

## March 13, 2018 – AGENDA SESSION

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 3<sup>rd</sup> day of January 2018.

**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

- |                               |                                |
|-------------------------------|--------------------------------|
| ▪ Mr. Baxter – Present        | Bert Steinmann, Mayor          |
| ▪ Ms. Keyes-Maloney – Absent  | Jim McManimon, Administrator   |
| ▪ Mr. Schroth – Present       | Maeve Cannon, Attorney         |
| ▪ Ms. Steward – 7:10 p.m.     | Kim Macellaro, Municipal Clerk |
| ▪ President Wollert – Present |                                |

The Clerk stated for the record that Ms. Keyes-Maloney and Ms. Steward will be here; they are running a little late.

(Ms. Keyes-Maloney was unable to attend the meeting.)

**PRESENTATION - Proclamation American Red Cross Month 2018 – Michelle Gonzalez & Bernice Harris**

President Wollert presented the Proclamation to Michelle Gonzalez of the American Red Cross.

### DISCUSSION

- 1. AN ORDINANCE FOR THE CALENDAR YEAR 2018 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

President Wollert said that this is standard procedure. It does not necessarily mean that the Township is going to expend more money. It gives the Township flexibility. The Council President mentioned that she remembers a time when the Town did not establish a cap bank and was criticized by Local Government Finance. It is not intended to be punitive towards the taxpayers.

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

This Item was approved for Action.

- 2. A RESOLUTION INTRODUCING AND APPROVING THE MUNICIPAL BUDGET OF THE TOWNSHIP OF EWING, COUNTY OF MERCER FOR THE CALENDAR YEAR 2018**

President Wollert stated that Council is looking forward to reviewing the Township's fiscal situation for 2018.

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

This Item was approved for Action.

**3. A RESOLUTION AUTHORIZING CY2018 RESERVE BUDGET TRANSFERS**

President Wollert said that this is something done every year to make sure the Township's fiscal house is in order.

Vice President Baxter asked, under Legal Services – O/E, what is DCRP.

The Administrator replied that DCRP is for newer employees who are not in PERS. It is the Township's contribution to the State's Defined Contribution Retirement Program.

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

This Item was approved for Action.

**4. A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES BETWEEN TOWNSHIP OF EWING AND SERV PROPERTIES AND MANAGEMENT, INC.**

President Wollert said that SERV is a mental health organization that works with members of the Community to provide housing for those with mental illness. Because SERV is a non-profit, they have come to an agreement with the Administration to pay an amount towards the tax base in exchange for those homes being in the Township.

The Attorney clarified that SERV is voluntarily paying the PILOT for the municipal portion of the tax bill. It is for six properties they own in the Township. It is not in exchange for being allowed in the Township. They are a non-profit and are permitted to be located here.

The Mayor added that SERV also has to comply with all inspections. For the record, this is voluntary. There are several other entities that will be paying a PILOT instead of being taken completely off the tax books.

Vice President Baxter mentioned that several months back residents of Heritage Crossing came before Council because some SERV residents were causing issues. SERV appointed a point of contact.

The Attorney said that there have been extensive discussions with the residents of Heritage Crossing about their concerns about the units SERV owns. SERV has been cooperative and has supplied contact information for Heritage residents if there is an issue. One concern was that these units were not being inspected for life safety fire issues. This was addressed with SERV. SERV is in the process of getting all of their units registered and inspected.

Councilman Schroth asked, given the limitation of these residents, if there is any mechanism for a special follow-up in terms of safety.

The Attorney responded that Code Enforcement will conduct an inspection of these units at least every twelve months. SERV had initially believed, because they are also inspected and regulated by the DCA and Human Services, that that was sufficient. They are also required to register with the Township which conducts more frequent inspections than the State. Construction will follow-up if an issue is reported.

President Wollert added that it is important that there be regular follow-up by that organization otherwise it could present a hazard to their own clients as well as other residents.

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

This Item was approved for Action.

**5. A RESOLUTION OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AUTHORIZING AND DIRECTING THE PLANNING BOARD TO UNDERTAKE AN INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY CONSTITUTES AN AREA IN NEED OF REDEVELOPMENT**

Council President Wollert stated that this concerns one acre in the Redevelopment Area on Parkway Avenue. It is currently the Township's brush site.

The Mayor explained that there are actually two sections: one, is an acre of property which is the Township's current brush site. The other section is the lot next to Birmingham Gardens. For whatever reason, the two sections were not put into the Redevelopment Zone. This will give the Township the opportunity to talk further with developers. It is located across the street from the GM site.

President Wollert asked if it has been determined where the brush drop off site is going to be moved. At one point, there was talk about Township property near Spruce Street which is now rented out.

The Mayor responded that the likelihood is that it will be moved to the existing brush site at the MCIA. Brush eventually ends up there anyway. The only reason the site is currently located where it is is because we did not have to travel a long distance from Mountainview. Because this has now become a "hot" piece of property, the Township needs to take advantage. 4<sup>th</sup> Street is still being considered; however, it does not make much sense to move brush the short distance from there to Olden Avenue.

President Wollert asked, if it is moved to the MCIA site, will individual homeowners be able to drop brush there.

The Mayor replied that that is the only drawback. Currently, they can not. The Town is talking with the MCIA; there might be an alternative.

Vice President Baxter commented that he wants to make sure that Township residents have a place to take their brush now that they have become accustomed to it.

The Mayor answered that the Township is not intending to move it any time soon – not until there is a buyer. For long term planning, right now, we just want to get this into the Redevelopment Area.

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

This Item was approved for Action.

