

## May 23, 2017 – REGULAR SESSION

President Steward called the meeting to order at 8:20 p.m.

The Clerk gave the Invocation: Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

Flag Salute

The Council President read the Open Public Meetings 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 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 – Absent  | Maeve Cannon, Attorney         |
| ▪ Mr. Schroth – Present       | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present       |                                |
| ▪ President Steward – Present |                                |

The Clerk stated for the record that Councilwoman Keyes-Maloney has an excused absence.

### STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA

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

### BILLS LIST

1. The Clerk read (**Resolution #17R-97**) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$5,808,219.28 and to Pay Supplemental Bills per Resolution #17R-14 in the Amount of \$82,080.91

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Resolution, seconded by Mr. Schroth. President Steward asked for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Ms. Wollert	YES
Mr. Baxter	YES
President Steward	YES

*All items listed under Consent Agenda are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.*

**CONSENT AGENDA**

The Clerk read the Consent Agenda: (Resolution #17R-98/)

1. Approval of Agenda Session Minutes for March 28, 2017; Approval of Regular Session Minutes for March 28, 2017
2. A Resolution Authorizing Palmer Lane/Lower Ferry Road Civic Association to Hold a Block Party/Road Closing on May 29<sup>th</sup>, 2017
3. A Resolution Authorizing the Springmeadow Homeowners Association to Hold a Block Party/Road Closing on June 3, 2017
4. A Resolution Authorizing a Refund, as Recommended by the Director of EMS for Overpayment in the amount of \$65.00 for overpayment of transport service on March 31, 2017 for patient London Hendryx to Horizon NJ Health, P.O. Box 63000, Newark, New Jersey 07101-8064.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,927.52 for May 1, 2017 2<sup>nd</sup> quarter taxes to Foundation Title LLC, 3840 Quakerbridge Rd., Trenton NJ, 08619, File No. 818-61101, for property owner Thomas Monte for Block: 581 Lot: 10 also known as 6 Beth Ann Way.
6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$216.84 for May 1, 2017 2<sup>nd</sup> quarter taxes to Mary Ann Hranek, 50 Brae Burn Dr., Ewing, NJ 08638, for property owner Mary Ann Hranek for Block: 139 Lot: 22 also known as 50 Brae Burn Dr.
7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,648.92 for May 1, 2017 2<sup>nd</sup> quarter taxes to American Home Title Agency, 2 Eves Dr. Suite 105, Marlton NJ, 08053, File No. AHT-49961P, for property owner US Bank N.A. for Block: 214.02 Lot: 23 also known as 384 Ewingville Rd.
8. A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector, a REFUND in the amount of \$5740.40 and a CANCELLATION in the amount of \$5740.40 due to: 100% Disabled Veteran Status as of 7/1/2016 for 2016 3<sup>rd</sup> & 4<sup>th</sup> quarter tax bills and 2017 1<sup>st</sup> & 2<sup>nd</sup> quarter tax bills to Michael & Barbara Kelly, 25 Kyle Way, Ewing, NJ 08628 for property owner Michael & Barbara Kelly for Block: 365 Lot: 2.01 Qualifier: c0314, also known as 25 Kyle Way.
9. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$357.77 for May 1, 2017 2<sup>nd</sup> quarter taxes to Shirley Phillips, 6 Running Brook Road West, Ewing NJ, 08638 for property owner Shirley Phillips for Block: 555 Lot: 13 also known as 6 Running Brook Road West.
10. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$39.84 for May 1, 2017 2<sup>nd</sup> quarter taxes to Benjamin Sanford, 136 Timberlake Dr., Ewing, NJ 08618, for property owner Benjamin Sanford for Block: 225.01 Lot: 2.01 Qualifier: c0136 also known as 136 Timberlake Dr.
11. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,598.27 for May 1, 2017 2<sup>nd</sup> quarter taxes to Albert

Phillips, 37 Wilburtha Rd., Ewing NJ, 08628 for property owner Albert Phillips for Block: 411 Lot: 16.01 also known as 37 Wilburtha Rd.

There were no questions or comments from Council or the Public. Mr. Baxter then moved the Resolution, seconded by Ms. Wollert. The Council President called for a roll call.

**ROLL CALL**

Ms. Wollert	YES
Mr. Baxter	YES
Mr. Schroth	YES
President Steward	YES

**ALCOHOLIC BEVERAGE CONTROL MATTERS**

1. The Clerk read (**Resolution #17R-99**) A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF THERESA BOTTONI (INACTIVE LICENSE-FORMERLY CAFÉ MULINO) (1102-33-020-006); A PLENARY RETAIL CONSUMPTION LICENSE, TO BEAR TAVERN LIQUOR, LLC t/a PJ'S BEAR TAVERN, LLC

President Steward said that this is a person-to-person transfer at the existing site.

