

April 11th, 2017 – AGENDA SESSION

President Steward called the meeting to order at 6:32 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 – Excused | 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 | |

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

DISCUSSION

President Steward stated that the first four items under Discussion are related to the settlement of the Township’s affordable housing litigation. In that settlement, the Township agreed to update these required documents.

1. AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF THE TOWNSHIP OF EWING TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS
2. A RESOLUTION ENDORSING THE 2017 HOUSING ELEMENT AND FAIR SHARE PLAN
3. A RESOLUTION ADOPTING AMENDED TRUST FUND SPENDING PLAN
4. A RESOLUTION ADOPTING AFFIRMATIVE MARKETING PLAN

The Attorney explained that on November 14th, Council adopted the Resolution approving the settlement with the Court. Ewing was just one of many parties in this litigation involving the Council on Affordable Housing obligation of the Township. As part of that settlement agreement, the Town agreed to amend a number of documents that relate to how the Township implements and provides for affordable housing. Ewing was well positioned in the context of this litigation because, unlike other municipalities, when these regulations were in flux Ewing continued to require

all new developers to provide for affordable housing and to make payments into the Affordable Housing Trust Fund.

Ewing was able to settle this litigation fairly quickly because Ewing already had significant affordable housing within the Township. The Attorney then discussed each of the documents that implement the settlement and then introduced the Township Planner, Chuck Latini.

Mr. Latini (Township Planner) stated that last month the Planning Board adopted the Housing Element and Fair Share Plan for the Township which was based upon the settlement agreement that Council authorized he and Michael Herbert to negotiate with the Fair Share Housing Center. The Township did not have to fight with the rest of the State over the numbers so the Township did not spend a lot of time, effort or money on that portion of it. The Township has largely met the obligations the Fair Share Housing Center has been pushing through the Courts. The Town has been extremely pro-active. Over the last eight years or so, the Township required every project to set aside ten percent for affordable housing. Mr. Latini then named the major projects and said that each has affordable housing woven into the other units; a building is not set aside. You can not tell an affordable housing unit from the other units. All are built the same. That, combined with the Township's other projects, such as Ujima and Ms. Lynn's place on Whitehead Road, and with the Town's supportive housing meets the Township's obligation. Mr. Latini explained that this Ordinance replaces the current Ordinance which reflected COAH's third round plans which had been scrapped. This Ordinance readopts what the Township had previously. The Township is required to adhere to the rules and regulations of COAH's second round. This Ordinance is fairly boilerplate; everyone is adopting it. Mr. Latini briefly explained the Affirmative Marketing Plan Resolution. The Spending Plan Resolution has been revised to reflect the Township's current plan. With the help of the CFO, we identified all the fees that have been collected over the past twenty years – about \$1.4 million. A considerable amount has been spent on projects at Ujima and on Whitehead Road.

The Township is left with a balance of \$364,000.00. That, combined with the Township's anticipated revenue through 2022 of \$153,000.00 with interest, gives the Township a total of \$517,000.00 to apply to the program. The lion's share of that is for rehabilitation. The Township has been great with new construction but needs to apply a great deal of effort to get on top of substandard housing units. \$367,000.00 has been identified for that effort and \$100,000.00 has been identified for new construction projects and affordability assistance. The Town will always be obliged to provide for low and very low income. Thirteen percent of the total has to be for very low income; the rest can be fifty-fifty low and moderate income. Mr. Latini mentioned that there are not any projects moving forward right now and then listed those that are in the "thinking about" stage. It is a fairly simple plan because the Township has been very proactive thanks to the Mayor as he wanted every single project to include affordable housing even though he knew that COAH was in a lurch. The Mayor did not want Ewing to be left "holding the bag" once the COAH issues were worked out. Ewing is the first Mercer town to settle with, most likely, the least amount of money spent to do so.

Councilwoman Keyes-Maloney said that it is good to get out ahead of a lot of other municipalities who have not been as proactive and said that she appreciates the thoughtfulness.

Mr. Latini responded that it has been fairly simple as we have been working on it over the last six or seven years. We just had to provide documentation.

