

July 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 – Absent | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Steward – Present | |

DISCUSSION

- 1. AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING CHAPTER 354 TRAILERS TO PROHIBIT THE USE OF ANY MOTOR VEHICLE OR AUTOMOBILE AS A DWELLING OR SLEEPING PLACE**

The Attorney said that there is an issue with a Township resident who is living in his car because he is a hoarder and his house is now impassable. Neighbors are complaining and it has become an issue with the lack of sanitary facilities not being the least of it. It is implied in the current Ordinance that you cannot live in a car because you can only get a permit to live in a vehicle that has sanitary facilities. The current Ordinance does not specifically say that you cannot live in your car and Code Enforcement has concerns about citing him and then having to argue in Court that it is implied. The Ordinance is being amended to make it crystal clear that you cannot live in your car. The Attorney then read the amending language.

Vice President Wollert asked what is the penalty.

The Attorney replied that it will default to the Township’s General Ordinance - up to \$2,000. But, it is up to the discretion of the Municipal Judge who would take all the circumstances into consideration.

Vice President Wollert asked what is the recourse if the party keeps doing this.

The Attorney responded that the Township would have to get an injunction but the goal here is to get this individual some assistance.

The Administrator listed the steps that the Township has taken up to this point. His “caretaker” is coming in on Thursday to meet with the Health Department and Code Enforcement. He needs help.

The Attorney added that there have been a lot of meetings about this particular circumstance. It is an odd situation that falls between the cracks in terms of getting him public services.

Councilman Baxter asked if his “caregiver” has been noticed of this amended Ordinance.

The Administrator replied - not yet, because you would not notice it until it has been adopted. It will be shared with her at Thursday's meeting.

Councilman Baxter responded that he has already been served.

The Attorney explained that two notices have gone out. One, issued by the Construction Office, is a complaint against the house itself as it is unfit for human habitation because one, the water has been turned off for that property so there are no sanitary facilities and two, it is completely impassable due to the accumulation of all the stuff inside the residence. The Health Department is citing him for creating a nuisance as he is using a jar as a sanitary facility and then spreading it around his yard which is creating an unsanitary condition. He is also being cited under this current Ordinance because the Attorney said that she believes that it is implied that you cannot live in a car; you can only live in a vehicle that has been properly permitted. The Attorney added that she is unclear as to the role of this "caretaker" and hopes to figure that out on Thursday.

Councilman Baxter said that he just wanted to make sure that they know what laws he is breaking.

The Attorney replied that, in the notices, the Township quoted the laws and then explained them at length to make it clear what the problem is.

President Steward said that the Township is not waiting on this amendment; there are other angles.

The Attorney replied – that is right. The ultimate goal is to get him services that might provide the necessary assistance.

The Administrator added that he was asked if he wanted to fill out an application to become a resident at a facility on Whitehead Road Extension. You may need to force him. It is difficult to get him to be seen by people.

There were no additional questions or comments from Council.

Dave Lyons (530 Washington Avenue) stated that people use property for all sorts of things that are not prohibited and then a law is adopted prohibiting that use. He understands that in this case there is a significant issue. Mr. Lyons asked if "grandfathering" could come into play which would give him an issue to fight this.

The Attorney said that there are two responses. First, what he is currently doing is prohibited by the current Ordinance. The amendment is just to make it clear that that action is prohibited. Second, this is not a Land Use Ordinance; it is conduct.

Mr. Lyons commented that grandfathering will not enter into it.

The Attorney replied that there are aspects of this Ordinance where it does come into play, but not this piece. This is conduct.

Councilman Schroth added that the only thing that you cannot do is punish him retroactively for what he has done up until this point.

The Administrator added that, so far, all the Township gets are complaints; there is no actual proof.

There were no additional questions or comments from the Public.

2. GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT FOR CALENDAR YEAR 2016

President Steward said that she was not at the last meeting when the audit was presented.

The Attorney added that it was a "perfect" audit.

President Steward said that this just certifies the receipt of the audit.

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

3. A RESOLUTION AUTHORIZING AN EXTENSION OF THE 3RD QUARTER TAX REMITTANCE GRACE PERIOD FOR THE AUGUST 1, 2017 TAX BILL TO THE DATE OF AUGUST 17, 2017

President Steward said that due to delays with the State Budget, the Township received late notice of its State aid figures which required a delay in the printing of the tax bills. This gives residents a little extra time to get the payment in. If payment comes in after the 17th, the late fee will be calculated from the 1st.

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

4. A RESOLUTION AMENDING CONTRACT WITH WILLIAMS SCOTSMAN, INC. FOR TEMPORARY FURNISHED OFFICE SPACE TO ADD ADDITIONAL ITEMS AN INCREASING TOTAL AMOUNT BY \$4,956.00

The Attorney explained that this contract was publicly bid to provide temporary office space outside of the Construction Office for use by the Construction Office. After the award, it was determined that the number of adjustable height workstations should be seven not five, the number of desk wraps should be increased from five to seven and that there should be a plan table and plan rack. The total value over the sixty month course of the contract is \$4,956. The total value of the contract is increased from \$158,138 to \$163,094.

Councilman Baxter asked who noticed this and said that it needed to go from five to seven.

The Attorney replied that she believes it was the Mayor.

Councilman Baxter asked if the Administration wants to put two more people out there.

The Attorney said that the initial configuration was to accommodate seven workstations, the furniture count was off. The actual dimensions of the unit are not changing.

The Administrator added that the Administration is still deciding who will be out there.

Councilman Baxter said that he does not see the contract.

The Attorney replied that the contract was awarded two meetings ago; this will be an amendment to that contract to increase the total amount by \$4,956.

