilwoman Keyes-Maloney then mentioned that these solar panels can hold a charge for a short amount of time. And, if there is a fire situation, the Township needs to know what it can and can not do. This Ordinance sets guidelines; the Township knows it has the right to remove the panels if the situation requires it.**

**Councilman Schroth asked if it would be possible for Township fire officials to come before Council to discuss the necessary requirements for access to a roof. Councilman Schroth said that he has seen houses where the entire face of a roof is covered with solar panels.**

**Councilwoman Keyes-Maloney replied that the fire officials have indicated that solar installers in Ewing have been very responsive to answering any question and indicating new installations. In other jurisdictions that is not the case, which is why the access and egress clause was included in the Ordinance.**

**The Administrator added that the fire chiefs meet with the Construction officials for each of these installations. In other jurisdictions, until these panels are de-energized, firemen will not even deal with it. There are two churches in Ewing with large solar fields. The Administrator said that the Administration can have the fire chiefs or construction officials come to a future meeting.**

**Councilman Baxter asked what happens if a company goes out of business.**

**Councilwoman Keyes-Maloney replied that that is something we will have to explore. This is a first stab at getting something on the books; it can be modified if needed.**

**The Attorney added that there are so many possible scenarios. It is going to depend on the contractual arrangement. It is not simple. It is difficult to think of all the different factors involved. The Attorney recommended that it be left broadly worded in order to deal with all the different scenarios. And, if the Township finds that it is not working, the Ordinance can be amended.**

**Councilman Baxter commented that “discarding” might be tricky.**

**Councilwoman Keyes-Maloney replied that is why you usually leave it to the contract.**

**There were no additional questions or comments from Council.**

**David Lyons (530 Washington Avenue) said that this has been under discussion for a long time and asked if it is possible to get a copy of the proposed Ordinance.**

**The Council President responded that the Clerk can help you with that.**

**The Clerk mentioned that we usually do not provide Ordinances until after they have been introduced but she will give Mr. Lyons a copy if the Council President directs her to do so.**

**The Council President replied – sure.**

**Mr. Lyons first spoke about buffers for ground arrays. Mr. Lyons stated that he has first hand experience with vegetative buffers around a proposed installation and then said that this vegetation being able to provide a “blind” is a concept and not at all a reality.**

Mr. Lyons then showed Council pictures of what a proposed planting would do to provide a “shield.” Mr. Lyons stated that these photos, of an actual installation, demonstrate that these plantings do not provide a “screen”. Mr. Lyons then presented photos of an actual commercial array that is almost the same size as what was proposed in his neighborhood so Council can see what something like this would look like in a residential setting. Mr. Lyons mentioned that, in this case, there was a fence for protection. A fence was not included in the proposed array in his neighborhood and the Zoning Board turned down the application. Mr. Lyons then mentioned that online he found the Department of Energy’s solar guidebook for municipalities. It mentions that seven in ten are in favor of solar power, but also mentions that there are proper places for it – on commercial roof tops or in industrial areas.

Councilwoman Keyes-Maloney responded that they did utilize this guide in trying to strike a balance between being receptive to solar but also ensuring that it is installed reasonably in the community.

Mr. Lyons responded that solar is a net benefit. The guide mentions other areas – brown fields, abandoned landfills or malls. Putting these in residential neighborhoods is something that he hopes will not be allowed in Ewing.

There were no additional questions or comments from the Public.

Councilwoman Keyes-Maloney stated that she would like to move forward on this Ordinance.

Councilman Baxter stated that he would like to move forward as it has been discussed a lot. There are certain places where ground arrays should be located; neighbors should not have to see it. It is fine to have the Fire Official come in and give his perspective.

Councilman Schroth said that he is fine with moving forward with the Ordinance.

**2. 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)**

The CFO explained that every year by Statute, Local Government Services allows a municipality, by Ordinance, to increase their appropriation limit from the CPI Index which, this year, is one half of a percent to three point five percent. This allows the Township to increase appropriations to cover contractual increases and cost of living increases and to bank whatever the Township does not use for use in subsequent years. It is done every year.