**6. A RESOLUTION AUTHORIZING EWING TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT WITH MERCER COUNTY FOR EMS DISPATCH SERVICES**

The Attorney explained that this is the renewal of an existing contract.

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

This Item was approved for Action.

**7. A RESOLUTION AWARDED CONTRACT TO HALECON, INC. IN THE AMOUNT OF \$638,635.00 FOR THE BASE BID AND ALTERNATE 1A FOR THE MOODY PARK IMPROVEMENTS PROJECT**

The Council President stated that this is a rebid. Council previously rejected all bids for being too high. The bid consisted of a base and a number of alternates. The Administration decided to go with the base bid and the first alternate. The base is for two new basketball courts and curbing and sidewalks at Moody Park. There is no certificate of funds as the CFO is away.

The Administrator, the Mayor and the Council President discussed funding (including the "Mercer at Play" grant), the initial cost, and the scope of the project. At the end of the day, the Township was able to get this and the splash pad at the ESCC with this money.

Vice President Baxter thanked the Administration for matching the "Mercer at Play" grant and for attending to that sidewalk. There had been numerous complaints.

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

**This Item was approved for Action.**

- 8. A RESOLUTION AUTHORIZING A MAINTENANCE GUARANTEE RELEASE FOR HOMEFRONT, 361 SCOTCH ROAD (101 CELIA WAY) (BLOCK 372.01/LOT 9) – EWING ENGINEERS REMINGTON, VERNICK & ARANGO RV&A #1102-I-057**

**The Council President stated that this is for work that has been successfully completed at Homefront. It is a standard bond release.**

**There were no questions or comments from Council or 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 \$1,749,624.52 and to Pay Supplemental Bills per Resolution #18R-15 in the Amount of \$3,628.64**

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

**The Bills List was approved for Action.**

### **CONSENT AGENDA**

**Council President Wollert presented the Consent Agenda for review.**

- 1. Approval of Agenda Session Minutes for October 24, 2017; Approval of Regular Session Minutes for October 24, 2017**
- 2. A Resolution Authorizing the New Jersey State Police Memorial Association to Hold its Annual Chase (5KRun)**

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

**The Consent Agenda 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**

**Vice President Baxter reported that the budget was reviewed at the make-up Recreation Advisory Board meeting held on Monday. One issue discussed was the new Sparkling Pools proposal to manage both pool sites. The Committee was concerned about staffing. Everything has been addressed by the Administration and the Community Affairs Director.**

**There were no additional Commission & Committee Reports from Council.**

### **NEW BUSINESS**

**President Wollert said that she was presented with a Resolution, from one of the Environmental Committee members, supporting New Jersey's continued participation in the Regional Greenhouse Gas Initiative known as RGGI. It will be made available to Council and if it is agreeable, it will be on the Agenda for the next Council meeting.**

Lee Farnham (68 Lochatong Road) said that the handout he gave Council is a Resolution from 2014. Mr. Farnham gave a brief history behind that Resolution and RGGI and then stated that he would like to update that Resolution to make it more appropriate and then come back before Council to discuss it.

There were no additional New Business items.

#### **STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC**

George Steward (30 Gilmore Road) asked if Council is going to entertain questions from the Public on the Budget prior to the night of the Public Hearing and Final Adoption of the Budget.

The Council President replied that Council is not intending to do that. There will be a meeting for Council to question Department Heads about their budget requests but the Public will not be allowed to address them. During the Statements and Comments section of an Agenda the Public can always state their concerns about a Budget or any other matter.

The Attorney added that Council is not permitted to hold a Public Hearing on the Budget prior to twenty-eight days.

Mr. Steward responded that Council can schedule any number of public hearings on a Budget after those twenty-eight days and prior to the vote. Traditionally, this Municipality has only held a Public Hearing minutes prior to the vote. In his opinion, this does not allow the Public to have a debate with Council on the merits of the Budget. He is hoping that someone may see that tradition should be changed.

The Council President responded that the Budget is a fluid document; a blue print. A member of the Public can always question why things are being done in the Township. It does not have to wait for a Budget hearing. It would be beneficial to Council if those concerns are addressed well before a Budget is before Council. Once it is before Council, there are parameters as to what Council can change. Council can extend the Public Hearing, if necessary.

Mr. Steward stated that he wants to have a dialogue with Council. He also wants to hear Council's opinions on a Budget; but not only minutes before the vote. He does not want to bring things before Council only minutes before a vote. Mr. Steward added that for years budgets have been adopted without Council changing a penny from the Administration's recommendations. How can five members always be perfectly okay with what is being presented to Council.

President Wollert reiterated that if there are concerns, do not wait until a Budget Hearing to bring them before Council. It would be helpful to Council and to the Administration to know of these concerns before a Budget is put on paper. Most of the Budget cannot be changed because the bulk of it is governed by contracts.

Mr. Steward reiterated his position that he wants to hear Council's opinions about the Budget.

President Wollert said that Council can be mindful of that and could articulate the reasons for their vote.

Vice President addressed Ms. Gonzalez, thanking her for coming and for all the services the American Red Cross provides to those in need.

Councilman Schroth asked the Administrator about Trenton Water Works as there was another violation.

The Administrator responded that that violation occurred in October but the findings were only released this week. Trenton Water is hiring two outside companies to run the filtration plant.

The Mayor added that, as part of the consent decree with the DEP, each municipality served by the City of Trenton will now have two representatives on the Board. Ewing will appoint representatives who have a background in water quality.

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

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

**There being no further business, President Wollert asked for a motion to adjourn. Mr. Schroth so moved seconded by Mr. Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 7:19 p.m.**

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**Kathleen Wollert, President**

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**Kim J. Macellaro, Municipal Clerk**