The Clerk stated that the broker is here tonight if Council has any questions.

Dave Bonanni (Bonanni Realtors) stated that he represents both parties in this transaction.

Councilman Baxter asked if this is considered a thirty-three license or a thirty-two license.

The Clerk replied – thirty-three.

There were no additional questions or comments from Council. There were no questions or comments from the Public. Mr. Schroth then moved the Resolution, seconded by Mr. Baxter. President Steward asked for a roll call.

**ROLL CALL**

Mr. Baxter	YES
Mr. Schroth	YES
Ms. Wollert	YES
President Steward	YES

**ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

1. The Clerk read (**Ordinance #17-19**) A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,520,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

The Council President said that this accompanies the Township's Budget for capital improvements for various items including: road improvements, technology upgrades, equipment for the Township's First Responders and upgrades to the Township's Parks and Recreational facilities.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Ordinance, seconded by Mr. Schroth. President Steward asked for a roll call

**ROLL CALL**

Mr. Schroth	YES
Ms. Wollert	YES
Mr. Baxter	YES
President Steward	YES

- The Clerk read (Ordinance #17-20) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, AMENDING AND REVISING § 225-64, SCHEDULE XVII: BUS STOPS

The Council President stated that this amends the Township’s bus stop schedule to move a bus stop currently located on Route 31 a little bit further down the road.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Ordinance, seconded by Mr. Schroth. President Steward asked for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Ms. Wollert	YES
Mr. Baxter	YES
President Steward	YES

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

**(None for this Meeting)**

**NEW BUSINESS**

The Council President announced that items one and two will be moved as a block.

- The Clerk read (Resolution #17R-100) A RESOLUTION OF CONCURRENCE BY THE TOWNSHIP OF EWING DELETING A BUS STOP ON NJ STATE HIGHWAY 31 (PENNINGTON ROAD)
- The Clerk read (Resolution #17R-101) A RESOLUTION OF CONCURRENCE BY THE TOWNSHIP OF EWING DESIGNATING A BUS STOP ON NJ STATE HIGHWAY 31 (PENNINGTON ROAD)

President Steward said that this expresses Council’s desire to delete and add a bus stop; effectively moving one bus stop on Pennington Road.

There were no questions or comments from Council or the Public. Mr. Schroth then moved both Resolutions, seconded by Mr. Baxter. The Council President asked for a roll call.

**ROLL CALL**

Mr. Baxter	YES
Mr. Schroth	YES
Ms. Wollert	YES
President Steward	YES

- The Clerk read (Resolution #17R-102) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO AWARD AN EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A:11-6 FOR A TEMPORARY STANDBY EMERGENCY GENERATOR FOR THE TOWNSHIP MUNICIPAL BUILDING

The Council President stated that the Township is in the process of bidding for a replacement generator but discovered, in recent weeks, the need for a standby emergency generator.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Resolution, seconded by Mr. Baxter. The Council President called for a roll call.

**ROLL CALL**

Mr. Baxter	YES
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Ms. Wollert	YES
Mr. Schroth	YES
President Steward	YES

At the request of the Council President, the Clerk read Items Four and Five together.

- The Clerk read (Resolution #17R-103) A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. (“CB&I”) TO SERVE AS THE TOWNSHIP LICENSED SITE REMEDIATION PROFESSIONAL IN ACCORDANCE WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS WITH RESPECT TO THE FORMER INCINERATOR FACILITY FOR CALENDAR YEAR 2017
- The Clerk read (Resolution #17R-104) A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. (“CB&I”) TO SERVE AS THE TOWNSHIP LICENSED SITE REMEDIATION PROFESSIONAL IN ACCORDANCE WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS FOR THE SITE OF THE FORMER TOWNSHIP ROAD GARAGE LOCATED ON 4<sup>th</sup> STREET FOR CALENDAR YEAR 2017

President Steward stated that the Town is required to have a LSRP for both sites currently being monitored by the DEP. These Resolutions award the contract to the existing LSRP.

