

September 26, 2017 – REGULAR MEETING

President Steward called the meeting to order at 7:42 p.m.

The Clerk read 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

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| ▪ Mr. Baxter – Present | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Steward – Present | |

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

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

BILLS LIST

1. The Clerk read (**Resolution #17R-187**) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,136,737.99 and to Pay Supplemental Bills per Resolution #17R-14 in the Amount of \$24,835.93

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

ROLL CALL

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| Mr. Schroth | YES |
| Mr. Baxter | YES |
| Ms. Keyes-Maloney | YES |
| Ms. Wollert | 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-188/)

1. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1590.27 for overpayment of February 1st, 2017 1st Quarter Taxes due to payment in error by Lereta Tax Services to Lereta, 1123 Park View Dr., Covina, CA 91724 for property owner Kamich, Mark & Jessica, for Block: 103 Lot: 17 also known as 36 Wardman Ave.
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector Due to County Tax Appeal Granted in Taxpayer's Favor in the amount of \$519.52 for August 1, 2017 3rd Quarter Tax Bill to Murray Kara & Kreszel, Thomas, 2240 Pennington Rd., Ewing, NJ, 08638 for property owner Murray Kara & Kreszel Thomas for Block: 225 Lot: 19 also known as 2 Woodfern Ave.

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

ROLL CALL

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| Ms. Wollert | YES |
| Mr. Baxter | YES |
| Ms. Keyes-Maloney | YES |
| Mr. Schroth | YES |
| President Steward | YES |

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #17-26) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO REFLECT THE AUTHORITY FOR THE APPOINTMENT OF THE FIRE OFFICIAL PURSUANT TO THE NEW JERSEY CIVIL SERVICE ACT

The Attorney explained that the Town had a routine inspection by the DCA, Division of Fire Safety. During that "audit", they reviewed the Township's ordinances, accounts and employees involved with fire inspections. The Division of Fire Safety determined, among other things, that the Ordinance had not been updated to reflect that the Town is now a Civil Service town. They directed the Township to adopt an Ordinance to reflect this.

Councilwoman Keyes-Maloney requested that a copy of this memo from the DCA be included for second reading.

There were no additional questions or comments from Council. There were no questions or comments from the Public. Ms. Keyes-Maloney then moved the Ordinance, seconded by Mr. Baxter. President Steward asked for a roll call.

ROLL CALL

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| Mr. Baxter | YES |
| Ms. Keyes-Maloney | YES |
| Mr. Schroth | YES |
| Ms. Wollert | YES |
| President Steward | YES |

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

1. The Clerk read (Ordinance #17-25) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 SECTION 70, SCHEDULE XXIII; SPEED LIMITS, REDUCING THE SPEED LIMIT ON BUTTONWOOD DRIVE FROM 40 MILES PER HOUR TO 25 MILES PER HOUR

WHEREAS, the Township, in the interest of safety and the expedition of traffic on public highways, requested a site inspection of Buttonwood Drive, from Somerset Street to Prospect Street, to determine whether a statutory speed limit reduction may be applied; and

WHEREAS, presently, Buttonwood Drive, between Somerset Street and Parkside Avenue, has a speed limit of 40 miles per hour as codified in the Township Code (Chapter 225 Section 70); and

WHEREAS, Remington Vernick & Arango Engineers (“Engineers”) performed the site inspection and noted the following existing conditions: 1. The majority of the properties fronting along Buttonwood Drive are “single family residential;” 2. A large apartment complex fronts along Buttonwood Drive; 3. The Moody Park Recreational Facilities front along Buttonwood Drive; 4. The Thomas J. Rubino Academy School fronts along Buttonwood Drive; and 5. Sidewalks are located along both sides of Buttonwood Drive; and

WHEREAS, the Engineers determined that these existing conditions generate a substantial amount of pedestrian activity among children, adults and senior citizens; and

WHEREAS, Buttonwood Drive, in its entirety from Somerset Street to Prospect Street, would qualify as a “residence district” as defined in N.J.S.A. 39:1-1, due to a number of physical characteristics that exist on Buttonwood Drive; and

WHEREAS, it was the professional opinion of the Engineers that Buttonwood Drive in its entirety from Somerset Street to Prospect Park did meet the requirements to be considered a “residence district” as defined in N.J.S.A. 39:1-1; and

WHEREAS, it was the recommendation of the Engineers that the Township implements a twenty-five (25) miles per hour speed limit for all of Buttonwood Drive from Somerset Street to Prospect Street in accordance with N.J.S.A. 39:4-98(b)(1); and

WHEREAS, the Township is authorized to implement such traffic regulations under N.J.S.A. 39:4-8(b)(1), without requiring the approval of the Commissioner of Transportation for the State of New Jersey.

BE IT ORDAINED by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Article VIII Schedules, Chapter 225, VEHICLES AND TRAFFIC, Section 70, SCHEDULE XXIII: SPEED LIMITS, is hereby amended to read as follows:

| Name of Street | Speed Limit (MPH) | Location |
|-----------------------|--------------------------|---|
| Buttonwood Drive | 40 25 | From Somerset Street to Parkside Prospect Avenue |

Section 3 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 4 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 5 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

President Steward said that this is to standardize the speed limit on Buttonwood Drive to be responsive to some residents' concerns that had been relayed to Councilman Baxter.

There were no questions or comments from Council or the Public. Mr. Schroth made a motion to open the Public Hearing, seconded by Mr. Baxter. It was agreed by unanimous voice vote. There were no questions or comments from the Public. Mr. Baxter made a motion to close the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Ms. Wollert. The Council President asked for a roll call.

ROLL CALL

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| Ms. Wollert | YES |
| Mr. Schroth | YES |
| Mr. Baxter | YES |
| Ms. Keyes-Maloney | YES |
| President Steward | YES |

Councilman Baxter thanked the Administration for their quick action on this.

NEW BUSINESS

1. The Clerk read (Resolution #17R-189) A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 INCREASE IN THE AMOUNT OF \$36,950.00 FOR UNFORESEEN CIRCUMSTANCES AND CONDITIONS (CODE COMPLIANCE) TO TSVICOS ENTERPRISES, INC. FOR THE POOL RENOVATIONS AT THE HOLLOWBROOK COMMUNITY CENTER

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

ROLL CALL

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| Ms. Wollert | YES |
| Mr. Baxter | YES |
| Ms. Keyes-Maloney | YES |
| Mr. Schroth | YES |
| President Steward | YES |

2. The Clerk read (Resolution #17R-190) A RESOLUTION AMENDING RESOLUTION #17R-5 CONSENTING TO THE APPOINTMENT/REAPPOINTMENT OF INDIVIDUALS TO THE SENIOR CITIZEN ADVISORY COMMISSION

The Council President said that, as always, Council appreciates the volunteers who sit on the Township's Boards and Commissions.

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

ROLL CALL

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|-------------------|-----|
| Ms. Wollert | YES |
| Mr. Schroth | YES |
| Mr. Baxter | YES |
| Ms. Keyes-Maloney | YES |
| President Steward | YES |

3. The Clerk read (Resolution #17R-191) A RESOLUTION APPROVING A CHANGE ORDER #2 REDUCING THE TOTAL CONTRACT AMOUNT BY \$9,837.41 TO EAST COAST HAZ MAT REMOVAL, INC. FOR ASBESTOS ABATEMENT AT THE HOLLOWBROOK COMMUNITY CENTER

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

ROLL CALL

| | |
|-------------------|-----|
| Mr. Schroth | YES |
| Mr. Baxter | YES |
| Ms. Keyes-Maloney | YES |
| Ms. Wollert | 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 7:51 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk