

April 25, 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 – 7:04 p.m. | Joanna Mustafa, CFO |
| ▪ Mr. Schroth – Present | Wade Koenecke, Attorney |
| ▪ Ms. Wollert – Excused | Susan Bate, Deputy Clerk |
| ▪ President Steward – Present | |

President Steward stated for the record that Councilwoman Keyes-Maloney is on her way; she is running a bit late. Vice President Wollert is excused.

PRESENTATION – Proclamation Designating the First Week in May as Elks Youth Week

President Steward said that Council is pleased to honor the Trenton Elks Lodge. They are establishing May 1st through May 7th as Elks Youth Week. President Steward read the Proclamation. President Steward then mentioned the great art show that was held at the Lodge this past weekend and said that it is one example of the many great programs that the Elks are doing for the Community. A member of the Elks was present to receive the Proclamation.

CLOSED SESSION – The Attorney read (Resolution #17R-81) A Resolution Excluding the Public from a Public Meeting – Discussion of CWA Contract

At 6:35 p.m., the Attorney read the Resolution to enter into a Closed Executive Session pursuant to the Open Public Meetings Act to discuss the CWA Contract and to receive the advise of Counsel. Minutes will be made available, if and when appropriate, when the matter is concluded.

At 6:35 p.m., Councilman Baxter made a motion to enter into Closed Executive Session, seconded by Mr. Schroth. It was agreed by unanimous voice vote.

At 6:51 p.m., Councilman Baxter made a motion to close the Closed Executive Session, seconded by Mr. Schroth. It was agreed by unanimous voice vote.

At 6:51 p.m., Councilman Schroth made a motion to enter back into Open Session, seconded by Mr. Baxter. It was agreed by unanimous voice vote.

DISCUSSION

1. AN ORDINANCE AMENDING THE OLDEN AVENUE REDEVELOPMENT PLAN

Chuck Latini (Township Planner) said that these are just minor tweaks to each of the eight subareas and a couple tweaks within the design standard section. Most of these tweaks came about because of how he has come to view different business highway commercial corridors. In the past, the Township has tried to limit certain types of uses, primarily, the repair facility and the preponderance of used car dealerships. Mr. Latini said that as he started to think about it, those uses were viewed in light of their curb appeal. Judging by how many people come in and ask the Township to allow certain types of uses, whether it be part sales or repair facilities, it makes sense, particularly in Subareas Two and Six to allow those uses and expand the economic opportunity throughout the Town. Those uses will still not be allowed on lots that are too small. The lot will have to be designed properly. Mr. Latini then mentioned Subarea Seven and then explained how Code Enforcement handled a change of use in the past. If the use was permitted, Code just did their CO inspection and the like and away the new business went. It did not work because if someone comes in and handles thirty to fifty cars a day, they are not able to park those vehicles on their lot and they end up on the street, blocking driveways; it creates a mess. Mr. Latini explained that these uses are not being eliminated. If a new business comes in, they now must prove that they are able to handle their business on their property; on a properly sized lot with the appropriate landscaping. There are some other minor housekeeping stuff but this is basically the jest of the Ordinance. Mr. Latini brought to Council's attention a correction in Subarea Two under Land Use and Conditional Use Number Four. Mr. Latini also said that he wants to introduce to Council tonight a change - the inclusion of an additional bullet point - that they maintain compliance with the Township's Landscape Ordinance 2015-57. This will give the Township a little extra support in the review process both with the Agency and the Planning Board.

President Steward said that it is her sense that, after living with this for a number of years now, that this is recognizing that some things just need to be cleaned-up.

Mr. Latini added that it is just not "living with it." After taking on the part-time role of the Zoning Officer and hearing conversations at the window in the Construction Office, you learn what business owners are asking. So, you take a look at the Ordinance and see what can be changed to support businesses.

President Steward reiterated that this is not a re-imagining of what the Township is hoping for.

Councilman Baxter said that a lot of things need to be cleaned up in Subarea Seven. This does not require a fence to be put up but it does require that any vehicle or any thing that you have must be on that property as opposed to "taking up" the public street.