There were no questions or comments from Council or the Public. Mr. Baxter then moved both Resolutions, seconded by Mr. Schroth. President Steward asked for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Wollert	YES
President Steward	YES

- The Clerk read (Resolution #17R-105) A RESOLUTION APPROVING CHANGE ORDER NO. 3 INCREASE TO SCOZZARI BUILDERS, INC. FOR THE HOLLOWBROOK COMMUNITY CENTER RENOVATIONS AND ALTERATIONS IN THE AMOUNT OF \$152,405.42

The Council President stated that this approves the change order to address several code and other issues that have arisen during the repairs at the Hollowbrook Community Center. It remains under the threshold for change orders and within the amount of the original bonds that were issued for this project.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Resolution, seconded by Mr. Schroth. The Council President asked for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Ms. Wollert	YES
Mr. Baxter	YES
President Steward	YES

- The Clerk read (Resolution #17R-106) A RESOLUTION AUTHORIZING EXECUTION OF A RECYCLING TONNAGE GRANT APPLICATION

President Steward stated that this is an annual application.

There were no questions or comments from Council or the Public. Mr. Schroth then moved the Resolution, seconded by Ms. Wollert. President Steward called for a roll call.

**ROLL CALL**

<b>Ms. Wollert</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>President Steward</b>	<b>YES</b>

- 8. The Clerk read (Resolution #17R-107) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO AN AGREEMENT WITH THE EWING-LAWRENCE SEWERAGE AUTHORITY, KATHLEEN PETERSON AND THE TOWNSHIP OF HOPEWELL FOR THE PROVISION OF SEWER SERVICES FOR 295 PENNINGTON-LAWRENCEVILLE ROAD**

The Council President explained that this allows the Township to enter into this agreement with the three other parties to allow this Hopewell resident to join the ELSA “family.” This resident will pay higher rates for the access.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Resolution, seconded by Mr. Baxter. The Council President asked for a roll call.

**ROLL CALL**

<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>President Steward</b>	<b>YES</b>

- 9. The Clerk read (Resolution #17R-108) A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TSIVICOS ENTERPRISES, INC. IN THE AMOUNT OF \$792,723.00 FOR THE CONSTRUCTION OF VARIOUS POOL RENOVATIONS AT THE HOLLOWBROOK COMMUNITY CENTER**

The Council President stated that this is awarding the contract to the low bidder to repair the existing pool and to put in a splash pad. It is part of the separate Hollowbrook capital ordinance that Council enacted last year.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Resolution, seconded by Mr. Schroth. President Steward asked for a roll call.

**ROLL CALL**

<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>President Steward</b>	<b>YES</b>

- 10. The Clerk read (Resolution #17R-109) A RESOLUTION EXTENDING THE TIME FOR THE RENEWAL OF TAXI AND LIMOUSINE LICENSES AND PLACING A MORATORIUM ON THE RECEIPT OF NEW LICENSE APPLICATIONS PENDING AMENDMENT OF THE TAXICAB AND LIMOUSINE LICENSING ORDINANCE**

The Attorney explained that the shared services agreement will be nullified; the reciprocal arrangement will continue.

There were no questions or comments from Council or the Public. Mr. Baxter then moved the Resolution, seconded by Mr. Schroth. President Steward called for a roll call.

**ROLL CALL**

<b>Mr. Schroth</b>	<b>YES</b>
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Mr. Baxter YES  
Ms. Wollert YES  
President Steward YES

11. The Clerk read (Resolution #17R-110) A RESOLUTION IN SUPPORT OF BUILDING A THRIVING NEW JERSEY

The Council President explained that “Building a Thriving New Jersey” is a campaign through the Housing and Community Development Network of New Jersey to ensure that the State is making the investment to make sure that everyone has a safe and affordable place to live. Ewing has led the way in best practices on this.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Resolution, seconded by Mr. Baxter. President Steward called for a roll call.

ROLL CALL

Mr. Baxter YES  
Ms. Wollert YES  
Mr. Schroth YES  
President Steward YES

12. The Clerk read (Resolution #17R-111) A RESOLUTION AUTHORIZING THE AWARD OF A FIVE-YEAR CONTRACT TO CENTRAL JERSEY WASTE AND RECYCLING FOR THE PROVISION OF DUMPSTERS AT TOWNSHIP OWNED SITES.

The Attorney explained that this is the second part of one bid to accommodate the Town’s waste collection needs. The residential portion was awarded at the last meeting. This is for the Township dumpsters. In the aggregate, Central Jersey Waste is the lowest responsive bidder.

Councilman Baxter requested a copy of the contract.

There were no additional questions or comments from Council. There were no questions or comments from the Public. Mr. Schroth then moved the Resolution, seconded by Ms. Wollert. President Steward asked for a roll call.

ROLL CALL

Ms. Wollert YES  
Mr. Schroth YES  
Mr. Baxter YES  
President Steward YES

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Steward called for a motion to adjourn. Mr. Baxter so moved seconded by Ms. Wollert. It was agreed by unanimous voice vote. The meeting was adjourned at 8:38 p.m.

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Sarah Steward, President

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Kim J. Macellaro, Municipal Clerk