

July 11, 2017 – AGENDA SESSION

Acting President Wollert 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 – Present | Joanna Mustafa, CFO |
| ▪ Mr. Schroth – Present | Maeve Cannon, Attorney |
| ▪ Acting President Wollert – Present | Kim Macellaro, Municipal Clerk |
| ▪ President Steward – Excused | |

The Clerk stated for the record that President Steward is excused this evening.

PRESENTATION – Presentation of CY2016 Audit – Mercadian - Eugene Elias, Warren Broudy and Digesh Patel

1. Governing Body Certification of the Annual Audit for Calendar Year 2016

Warren Broudy (Mercadian) introduced Digesh Patel and himself. Mr. Broudy thanked Council for inviting them to come tonight to discuss audit results and thanked management and staff for their assistance during the course of the audit. Mr. Broudy reported that the audit opinion is “unmodified” which is the highest level of assurance that can be received in an audit. There was also no audit finding as it relates to the internal control and compliance testing that we did during the course of the audit.

Digesh Patel (Mercadian) thanked management for providing everything that they needed to complete the audit. There were no audit adjustments made to the original trial balance provided to them and there were no uncorrected misstatements which means that the trial balance was in good shape and the books were in order year round. There were no findings in accordance with government auditing standards which means that there was no compliance issues and there were no overexpenditures of the Budget as well. Mr. Patel then briefly discussed the Township’s financial schedules, surplus and debt ratio. Performing a walk-through procedure, there was no disagreements with management. Management did not have any new accounting policies that were implemented during 2016. No unusual or significant transactions were noticed. Mr. Patel said that they did not encounter any significant difficulties in performing the audit. There were no material weaknesses noted. The last attachment in Council’s presentation is the management representation letter which is necessary to finalize and issue the audit report.

Councilman Baxter asked Mr. Broudy about the audit opinion.

Mr. Broudy replied that it is “unmodified” which is the old “unqualified” and it is the highest level of assurance.

Councilman Baxter thanked the CFO for continuously being diligent and staying on top of things and for bringing the Township back from where we were. Councilman Baxter also thanked the Administration for making sure that all Department heads gave all information to the auditors to make their job easier.

Councilwoman Keyes-Maloney thanked the auditors for the advance copy of the report as well as the summary.

Acting President Wollert thanked the auditors, the Administration, and the CFO and then said that this is the best audit result that she has seen in all of the years that she has been on Council.

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

Council then signed the Governing Body Certification of the Annual Audit for Calendar Year 2016.

DISCUSSION

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

Acting President Wollert said that this is being revisited.

Councilwoman Keyes-Maloney said that the Planning Board met, had a chance to review this and uncovered a couple items that were not included. This is why it is being reintroduced.

There were no additional questions or comments from Council.

Dave Lyons (530 Washington Avenue) said that a lot of work has been put into this. Mr. Lyons said that there was one item that he did not bring up at the Planning Board meeting. Current code allows 200 square feet for putting in a solar energy systems while 500 square feet is allowed under the proposed law. Mr. Lyons suggested that the 500 square feet be changed to 200 square feet or two percent of the lot size.

Councilwoman Keyes-Maloney replied that that proposal is potentially reasonable but she wants to make sure that there would not be any unintended consequences. Councilwoman Keyes-Maloney added that the bigger piece of this is that it defines, even though there is an inherently beneficial use to solar, that the preference, for all these zones, is that solar panels be on rooftops absent certain circumstances and then you get into the 200 versus 500 square feet. This Ordinance also sets the rules of engagement and the rules on abandonment.

Mr. Lyons responded that rules on abandonment are included but this is a preference, not a rule. The Zoning Board is not bound by a preference.

There were no additional questions or comments from the Public.

2. A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

The CFO explained that this is for the 2017 HUD grant that the Township will be applying to the Hollowbrook renovations.