President Steward added that it allows the Township to bank the ability to increase, not to bank actual funds.

The CFO stated that it is a critical Ordinance. It allows us to bank up to three and one half percent for unforeseen circumstances. The Township has never gone to the full amount.

Councilwoman Keyes-Maloney stated that Local Government Services requires municipalities to pass such an Ordinance.

The CFO said that it is beneficial as a municipality can not go back and do it. It is better to do this and not need it then not to do it and need it.

President Steward added that if there were some sort of emergency situation, the Township would have the ability in a future year.

The Attorney added – in a future year budget. The Township is banking the differential between the point five and the three point five that the Township does not use. It is not actual money. It is a theoretical amount of budget increase that the Township is allowed to use in the subsequent two years.

President Steward added that it then expires.

The CFO said that the description of it is included in the budget.

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

**3. A RESOLUTION INTRODUCING AND APPROVING THE MUNICIPAL BUDGET OF THE TOWNSHIP OF EWING, COUNTY OF MERCER FOR THE CALENDAR YEAR 2017**

The Administrator stated that the Mayor will present to Council what he is proposing for the Budget during the Regular Session.

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

**4. A RESOLUTION OF EMERGENCY TEMPORARY APPROPRIATION**

The CFO explained that the temporary budget introduced in January allows for appropriation expenditures through the end of March. That is limited to 26.25 percent. With a later date of the introduction and adoption of municipal budgets from February to March and not being adopted until April, there is a need to allow for expenditures in April. This is for one-twelfth of last year's budget in total. It just allows the Township to keep operating during April until the adoption of the Budget.

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

**5. A RESOLUTION AWARDED A CONTRACT TO SPARKLING POOL SERVICES INC. TO MANAGE, OPERATE AND MAINTAIN TWO (2) PUBLIC SWIMMING POOLS LOCATED IN THE TOWNSHIP OF EWING FOR THE 2017 SUMMER SWIM SEASON FOR AN AMOUNT NOT TO EXCEED \$90,600.00**

The Attorney explained that, for the first go-around, the contract scope was found to be too expensive to the Town and the specifications were reworked with some of the scope taken out. The same vendor bid on it. This time, the pricing was acceptable, however, the vendor put in his form contract which was not compliant with the Township's bid specifications. That had negative economic consequences for the Township because the Township wanted credits for certain things such as in the event of rainy days when lifeguards were not able to work. So, that bid was rejected and Council authorized a negotiation. This is the result of that. This has a not to exceed amount of \$90,600.00 but the contract itself provides for credits during the course of the summer, if for instance, the pool is closed for rainy days. Other terms were negotiated back into the contract – such as a preference in hiring previous Township lifeguards and the elimination of a non-compete agreement. The contract Council has before them basically follows the bid specifications and then to the extent not inconsistent the provisions of the vendor's proposed contract which include provisions such as training which the Township would want to see.

Councilman Baxter asked that, now this company is responsible for hiring lifeguards, are they going to be responsible for the fingerprinting and background check fees.

The Administrator responded – yes.

Councilman Baxter stated that he thought that the last time around the contract was for \$81,000.00.

The Council President responded that this is the same price the Township rejected two weeks ago.

The Attorney added that the one before that was for \$120,000.00. This at \$90,600.00 is the same. There is a lifeguard rate in there if a citizen wants to rent the pool for a private party. There is also a rate for any credits.

Councilman Baxter commented that a permit would still be required.

The Administrator replied – yes.

Councilman Baxter then stated that they would get the permit through Recreation.

The Administrator responded – correct.

The Attorney added that if there was a private party at one of the Township pools, the Township would require lifeguards at the pool as part of the contract.

The Council President asked if Recreation is still managing the membership.

The Administrator replied that the vendor hires the lifeguards; we just finished the process of hiring the camp people and other folks the Township needs for the summer.

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

The Council President discussed Items Six and Seven together.