There were no additional questions or comments from Council on the first four Discussion Items.

Rebecca Lynn (1008 River Road) asked if a portion of the Affordable Housing Trust Fund is set aside for veterans to assist with the payment of rent. There are two World War II veterans who want to move back into Ewing where they were born. Ms. Lynn said that she was told by the Finance Office that there was absolutely no money and then stated that she knows for a fact that there are funds.

Mr. Latini responded that in 2013 or 2014 changes were made to the Fair Housing Act that enable municipalities to provide affordable assistance money for veterans exclusively. The Town works with the developer or property owner to make units available for veterans.

The Council President asked if this assistance is to the developer, not to the individuals who are seeking rental assistance.

Mr. Latini replied that it is for the project and the veteran must still be income qualified.

The Attorney added that it is not direct rental assistance. It is money paid to the project which makes the project more affordable so units can then be set aside. There is no perpetual source of funds so the idea is to make the project more affordable.

Ms. Lynn responded that she knows that there are other municipalities that do provide rental assistance through COAH.

The Attorney replied that she is not aware of direct payment to individuals.

The Council President asked Ms. Lynn to forward any information that she has on this, including which towns are providing rental assistance.

Mr. Latini said that he will look into it.

There were no additional questions or comments from the Public on the first four Discussion Items.

5. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND § 225-67, SCHEDULE XX: LEFT TURN PROHIBITIONS

President Steward said that this is on Route 31 South just passed the main entrance to the College. You can not turn left into Panera before the light at Main Boulevard. There are already signs to indicate this.

The Attorney explained how Township ordinances are set-up with respect to left hand turns: there are a number of places where left-hand turns are specifically prohibited and then there is a catch-all that says if there is a provision for a no left hand turn prohibition as part of a Planning Board approval then that is incorporated by reference into the Statute. This left turn prohibition was incorporated by reference. This Ordinance is going to specifically list it in the Schedule which will make it easier from an enforcement perspective. The State requested that a Resolution be adopted and they will provide additional signage.

The Administrator said that the sign there now was put up at the Township's request. Signage will be painted on the roadway itself.

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

6. A RESOLUTION AUTHORIZING THE PROHIBITION OF LEFT TURNS ALONG ROUTE NJ 31 (PENNINGTON ROAD) AROUND THE CAMPUS TOWN'S ENTRANCE/EXIT DRIVEWAY AT THE COLLEGE OF NEW JERSEY

President Steward explained that this is the separate Resolution requested by the State.

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

7. A RESOLUTION AUTHORIZING AN EXTENSION OF THE SEWER REMITTANCE GRACE PERIOD FOR THE APRIL 1, 2017 SEWER BILL TO THE DATE OF APRIL 27, 2017

President Steward explained that at the last meeting, Council approved the annual sewer rate. The sewer bills were mailed on April 1. This establishes a grace period. The CFO added that late fees will be calculated from April 17th.

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

8. A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

The Council President explained that the IT Department is requesting the disposal of outdated computer equipment. Even though this equipment has no value, a Resolution is still necessary.

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

All Items were approved for action.

BILLS LIST

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

The CFO responded to Councilwoman Keyes-Maloney question about Kyocera Document Solutions.

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

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

The Consent Agenda was approved for action.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

1. 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 said that this is done annually to increase Township appropriations from one-half of a percent which is the CPI rate for this year to three and one-half percent. It allows the Township to go to three and one-half percent and bank the difference.

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

This Item was approved for action.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

President Steward reported that the main item discussed at the Planning Board meeting was the second phase at Heritage Court on Silvia Street. Their second phase consists of additional housing, a clubhouse and pool area and a pathway to the train station.

Councilwoman Keyes-Maloney said that there are two big events coming up for the Arts Commission. The first is the Homefront Mercer Arc Art Show this Thursday here at the Municipal Building. The purchase of the art goes to fund additional programs at Homefront and Mercer Arc. On April 23rd, the Student Art Show will be held at the Elks. After the show, some of the artwork will be on display here.