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

3. **A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A KARDEX REMSTAR LEKTREIEVER EXTRA WIDE FILING SYSTEM FOR USE BY THE MUNICIPAL COURT FOR THE TOWNSHIP OF EWING FROM GARDEN STATE OFFICE SYSTEMS AND EQUIPMENT THROUGH STATE CONTRACT T-0200 (expires 04-14-2019)**

The CFO explained that this is for the Court. It is the same system that the Tax Assessor has in his office. It will not only hold the Court's current files but will give the Court about an extra twenty-five percent storage space for future use.

Acting President Wollert commented that Council has seen it in operation in the Assessor's Office and that Office is very pleased with it.

Councilman Schroth asked if the Court is out of space right now.

The CFO replied that the Court Office is wall-to-wall filing cabinets. There is not a whole lot of room left for additional cabinets. This has a smaller footprint and it goes vertically up which will give them more space.

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

4. **A RESOLUTION APPROVING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO GEO-TECHNOLOGY ASSOCIATES, INC. TO SERVE AS THE TOWNSHIP LICENSED SITE REMEDIATION PROFESSIONAL IN ACCORDANCE WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS WITH RESPECT TO PROPERTY LOCATED AT SYLVIA STREET EXTENSION**

The Attorney explained that the Silvia Street Extension runs next to the former GM site. The Town is investigating the acquisition of a parcel to continue Silvia Street out to Sullivan Way. This is the consultant currently being used by Atlantic. They have already done a significant amount of investigatory work on the property. The property has some soil contamination on it. The Town is required to have a LSRP.

The Attorney recommended that Item Five be pulled from the Agenda as additional work is needed on the agreement.

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

The Acting President stated that the above four Discussion Items have been approved for action and Item Five has been pulled.

5. **A RESOLUTION APPROVING AGREEMENT FOR PURCHASE OF REAL PROPERTY FROM RACER PROPERTIES LLC FOR \$1.00**
6. **A RESOLUTION OF SUPPORT FOR SUSTAINABLE OPEN SPACE, FARMLAND, HISTORIC PRESERVATION AND STEWARDSHIP FUNDING FOR NEW JERSEY**

The Administrator said that J. Watson, who works for D&R Greenway, reached out to towns across the State for resolutions in support of open space. D&R Greenway helped the Township with our last purchase, paying for the appraisals, on Scotch Road which extended the existing park by two acres.

Acting President Wollert added that this is in support of sustainable open space.

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

This Item was approved for action.

Items Seven and Eight were discussed together.

7. **A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE FOR MINA GREISS, 495 EWINGVILLE ROAD (BLOCK 222/LOT 4.01) - EWING ENGINEERS REMINGTON, VERNICK & ARANGO RV&A #1102-I-065**

8. A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE FOR MINA GREISS, 495 EWINGVILLE ROAD (BLOCK 222/LOT 4.02) - EWING ENGINEERS REMINGTON, VERNICK & ARANGO RV&A #1102-I-065

Acting President Wollert said that these are standard; the two releases are for the same owner. The Township Engineer recommends the release of both performance bonds.

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

Both Items were approved for action.

Acting President Wollert announced that there is a walk-on item.

9. A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$4,905,000 TAX ANTICIPATION NOTES OF 2017 OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY

Acting President Wollert stated that this is necessary because of the shutdown of the government which delayed the adoption of the State Budget.

The Administrator added that it is also related to the reallocation of school board funding throughout the state. Numbers changed so everyone's budget has to be recertified by the State.

The CFO said that it also caused a delay in sending out the tax bills; it is cheaper to do a tax note instead of an estimated tax bill.

The Acting President commented that the Township has had these things happen every once in awhile for various reasons in the past.

Councilwoman Keyes-Maloney stated that, from a school aid perspective, it is a sizable increase for the school district.

The Administrator said that the Ewing School District has not yet received their June or July payment from the State so they reached out to us. If the School District does not get their money by the end of the week, the Township will have to help them out again and they will share the interest cost on the tax anticipation note. Otherwise, the school district can do their own tax anticipation note.