6. **A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO GOLDEN CROWN CONTRACTORS FOR THE NEW OVERHEAD DOOR INSTALLATION AT THE EWING SENIOR AND COMMUNITY CENTER**
  
7. **A RESOLUTION APPROVING CHANGE ORDER NO. 2 AND 3 TO GOLDEN CROWN CONTRACTORS FOR THE NEW OVERHEAD DOOR INSTALLATION AT THE EWING SENIOR AND COMMUNITY CENTER**

The Council President explained that both are change orders for the overhead door project at the Senior and Community Center.

The Administrator stated that one is a credit of \$541.00. The other is for the installation of additional gym flooring which had to be removed in order to install the door. The net increase is for \$3,890.86.

President Steward said that the first change order is for \$3,592.00 and the second one is \$3,890.86 net.

The Administrator added that this allows for much better maintenance of the entire facility and it also improves handicapped access.

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

8. **A RESOLUTION GRANTING CHARLES MATTHEW NEMES PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA-933) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT JUNE 1, 2017**

President Steward said that this is routine, granting a retiring Officer his service firearm.

The Administrator added that Officer Nemes has worked for the Township for twenty-eight years. In the past, the Township has granted these requests with only one exception.

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

9. **A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER AN ADOPTION AGREEMENT WITH OFFICER CHARLES "MATT" NEMES FOR THE ADOPTION OF A RETIRING POLICE CANINE**

The Administrator said that, coincidentally, the police canine is "aging out" and would not be available for duty beyond this summer anyway. Because the dog is Township property, Council has to approve his adoption. The Township is not replacing this canine. For the rest of this year, the Police will continue with four and entertain next year whether or not to go back up to five based on need.

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

10. **A RESOLUTION RECOGNIZING MAY 4 AS THE NATIONAL DAY OF PRAYER AND ESTABLISHING MAY 7 AS DAY OF UNITY IN EWING TOWNSHIP**

President Steward said that this came to Council from Rev. Eisenberg at St. Bartholomew Lutheran Church. He is with the United Mercer Interfaith Organization that organizes an interfaith walk between houses of worship in the area to highlight the need for unity and to pray for peace. This recognizes their efforts to bring our community together. Also, they extend an invitation to all who are interested in participating in the walk.

Councilwoman Keyes-Maloney noted that Councilman Baxter has participated and said that it is an anti-violence march and a focus on creating safe spaces for all citizens regardless of their background or identity.

Councilman Baxter added that it is a way to memorialize those who had lost their lives through violence. It is a great day.

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

All were approved for action except for Item One.

## **BILLS LIST**

- 1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$5,624,542.49 and to Pay Supplemental Bills per Resolution #17R-14 in the Amount of \$133.96**

**Councilwoman Keyes-Maloney asked about #71286 - CHC Baby Clinic. The CFO responded that he is the doctor that oversees the child clinics.**

**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 24, 2017; Approval of Regular Session Minutes for January 24, 2017**
- 2. A Resolution Authorizing the Conduct of an Off-Premises 50/50 Cash Raffle Sponsored by Prospect Heights Vol. Fire Co. #1.**
- 3. A Resolution Authorizing the Conduct of an On Premises 50/50 Cash Raffle Sponsored by Central and South Jersey Affiliate of Susan G. Komen for the Cure**
- 4. A Resolution Authorizing the Conduct of an On Premises 50/50 Cash Raffle Sponsored by Central and South Jersey Affiliate of Susan G. Komen for the Cure**
- 5. A Resolution Authorizing the Conduct of an On Premises Tricky Tray Sponsored by Central and South Jersey Affiliate of Susan G. Komen for the Cure**
- 6. A Resolution Authorizing the Conduct of an On Premises Tricky Tray Sponsored by Central and South Jersey Affiliate of Susan G. Komen for the Cure**
- 7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,464.51 for February 1, 2017 1<sup>st</sup> quarter taxes to S & H Abstract Company, 1305 Mount Holly Rd., Burlington NJ, 08016 for property owner Rosco Holdings, LLC for Block: 508 Lot: 4 also known 5 Chelmsford Drive.**
- 8. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,169.04 for February 1, 2017 1<sup>st</sup> quarter taxes to Witcher, Susan A, 114 Crawley Avenue, Pennington NJ, 08534 for property owner Witcher, Susan A for Block: 495 Lot: 12 also known 20 Conway Avenue.**
- 9. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,500.96 for February 1, 2017 1<sup>st</sup> quarter taxes to Cirello, Scott J & Stacy, 9 Dover Court, Ewing NJ, 08618 for property owner Cirello, Scott J & Stacy for Block: 263 Lot: 20 also known 9 Dover Court.**
- 10. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,542.28 for February 1, 2017 1<sup>st</sup> quarter taxes to Lore, Teresa, 4 Holiday Ct, Ewing NJ, 08638 for property owner Lore, Teresa for Block: 214 Lot: 44.27 also known 52 Holiday Ct.**
- 11. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,270.35 for February 1, 2017 1<sup>st</sup> quarter taxes to Emerald Title Agency, 365 White Horse Avenue, Hamilton NJ, 08610 for property owner Daileda, Brian & Susan for Block: 467 Lot: 126 also known 114 Rutledge Avenue.**

12. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$993.09 for February 1, 2017 1<sup>st</sup> quarter taxes to CitiMortgage Inc, PO BOX 23689, Rochester NY, 14692 for property owner Ritter, Aimee for Block: 341 Lot: 6 Qualifier: C-501 also known as 501 Silvia Street.

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

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 CFO explained that every year the Township has to calculate the revenues from the sewer fees to pay for the cost of the sewer which is basically ELSA. This year, ELSA had a substantial increase of approximately \$500,000.00 due to infrastructure repairs and maintenance. That is a lot to generate from just usage so the Township had to look at the I&I fee which is the base annual fee. The CFO stated that she called other municipal sewer authorities around the State and the Township is still very very low. The recommendation is to increase the I&I across-the-board – for every account holder - from \$120.00 to \$150.00. This would provide enough additional revenue to meet that extra expense this year.

The Council President said that the Township has to amend the range by Ordinance. The CFO said that the top end of the range will go to \$175.00

President Steward added that the Township does not intend to go to \$175.00.

The CFO added that the rates will be amended by Resolution. This Ordinance sets the range.

Council President Steward then asked, timing-wise, if a Resolution is needed tonight to change the sewer rates.

A discussion followed between the Council President, the Administrator, the Attorney and the CFO as to whether or not a Resolution needs to be walked on this evening to change the sewer rates.

The CFO stated that the sewer bills are going out in the next week

The Council President announced that there will be a walk-on Resolution to change the sewer rates.

The Attorney then suggested that tonight Council adopt a companion Resolution to this Ordinance to provide that this Ordinance becomes effective immediately upon signature of the Mayor as opposed to the normal waiting period. This Resolution needs an affirmative vote of four-fifths of Council to pass.

The Council President then stated that two items will be walked-on tonight.

There were no additional 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

President Steward said that there are a number of streets that essentially dead-end into Terrace Boulevard and presently they do not have stop signs. President Steward then asked if the signs were just missing or were they yield intersections.

The Administrator responded that some signs are missing but they are a kind-of yield intersection. There are a number of families with young children that are just watching cars roll through. The Administrator said that the stop signs were requested by residents in the area. The Township Engineer looked at it and said that the seven streets that run into Terrace qualify for full stop stop signs.

There were no 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 said that the Attorney General's guidelines allow this to be delegated to the Municipal Clerk.

The Council President added that the application will still have to be reviewed by the Legalized Games of Chance Control Commission to be eligible for the license and so there will be an additional review on these as well.

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

All Items were approved for action.

**COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL**

Councilwoman Keyes-Maloney reported that the Ewing Alcohol and Drug Alliance met a couple of weeks ago. There are a couple ongoing activities to look forward to. One, is the "Walkout on Drugs" with the Elks scheduled for May 7<sup>th</sup>. In addition to that, Project Graduation is scheduled for June 2<sup>nd</sup>. It is always a good event. There is a fundraiser planned this weekend at Pennington Road Fire House in support of Project Graduation. Council approved the bingo/raffle license a couple of weeks ago. Councilwoman Keyes-Maloney then gave some information regarding the upcoming art show held in conjunction with Homefront and Mercer Arc. The art show will be on April 13<sup>th</sup>. This artwork will be on display at the Municipal Building throughout April. There will be an opportunity to purchase some of that art. It will fund programs at both Homefront and Mercer Arc. The Ewing student Youth Art Show will be held at the Elks on April 21<sup>st</sup> from 1:00 p.m. to 4:00 p.m.