The Clerk asked if there will be a new contract.

Councilman Baxter asked when can Council anticipate seeing the new contract.

The Attorney replied this week and then explained, since the original contract has not yet been signed, the two ways that it can be done.

Councilman Baxter commented that he would like to see the contract.

The Attorney said that there was a contract.

The Clerk stated that the contract was two meetings ago, and that she did not get a contract for this amendment.

Councilman Baxter said that Williams Scotsman is responsible for putting this up.

The Administrator replied – they are.

Councilman Baxter then said that he thought he saw Public Works out there doing work.

The Council President answered that the Township is responsible for running electricity out to it.

Councilman Baxter said that he just wants to make sure that the liability does not fall on the Township.

The Administrator replied that we are renting it from them. Their liability is to come set it up and make sure it is in working order.

The Attorney, in detail, explained the liability for various stages during the contract. Vice President Wollert said that seven people will now be in that space. When Council was first approached about approving this, it was for five inspectors and one support staff.

The Administrator added – and the Planning/Zoning Officer.

Vice President Wollert asked if there is enough space to add another person.

The Administrator replied that from the plans he sees – yes.

Vice President Wollert wondered if we are going to end up being in a situation where there is not enough space and Council will be asked to amend the contract to add another module segment.

The Administrator responded saying that they would first look at the reconfiguration of the Construction Office before adding another module segment.

The Attorney presented the proposal to Council. There were seven stations. The work table was not specified.

President Steward said the contract did not match the specifications of the proposal.

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

5. A RESOLUTION AUTHORIZING THE RENEWAL OF THE KIDSBRIDGE, INC. LEASE AT THE EWING SENIOR AND COMMUNITY CENTER

President Steward said that Kidsbridge leases a portion of the Senior Center. This is a continuation of the existing lease.

The Attorney added that the arrangement is that two hundred Ewing students each year have to be accommodated at their facility and be given the anti-bullying training which is required by Statute. In this way, Ewing meets its obligations and Kidsbridge is using space that would otherwise not be used.

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

6. **A RESOLUTION APPROVING BRIAN E. NICHOLSON AS A SENIOR FIREFIGHTING MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY NO. 1**
7. **A RESOLUTION APPROVING JOHN A. WILLIAMS AS A SENIOR FIREFIGHTING MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY NO. 1**
8. **A RESOLUTION APPROVING JOHNATHAN D. SCHINO AS A SENIOR FIREFIGHTING MEMBER OF THE WEST TRENTON VOLUNTEER FIRE COMPANY NO. 1**

The Council President said that items six, seven and eight are all approving new senior firefighting members, two at Prospect Heights and one at West Trenton.

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

All Discussion Items were approved for action.

BILLS LIST

1. **A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,334,913.06 and to Pay Supplemental Bills per Resolution #17R-14 in the Amount of \$3,058.41**

Councilman Baxter asked how many holsters.

The Administrator replied that we had to replace all of them - seventy plus. The old ones could not be unlocked.

The Council President added that it was included in the Capital Budget.

Councilman Baxter asked if the \$500,000 plus, for the 2017 assessment billing, is for the new tax maps.

The Administrator replied that the Township is still trying to get the final sign off from the State on the tax maps in order to do the reval for the Township. We have had the contractor in place for two years. We still have to pay the people who are doing the work.

The Council President said that this is actually to the JIF.

The Administrator replied that this is just the Township's regular payment to JIF and then added that the Township will be going out to bid in August.

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 April 25, 2017; Approval of Regular Session Minutes for April 25, 2017**
2. **A Resolution Authorizing the Catholic Church of St. Hedwig to Hold a Walking Pilgrimage on August 12th, 2017**
3. **A Resolution Authorizing the Islamic Center of Ewing to Hold a Block Party/Road Closing on August 26, 2017**
4. **A Resolution Authorizing the Teal Tea Foundation, Inc. to Hold its Annual 5K Run on September 17, 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

Councilman Baxter said that the Recreation Advisory Board is on their summer break. Basketball playoffs at Moody Park are this weekend with the Championship game next Monday. Baseball is going on at the Babe Ruth field.

Planning Board did not meet. SAC does not meet until September and the Green Team meeting is tomorrow.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Dave Lyons (530 Washington Avenue) said that at the last Council meeting there was a discussion of the solar ordinance. Mr. Lyons then discussed the change that he proposed: the definition of residential scale solar should be changed from 500 square feet or less to 200 square feet for smaller yards and up to two percent of the lot size for larger properties. Mr. Lyons said that he hopes that the Council President will bring up his proposal at the next Planning Board meeting as he will not be able to attend.

The Council President said that she will and mentioned that Mr. Latini is researching his proposal.

CLOSED SESSION - The Attorney read (**Resolution #17-150**) A Resolution to Enter into Closed Executive Session for the Purpose of 1) Advice of Counsel Regarding Potential Litigation

At 7:05 p.m., the Attorney read the Resolution to enter into a Closed Executive Session pursuant to the Open Public Meetings Act specifically, N.J.S.A. 10:4-12 and specifically, in this case, subparts B5 and 7. The Attorney read these subparts. Minutes will be made available, if and when appropriate, after the subject matter is no longer subject to the provisions of the Act.

At 7:06 p.m., Councilman Baxter made a motion to enter into Closed Executive Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote.

At 8:51 p.m., Vice President Wollert made a motion to close the Closed Executive Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote.

At 8:51 p.m., Councilman Schroth made a motion to enter back into Open Session, seconded Councilman Baxter. It was agreed by unanimous voice vote.

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 8:52 p.m.

Sarah Steward, President

Kim J. Macellaro, Municipal Clerk