Mr. Latini replied – right. There are more than a couple businesses, particularly on Stokes, where you will see cars all along the street that all belong to one car dealer. Parking is an issue there to begin with. But, the other businesses, who are conducting their business properly, are negatively impacted – their customers can not even park in front of the shop. Those businesses are looking to move their shops if the Township can not figure out a way for everyone to do their part.

Councilman Baxter asked if Stokes being a public street is going to be a problem for the Township.

Mr. Latini replied – no. Any time you see a land use regulation, particularly one that deals with commercial facilities, you want to make sure that there is adequate parking, adequate storage for shipping and receiving and loading docks – all these things - so it does not spill out into the road and negatively impact the neighborhood itself. It is the same kind of premise here. Mr. Latini said that he is not trying to shut businesses down, but if you have the need to park fifteen or twenty cars on a public street, then that is a problem.

Councilman Baxter commented that he is glad that Mr. Latini is addressing this because many residents in the neighborhood have called him with complaints; they would like to see their homes be respected a little more.

President Steward asked, if Council moves this forward tonight, will it go back to the Planning Board for their review.

Mr. Latini replied – yes.

There were no additional questions or comments from Council.

Ron Prykanowski (16 Thurston Avenue) said that this Olden Avenue Redevelopment Plan has been on the books for in excess of twenty years and it has been tweaked in the past. Mr. Prykanowski suggested that Council ask for a total re-evaluation of the Plan. Because six months from now, the Township might be tweaking it again.

Mr. Prykanowski also said that some areas need to be added or removed; there are a number of areas within the Township that have been “neglected.” One such area is the intersection of Parkway and Olden. That whole section needs to be addressed.

President Steward thanked Mr. Prykanowski for his comments.

Mr. Latini responded that the Township did comprehensively update the Plan in 2011 and that created some fairly drastic changes because the first Plan in 1999 had really not done anything in ten years. A lot of activity has occurred on Olden Avenue in response to those changes. Mr. Latini said that he does not disagree that a review is always needed in these Redevelopment Areas because life is ever evolving. Those areas that Mr. Prykanowski mentioned on Parkway Avenue are not part of the jurisdiction of the Redevelopment Plan. We could commission a study to extend and create another area, which given the problems of that intersection, would likely suite the Area in Need of Redevelopment statute. But, that would not be part of this particular study. It is not abnormal for a Plan to see tweaks from time to time.

Council President thanked the Administration for bringing this before Council because it gives Council a chance to look at it again; she is comfortable with moving forward with it as it is.

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

2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225-62 SCHEDULE XV: TRUCKS OVER 10 TONS TO EXCLUDE TRUCKS OVER 10 TONS ON MAIN BLVD

President Steward said that this is in response to residents’ concerns about tractor trailers using Main Boulevard as a cut-through.

The Administrator explained that it does not prohibit local deliveries.

Councilman Baxter commented that it is his concern that these trucks will then just use Lanning or Theresa.

The Administrator responded that one of those streets has speed humps on it so the trucks will not go down there. Later this year, we may be addressing the other street with speed humps. The reason that they are coming out of Main Boulevard is that it is a straight shot until they get to Lower Ferry Road. If it is noticed that trucks are using other streets, the Township will address it.

Councilman Baxter said that if they go down Lanning, we will hear about it.

The Mayor added that that is highly unlikely as tractor trailers do not like to make a lot of turns. Main Boulevard is a straight shot.

The Council President said that it is a well taken point that we should keep an eye on it.

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

3. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND § 225-70, SCHEDULE XXIII: SPEED LIMITS

The Council President said that this is the speed limit on Somerset Street.

The Administrator said that, based on DOT standards, the Township Engineer is recommending that the speed limit be lowered to twenty-five miles per hour. It was requested by members of the Brae Burn Civic Association.

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

4. AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING ZONING OF SOLAR ENERGY RESOURCES WITHIN THE TOWNSHP

President Steward said that Council looked at this, for discussion purposes only, a few weeks ago as to the best way to move forward. Since that time, the Mayor and the Township Planner have discussed it and Council members have had discussions as to the best way to move forward. The Council President thanked Councilwoman Keyes-Maloney for her leadership on this.