Councilman Baxter reported that the Recreation Advisory Board met this past Monday to discuss the upcoming season. As the Administrator mentioned earlier, pretty much all of the staff has been hired for the summer. The only thing is that Hollowbrook is holding things up a bit. It is now scheduled to open mid May. Also, the Board is still looking for recommendations for the Recreation Honor Roll. This year they are looking for more referees. Councilman Baxter then mentioned that, because of some issues, the Hollowbrook pool is being built as a pool within a pool. That is why the deep end will only be five feet deep. The Board also discussed the walkway from the parking lot up to the basketball courts. Tree roots are making it more unsafe. Mr. Forst said that right now both the summer camp and pool sign-ups are on par with last year. Councilman Baxter added that Mr. Forst is surprised at that considering all the renovations and with all the new things being built in the area; that the Township is still attracting residents to its programs.

Vice President Wollert said that there is not much to report with the Seniors. They are continuing all of their programs. They are also looking forward to Hollowbrook being reopened.

Councilman Schroth said that the Green Team met last Wednesday but he was unable to attend because of the County convention. They did have a featured speaker – TCNJ professor Michael Nordquist – who spoke on environmental justice.

President Steward stated that the Planning Board did not meet.

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

**NEW BUSINESS**

**(None for this Meeting)**

## **STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC**

Wendy Sturgeon (Executive Director, EASEL) stated that she wanted to come before Council and introduce herself. Ms. Sturgeon said that she is very happy to be working with everyone and said that she is appreciative of the partnership; it is great being able to talk with people about a no-kill shelter. Ms. Sturgeon then mentioned that EASEL is having a Coach Bag Bingo at West Trenton Fire House on April 7<sup>th</sup> at 6:00 p.m. Ms. Sturgeon said that she enjoys working for EASEL and looks forward to working with the Township.

Councilwoman Keyes-Maloney asked where can people go for low cost spay/neutering.

In response, Ms. Sturgeon introduced Dr. Georgia Arvanitis.

Dr. Georgia Arvanitis (Vice President, EASEL) replied that right now EASEL is revising its website. Their current website has a little bit of information about low cost spay/neuter. Also, monthly, EASEL runs a “neuter-scooter”. EASEL does have a comprehensive list if people call the Shelter. The State does have a voucher program with a limited number of vets that will honor those vouchers. But, there are a lot of other places where people can get their pets fixed at a lower cost. The new website will have links to these places as well as information as to what people can expect from low cost to full service vets. Dr. Arvanitis then mentioned that EASEL has a grant writing team that is actively seeking funds to help people and just got a grant from the Bissell Foundation. Part of this money can go to preparing the animals at the Shelter for adoption and the other part can be used to help Ewing residents get their pets spayed or neutered. Dr. Arvanitis said that she can provide Council with the links so this information can be posted on the Township website as well. Another resource would be for EASEL to hand out information during the rabies clinics.

Councilwoman Keyes-Maloney then asked if there are any resources for those who may be struggling financially but still want to keep their pet.

Dr. Arvanitis replied that the Shelter just received another grant from the Banfield Foundation that can help with this and the Shelter also helps organize individual fundraisers.

Councilwoman Keyes-Maloney asked what do volunteers do besides walking dogs.

Dr. Arvanitis responded that volunteers also help with grant writing and fundraising. Dr. Arvanitis mentioned that one such fundraiser was “Nickels for Non-Profits” with WholeFoods. WholeFoods donated five cents to a non-profit for every bag that was recycled. Last summer, EASEL was that non-profit.