Councilwoman Keyes-Maloney added that it is normal for school districts to not see their May and June state aid payments.

Acting President Wollert asked if the interest rate is known.

The CFO replied – no, but the market trend has been less than two percent; it has been running about one point seven.

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

This Item was approved for action.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$261,363.48 and to Pay Supplemental Bills per Resolution #17R-14 in the Amount of \$20,646.69

Councilman Baxter asked the CFO about Purchase Order #89866.

The CFO replied that the fire academy is located in Westampton. A lot of training classes are held there.

Councilman Baxter asked how many firefighters went to the training.

The Administrator responded that he believed that in this case – one; Captain Lenarski. These are all required classes. We send firefighters to various locations; it is a question of making sure that there is coverage.

Councilman Baxter then asked about Purchase Order #91764.

The CFO replied that it is the monthly payment to EASEL to operate the Animal Shelter.

Councilman Baxter said that he saw that there was a different attorney for the Planning Board and asked if Mr. Herbert was on vacation.

The Administrator replied – yes; one of his colleagues at his new firm covered for him.

Councilman Baxter asked how many meetings does this cover.

The Administrator replied – one.

Councilman Baxter then asked about the consultant fee for James Jones and asked if he had been a Township employee.

The CFO responded – a few years ago. But he is now a 1099 voucher as he lives in PA. He does fire inspections and submits by the hour based on his contract.

Councilman Baxter commented that he averages about 900 dollars an hour.

The CFO replied that it is not that much. The total contract is about \$26,000 per year. The CFO added that she will confirm the numbers for Council tomorrow on the unit.

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

CONSENT AGENDA

Acting President Wollert presented the Consent Agenda for review.

1. Approval of Special Session Minutes for April 18, 2017
2. A Resolution Authorizing Celestial Church of Christ to Hold a Block Party/Road Closing on July 30th, 2017
3. A Resolution Authorizing Communications Workers of America-CWA Local 1040 to Hold a Block Party/Road Closing on August 19, 2017

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

This Item 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

(None for this Meeting)

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney reported that the Arts Commission wanted everyone to be aware that beginning July 23rd, local artists will be showcased at the Campus Town Farmer's Market on a regular basis. The Historic Preservation Committee is actively working on compiling, from a number of different lists, a document to make sure that there is one consistent document for the Township to use.

Councilman Baxter said that the Recreation Advisory Board does not meet until next week and Town & Gown is on hiatus for the summer.

Acting President Wollert said that the SAC committee is not having a summer session so there is nothing to report.

There were no additional Commission and Committee reports from members of Council.

The Administrator added that Town & Gown will meet in September, although no date has been set. The College President announced her retirement so the College will be involved in a search and her right-hand will be taking family leave.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Dave Lyons (530 Washington Avenue) asked if Council is going to discuss his proposal concerning the Solar Ordinance during the Regular Session.

Acting President Wollert replied that generally when an Ordinance is Introduced, it is Introduced as written and then at the Second Reading there would be a Public Hearing and further discussion by Council to consider any changes. Your comments are well taken and they will generate some discussion.

Councilwoman Keyes-Maloney added that that is the benefit of having more than one week between meetings; to be able to review and make any appropriate changes.

Mr. Lyons said that he has seen cases where Council decides to change an item and that change is just noted and then asked if that can happen here.

Acting President Wollert, the Attorney and Council then had a lengthy discussion regarding the process as this is a zoning ordinance which needs to be referred back to the Planning Board for a Master Plan Consistency Review and Mr. Lyon's suggestion would be a substantive change. The actual language of his proposal was also discussed.