Councilman Schroth announced that Shred Day is being held on April 22nd from 9:00 a.m. to 1:00 p.m. at the Municipal Building. The next Green Team meeting is April 26th at 6:30 p.m. at the Senior Center. The National Prescription Drug Take Back Day is on April 29th at Pennington Road Fire House; you can dispose of unused medications in a safe fashion.

The Administrator added that April 22nd is also Earth Day. There will be a Community Clean-Up Day that is being coordinated with students at the College of New Jersey. It begins at 1:00 p.m. 5:00 p.m. is Little League Opening Day at Fasolino Field. Fasolino Field was refurbished with a grant from Major League Baseball. A famous ex-manager of the New York Yankees should be there.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Mildred Russell (119 King Avenue) asked about the bags for the Community Clean-Up Day on April 22.

The Administrator responded.

The Council President added that it is open to the Public.

Mrs. Russell then asked if the trailer ordinance was adopted.

President Steward replied – yes.

Mrs. Russell asked if it can be enforced.

The Attorney responded that there was a provision for a delayed enforcement so people could be notified and given time to have these pods removed and/or licensed.

Mrs. Russell then asked if anyone has been notified.

The Administrator responded that some the Township knows about have been notified. But, they do not face any consequences yet. After the ninety day period, the pods have to be registered and then they face the fifteen day period.

Mrs. Russell asked when is the ninety day period up.

President Steward replied – in June and then asked Mrs. Russell to notify the Township if she knows of any so the Township can inform these people about this Ordinance.

The Administrator asked Mrs. Russell to email him if she knows of any.

Mrs. Russell asked if there is going to be a Town & Gown meeting at the end of the year.

The Administrator replied that at the present time, one is not scheduled between now and the end of the school year in May. The next scheduled Town & Gown meeting is in

September. The Administrator said that the Township did have a meeting with four representatives from TCNJ to discuss repeat offenders.

The Township is involved with enforcement actions against the land owners but the Administrator said that he is not going to mention specific properties because of due process.

Mrs. Russell stated that it is more in the hands of the Municipality. Rules need to be set for these houses. The Town does not even know where they all are. We do and we are the ones that suffer.

The Administrator responded that the College does know where they are. The College has no power over one of them; the Town does in some respects and is doing what it can. The Police have been challenged to do their job. The Administrator then gave an example of an incident that occurred this past weekend.

Mrs. Russell said that we need to get together to figure this out before the new school year comes and suggested that one, the Town inform the landlord as to what is happening and two, the College provide space on campus where these groups can meet.

The Administrator and Mrs. Russell discussed this further.

Rebecca Lynn (1008 River Road) stated that her residents are getting bills for Ewing ambulance services and then asked what is the protocol – why are they being billed when they have complete insurance coverage.

The Administrator explained the process.

Ms. Lynn responded that that is her point, that is not happening. Her residents are being billed instead of the insurance company.

The Administrator and Ms. Lynn then discussed who Mr. Clark (EMS Director) should contact to get this straightened out.

Ms. Lynn then asked, regarding Hilton Realty second phase, how many new development units are coming into the Township and how many of these are rentals.

Mr. Latini listed the projects and the corresponding number of units.

Ms. Lynn asked if anyone has spoken with the School Board regarding the impact on the schools.

President Steward replied – yes, they just completed their updated demographic study which included these projects and they continue to project essentially the same as last year.

Mr. Latini added that there is no need for additional capital. But, there may be a need for adjustments in the future.

Ms. Lynn responded that 1700 new units is not going to yield any new students.

Mr. Latini replied that that is not what we are saying. The demographer and the School Board's analysis of his report determined that no new capital is needed – no new buildings or additions.

Ms. Lynn and Mr. Latini then discussed the GM site and past projections.

Ms. Lynn then stated that she does not know how this can possibly be as rental properties do not remain static and gave one example of a “plus three kids” situation.

There were no additional questions or comments from 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. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 7:22 p.m.

Sarah Steward, President

Kim J. Macellaro, Municipal Clerk