Derrick Clegg (201 Crescent Avenue) said that the reason he is here tonight is that he needs help regarding an abandoned property at 211 Crescent Avenue. It is an eyesore and dangerous. Mr. Clegg stated that he is afraid to have his grandchildren play outside. Mr. Clegg said that he has lived there for five years; the property has been abandoned for almost ten years. There is an abandoned RV on the property and Mr. Clegg stated that he can not sit on his back porch in the summer due to the odor from the septic tank on the RV and because of all the feral cats that live there. His property value is going down – he can not sell his house and it is embarrassing to have company over.

Council President Steward asked Mr. Clegg to make sure he gives his contact information to the Clerk.

The Administrator said that off-hand he is not aware of the situation but perhaps Construction/Code Enforcement or the Condemnation Board is aware and he will check on it.

Ron Prykanowski (16 Thurston Avenue) said that as a follow-up on abandoned properties, the Township now has another situation – squatters. There is one on Manor House Drive. It is bank owned and banks, generally, will not take the trouble to have them evicted.

The Administrator said that the Township is aware of this particular situation.

The Attorney then explained the conundrum Towns are in because the Town does not own the property. Only the owner can institute an eviction procedure or say that it is a trespass issue. Because of the foreclosure crisis, banks are holding large inventories and are unwilling to get involved, especially if there is an occupant.

The Council President and the Attorney then discussed the situation regarding the property on Route 31. The Attorney said that the Town was able to use the Code in this instance - no water or electricity - to get an administrative search warrant, document the condition of the property and find that it was uninhabitable.

The Attorney suggested, to the extent a person is able to, document the condition of the property and bring that to the Township. The Township will do what it can to get a search warrant so the Construction Official can go in, document the condition and perhaps be able to declare it uninhabitable.

A lienholder can institute an accelerated foreclosure on that property but most are bank owned and then the only tool that the Township has is to enforce the Construction Code.

Councilwoman Keyes-Maloney said that there is State legislation which mirrors what the Township has done here because it is a way to manage the situation to some extent by keeping track when a bank has owned a property for a period of time and accelerating the “licensing” for not moving that property back onto the tax rolls.

The Attorney said that this Council has been way ahead of the curve in requiring the registration and maintenance of these properties by a bank.

Mary Morgan (115 West Upper Ferry Road) stated that she sent Council an email about her concern about the Township’s relationship with U.S. Immigration and Customs Enforcement (ICE) and possibly U.S. Customs and Border Protection (CBP). Ms. Morgan said that it is her understanding that the New Jersey Attorney General’s Guidelines require that the Police only ask about immigration status and that they only contact ICE after arresting someone on an indictable offense or on a charge of driving while intoxicated and that the Police are prohibited from asking victims of crime or people they are assisting about their status. Ms. Morgan wanted to know what policies are in place in the Township regarding law enforcement’s relationship with ICE and CBP.

President Steward stated for the benefit of the Public that Ms. Morgan’s email consisted of model policies that she would hope to see.

Ms. Morgan said that she previously contacted the County Sheriff and asked whether they are cooperating with ICE and they said that it is not within their purview. In light of the Administration’s immigration Executive Orders, Ms. Morgan said that she would like to know what is going on in her own community.

The Council President responded that she has not yet had the opportunity to discuss this with the Police Chief but that she will do so and added that she shared Ms. Morgan’s email with the Mayor and the Administrator.

The Administrator said that this was brought to our attention yesterday. We have not yet sat with the Chief. The Administrator stated that as far as he was aware, the Town has not had any interaction with ICE. ICE can come in on their own but the Township does not call them.

Ms. Morgan then asked if ICE did come to the Township would the Township require ICE to show a judicial warrant.

The Administrator responded that he will have that discussion with the Mayor and the Chief.

Ms. Morgan added that those are the concerns - what is the Township going to require of them before the Township cooperates.

Fatima Mughal (125 Timberlake Drive) stated that Hopewell Township says that they get one or two ICE raids per year and then said that she assumes that if Hopewell gets that amount, then Ewing probably gets more than that.