Jeff Preischel (636 Concord Circle) stated that he is Vice President of the Glendale Civic Association; however, he is not representing the Association tonight. One issue is the intersection of Pingree Avenue and Maple Avenue. Sightlines off of Maple are difficult. It is hard to see cars coming up Pingree towards Parkway School because the road curves and goes up a little. You have to creep out very far and cars on Pingree are speeding. Mr. Preischel said that he understood that both speed humps and a four-way stop are not going to happen but hopes that something can be done to slow cars down. One suggestion is that the Township paint crosswalks at the intersection because for some reason people see crosswalks and assume there is a stop sign and slow down. Parking close to the corner is another part of the problem besides the curve and the hill.

The Administrator said that he is aware of the problem. In the past, the Township has looked at speed humps but that is not a street location where street humps would be approved given DOT standards. The Township has also looked at four-way stop signs, but in some cases, they are not legal according to the DOT. The Township does not have any four-way stops although some private businesses do. The Township is looking at a crosswalk and the Administrator said that he asked the Township Engineer to look for ways to slow the traffic. Responding to Mr. Preischel concern about parking, the Administrator said that parking is prohibited within twenty-five feet of an intersection and fifty feet of a stop sign. The Police can write tickets based on that.

Besides the crosswalk, Mr. Preischel asked if parking can be pushed back by a few cars.

Acting President Wollert said that is her suggestion.

Mr. Preischel and Councilman Baxter briefly discussed the exact location of this problem.

Rick Fletcher (13 Dawes Avenue) stated that there is still an issue at 11 Dawes Avenue. Today, the owner was taken to the hospital for the second time this week. Mr. Fletcher stated that as far as he knows, nothing has been done about this situation.

The Administrator replied that he has been over there three times since the last meeting. The Princeton Health Officer, Jim Scott and the Fire Official were over there today. Carol Martin was out there previously. The Township is issuing two violations and the house is being listed as an unsafe structure. We did gain entrance but could not get past the doorway because of the items in the house. The gentleman admitted that he is physically unable to get the stuff out. The Township did contact the County Veterans Association because he is a Vietnam vet. They can offer him some things; however, there is a year wait for housing. The Township also spoke with his power of attorney. We are trying to get him to take advantage of his veteran's status. The Power of Attorney confirmed that he does not have a lot of money to clean out his house – it is about \$7500. Two companies originally came out; one walked away when the back door was opened and the other did not respond after the original conversation. We are now looking to contact the four companies that the Princeton Health Officer deals with; we have also contacted General Dutko to reach out to the NJ National Guard to see if they will help clean out. The Administrator said the Town will file a lien on the property. The property is valuable; it is a nice lot but the house will have to be torned down to the studs. The Township really does not want to take this gentleman to Court but we need to force the hand. He cannot live in the car any more. That was one of the notices.

The Administrator and Mr. Fletcher further discussed this situation.

Mr. Fletcher added that there are young children in the neighborhood; this is not fair to the neighbors. The Township has an interest in this because Moody Park is right there. Mr. Fletcher said that he appreciates anything that can be done.

Acting President Wollert thanked Mr. Fletcher for keeping Council up-to-date.

Mr. Fletcher then mentioned the tri-intersection of Bull Run, Federal City and Eggerts Crossing, and said that he spoke with the Administrator of Hopewell who told him that Hopewell was in favor of a traffic light. The Hopewell Administrator told him that it was his understanding that Ewing needed to "take" property in order to put a light there.

The Administrator responded that the Township has a right to a utility easement on every property and then added that the Township Engineer suggested that a roundabout be considered which might be cheaper than the \$250,000 for a traffic light with a left turn arrow. Last time around, we could not get agreement on who would pay what. Mr. Fletcher said that he does not like roundabouts but anything that can be done to make it safer as it is a bad intersection.

There were no additional questions or comments from the Public.

CLOSED SESSION

(None for this Session)

ADJOURNMENT

There being no further business, Acting President Wollert asked for a motion to adjourn. Mr. Baxter so moved seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. The meeting was adjourned at 7:31 p.m.

Kathleen Wollert, Acting President

Kim J. Macellaro, Municipal Clerk