Councilwoman Keyes-Maloney explained that this seeks to create business rules around solar installations both in terms of where they may be located based on parcel size as well as to ensure that solar installers are making sure that fire companies have access and egress to roofs of buildings. It also sets requirements in the event that a solar installation is abandoned or decommissioned. It draws from the work of other jurisdictions as well as from the unique vagaries of the Township. Chuck Latini (Township Planner) added that it also talks a little bit about preferences. The Township has always allowed roof mounted installations provided that they got the proper permits from the Construction Office. In the past, the Township has had several organizations, primarily churches, put up ground arrays. All had to go through Zoning, but some are designed better than others. This provides a little bit more guidance in that respect. It also provides some additional insights as to design integration. This came about because of a Zoning Board application on Washington Avenue that met with some contention. Just dropping arrays in someone's backyard does not seem fair to the neighbors. However, if it is designed in such a manner that you did not even know that it is a solar array, that is something that, presented to the Planning Board, they could say negative impacts are minimal, here is your permit. It allows some leniency but also ensures that we do not end up with something that a neighbor can not live with.

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

5. A RESOLUTION AUTHORIZING THE PURCHASE OF RADIO UPGRADES FOR THE POLICE DEPARTMENT FOR THE TOWNSHIP OF EWING FROM GTBM ASSOCIATES #83924 AND #83904 THROUGH STATE CONTRACT T-0109 (expires 04/30/2018)

The CFO explained that these were allocated in 2015 for the upgrade to the Radio Room in the Police Department.

Councilman Baxter asked what is the source of these funds.

The CFO responded – the 2015 Capital Budget.

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

6. A RESOLUTION APPROVING NICHOLAS J. HALL AS A JUNIOR FIREFIGHTER MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY

President Steward said that Council is always encouraged to see new junior members at our volunteer fire companies.

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

7. A RESOLUTION AUTHORIZING A MAINTENANCE GUARANTEE RELEASE FOR PALMUCCI SITE PLAN, BLOCK 194 LOTS 45.01 & 45.02 – 131 WALTERS AVENUE AND BLOCK 195 LOTS 1 & 45.06 – 155 WALTERS AVENUE, EWING TOWNSHIP FOR PROJECT NUMBER RV&A#1102 I 009 SUBJECT TO THEIR COMPLIANCE WITH SPECIFICATIONS OUTLINED BY EWING TOWNSHIP ENGINEERS REMINGTON, VERNICK & ARANGO

President Steward remarked that this is a routine release of the maintenance guarantee as recommended by the Township Engineer.

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

8. A RESOLUTION AWARDING BID FOR SOLID WASTE COLLECTION SERVICE

The Attorney first stated that, due to a conflict of interest, his law firm had nothing to do with the bidding for this contract. With that being said, this is a partial award for Option Number One which is for residential curbside pickup. The current contract ends at the end of this month. The award is to Central Jersey Waste which was the lowest responsive bidder by a wide margin – about two million dollars.

There are two other options that the Township is still considering: leaf/brush pick-up and dumpster pickup. Those are not part of this award.

The Administrator added that the Township is still studying the other two options; reviewing the prices and compliance with the bidding process. Option One will continue with Central Jersey by a two million dollar margin over five years to pickup the trash with the same schedule as they have now.

The Council President said that this is to award for all five years.

Councilman Baxter said that last time, the initial award was for three years.

The Administrator said that the last contract was three years with two one year options. This is a straight five year contract which locks in the price. The price is going up by about \$50,000 per year, but it includes picking up more dumpsters and condo/apartment/townhouse units then were available five years ago. This is the current contractor. There were two bids for trash - Option Number One. For the residents, the schedule will be the same.

Councilwoman Keyes-Maloney asked if there are any other changes to the terms and conditions over what was in the bid itself or is it just restricted to the Option One section of the original bid.