The Administrator responded that he and the Mayor meet with the Chief every week and have not been given any notification of any ICE raids. In the last year, a Police Officer has been assigned to the Prosecutor’s Office and another to the FBI. Both are now back with the Township as their time was up, but we have not been made aware of any participation in any raids. But, we can find that out. The Administrator added that the Chief comes before Council quarterly and it has never been a topic of discussion.

Ms. Mughal stated that she and Ms. Morgan would like to speak with the Chief in order to talk about their goals, to find out what the current policies are and then to suggest policies in case anything comes up in the future.

The Administrator added that because of one of the threats that has come down, and the Township has taken no position on it, if the Township declares itself a sanctuary city, which the Township has not, the Township would lose federal funding. The Township does get Community Development Block Grant money. Regardless of this issue, the Township has been told this week that this funding may go away anyway. That money has paid for the renovations at the Senior Center and started this year to pay for the renovations at Hollowbrook to the tune of \$190,000.00 per year. The Township, on occasion, gets federal highway money for roadwork.

Ms. Morgan said that it is not clear that would happen and then stated, at this moment, we are not asking that Ewing declare itself a sanctuary city.

Ms. Mughal added that, according to the ACLU, those threats are illegal and the ACLU has vowed that they will try block it just as they did with the Muslim ban. Ms. Mughal stated

that she does realize that losing federal funds is a concern and has to be discussed. Trenton is a sanctuary city and perhaps some of their policies should be incorporated here in Ewing.

Councilwoman Keyes-Maloney said that there are a number of things outlined in that ACLU memo and then said that perhaps it is not clear what happens when someone is arrested in Ewing. Ewing's lock-up is very tiny, unlike Trenton. It is a mere "hold" position and then folks are transferred up to the County Workhouse so it might be more of a County question as to what happens in terms of the detainer piece. ICE does not actually access the computer system used to deal with arrest records until that County link-up happens. Only basic information is entered and theoretically the only time it might be relevant is if someone has been deported and then comes back into the country because it does constitute a criminal offense to do that. But, that is a separate, distinct situation. Councilwoman Keyes-Maloney added that layered onto that is the fact that law enforcement is required to have a relationship with ICE and that relationship is something that we can explore with the Chief. Councilwoman Keyes-Maloney stated that what she is saying is that this might be a larger question than just Ewing, particularly because of how Ewing transports folks; just realize that this might be a better conversation to have with the County, or with the County in conjunction with the Township. Councilwoman Keyes-Maloney then said, regarding the sanctuary question, it is how our Officers react to situations and what they may be asking is a policy question. Their mission statement on the website is very clear about how they treat citizens. Their mission statement drives how they actually do policing in Ewing.

President Steward added that you have to give Chief Stemler credit. He has advanced a community response unit and other initiatives to develop that trust in the community so she suspects that the Chief would be loathe to take any actions that would indicate that. They have made positive steps in finding those ways to build relationships and work with communities regardless of ethnicity or faith. Council has been getting great feedback on the connections those units have been making around the Township.

Councilwoman Keyes-Maloney said that the Chief has started a Community Policing Unit which is about interfacing with the Community. Councilwoman Keyes-Maloney said that she sees the Police living up to their vision and said that although she can not speak for the Chief or for the Department she feels comfortable that they act within the law and have been respectful. How Ewing handles prisoner transport just creates a wrinkle; anything that may be happening may be beyond their control.

Ms. Mughal said that that would be good for us to know so we can share that information with the community and with the ACLU as well because the ACLU is collecting information on different cities throughout the country.

Councilwoman Keyes-Maloney said that one of the best ways to have this conversation is through the quarterly meeting when the Chief comes before Council.

David Lyons (530 Washington Avenue) asked if he heard correctly that Item One about Zoning is not being moved to the Regular Session.

The Council President explained that Council put it on tonight for discussion because Council wanted a chance to discuss in Open Session the best way to move forward. Council is not taking formal action tonight but based on the feedback from Council, it will be on a future Agenda.

There were no additional statements 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. Ms. Wollert so moved seconded by Mr. Baxter. The meeting was adjourned at 7:59 p.m.

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Sarah Steward, Council President

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Kim J. Macellaro, Municipal Clerk