The Administrator replied that tonight Council will just be considering the regular curbside trash pickup. The Township is still reviewing the bulk pickup – the dumpsters off of Scotch Road - and, another option the Township put out, to find out the cost for brush/leaf pick-up which the Township currently does. The current dumpster vendor, who did not bid, will continue with a one month extension. It also depends on what the Attorney recommends. Since the Township Attorney will also be conflicted out of this as well, Mr. Chuck Allen is reviewing it as he did with Option One.

Councilman Baxter and the Administrator discussed complaints and how any complaints were handled by the Township as five years ago, the concern was how Central Jersey would do and how the Township would deal with complaints. The Administrator said that every complaint brought to our attention was followed up and addressed. Most of the complaints were regarding dead-end streets, or with a couple of streets that are “odd” – you can not tell if it is a street or driveway. Other complaints dealt with folks putting out the trash at 7:15 a.m. Central Jersey starts pickup at 7:00 a.m. But, there have been no grandiose complaints or complaints from one area. The company addressed employees taking trash that they should not take. That problem does not exist any more.

Councilman Baxter said that he thinks they are doing a good job.

The Administrator said that two months ago he had a complaint about a broken trash can, the Township replaced it after speaking with Central Jersey and then added that the Administration will be coming before Council with an Ordinance limiting the Township’s exposure to pay for damaged mailboxes or trash cans.

Councilman Baxter added that Central Jersey is a good company.

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

9. A RESOLUTION TO ADOPT REVISIONS OF A NEW CONTRACT BETWEEN THE TOWNSHIP OF EWING (“THE TOWNSHIP”) AND LOCAL 1032 OF THE COMMUNICATIONS WORKERS OF AMERICA (“CWA”)

The Administrator said that the contract is a year and almost four months old from expiration. There are minor changes; updated based on current laws. The rate increase over the four years is: two percent for 2016 and two and a quarter percent for 2017, 2018 and 2019. Anyone making less than \$40,000.00 will get a one time \$250.00 bump. In 2017, they will get one reduced vacation day, from twelve to eleven. And, the starting salary for an entry-level clerk will now be \$26,000.00 instead of \$25,000.00. The contract was voted by their members twenty-nine to one to accept.

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

All items were approved for action.

The Council President announced that there are two walk-on Resolutions.

10. A RESOLUTION AMENDING RESOLUTION #17R-69 AUTHORIZING THE TOWNSHIP OF EWING TO ENTER AN ADOPTION AGREEMENT WITH OFFICER CHARLES "MATT" NEMES FOR THE ADOPTION OF A RETIRING POLICE CANINE

President Steward said that both Officer Nemes and the dog are retiring June first. This just clarifies that the effective date is June first.

This item was approved for action.

The Council President announced that the second walk-on item will be discussed during the Budget part of the Agenda.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$278,762.80 and to Pay Supplemental Bills per Resolution #17R-14 in the Amount of \$14,563.83

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

This item was approved for action.

CONSENT AGENDA

Council President Steward presented the Consent Agenda for review.

1. A Resolution Authorizing PEAC Health & Fitness to Hold a 5K Run
2. A Resolution Authorizing a Refund, as Recommended by the Director of EMS for Overpayment in the amount of \$745.00 for overpayment of transport service on October 7, 2015 for patient Larry Montgomery to Stark & Stark, P.C., P.O. Box 5315, Princeton, New Jersey 08543-5315.
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$96.56 for April 1st, 2017 & October 1st 2017 full year sewer bill to Harry Jammer, 18 Malaga Dr., Ewing, NJ 08638, for property owner Harry Jammer for Block: 512 Lot: 10 also known as 18 Malaga Dr.
4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$40.10 for April 1st, 2017 & October 1st 2017 full year sewer bill to Kenneth B Charlesworth, 30 Mountain View Rd., Ewing, NJ 08628, for property owner Kenneth B Charlesworth for Block: 435 Lot: 77 also known as 30 Mountain View Rd.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$112.76 for April 1st, 2017 & October 1st 2017 full year sewer bill to Richard Hoyt, 64 Wilburtha Rd., Ewing, NJ 08628, for property owner Richard Hoyt for Block: 422 Lot: 53 also known as 64 Wilburtha Rd.

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

This item was approved for action.

CY2017 TOWNSHIP BUDGET

1. A RESOLUTION TO READ BUDGET BY TITLE AT PUBLIC HEARING
2. PUBLIC HEARING ON THE CY2017 BUDGET
3. A RESOLUTION ADOPTING THE TOWNSHIP OF EWING CY2017 BUDGET

President Steward stated that in the Regular Meeting we will have the consideration of the Budget and a full Public Hearing at that time.

The CFO explained that this year the Budget is under State review. For two years you can do a self-exam of the Budget, but the third year you are examined. The Township is waiting for final approval. The CFO said that when she spoke with the State earlier today, there was no indication of any amendments.

However, there are a few things that the State is still reviewing. We can hold the Public Hearing, but any action will have to be taken at the next meeting.

President Steward said that we can not take final action on the Budget this evening because we do not have DCA's approval yet.

The Administrator added that the Public Hearing will take place tonight. Then, in two weeks, we will have adoption without any questions from the Public unless there are amendments and then the Public Hearing will only be on the amendments.

President Steward said that the DCA has given their approval for us to proceed with the Public Hearing tonight which we will do, but we just can not move forward on final adoption.

President Steward said that there is need for a walk-on resolution.

11. A RESOLUTION OF EMERGENCY TEMPORARY APPROPRIATION

President Steward explained that in the absence of an adopted Budget, there is a need for this Resolution. It is for one-twelfth of last year's Budget in order for the Township to operate in May.

There were no questions or comments from Council or the Public on any of the Budget related items.

All items were 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 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 the left turn coming South on Route 31 at the Campus Town Panera Bread. If you are coming South on Route 31, before you reach Main Boulevard, there is a driveway to enter Campus Town at Panera. This will be restricting left turns into there.

The Administrator added that there are already signs that the State DOT posted. But people miss them. This was recommended by many people to assist in not having people making an illegal left turn there.

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

This item was approved for action.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

(None for this Meeting)

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Arnold Anderson (Owner - 1657-1659 Pennington Road) said that it seems like this Ordinance is causing him extra distress. The Township is saying that, as landlord, he is responsible for the young man's actions. He has to put up at \$2,500.00 bond and there are stipulations as to how he can get his money back.

Mr. Anderson said that he believes that this young man has a slight mental problem. This is more of a health or medical issue which is out of his purview. Mr. Anderson then explained that his mother rents the place; he is not on the lease, but he is her child. He is about thirty-three years old and now the Township is saying that he is responsible for him. Mr. Anderson added that his lawyer has never heard of a municipality putting out an Ordinance against a landlord. Mr. Anderson stated that he pays over \$10,000.00 in taxes every year and then asked why he is being singled out as a landlord. Mr. Anderson then said that he does not really understand why a medical problem should be a landlord's problem. Mr. Anderson understands that a certain "order" is wanted in Ewing, but why should that be on him.

President Steward thanked Mr. Anderson for his comments and then said that there are two issues here – the process and then the specific case.

The Administrator explained that Council adopted an Ordinance that effects all properties in Ewing, not just this particular property. There have been complaints about a couple of properties, not just this one. There is another property that is being addressed for habitual problems. This tenant has been a very difficult person and the Ordinance allows us to address the property owner when tenants are not respecting the Community.

President Steward added - in very specific ways - such as interactions with law enforcement.

The Administrator said that this individual has had multiple interactions with the law. It is a very difficult case. The owner should not be before Council. It is now an issue with the Court. The Administrator thanked Mr. Anderson for coming tonight and then recommended that Mr. Anderson reach out to Bertha Scott in the Court as that is now the proper channel. If his lawyer has a different position, then the lawyer will need to reach out to the Court or to the Township Attorney.

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

ADJOURNMENT

There being no further business, President Steward asked for a motion to adjourn. Mr. Baxter so moved seconded by Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 7:36 p.m.

Sarah Steward, President

Susan Bate, Deputy Municipal Clerk