

## April 10, 2018 – AGENDA SESSION

Vice President Baxter called the meeting to order at 6:36 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        | Jim McManimon, Administrator   |
| ▪ Ms. Keyes-Maloney – Present | Joanna Mustafa, CFO            |
| ▪ Mr. Schroth – Present       | Maeve Cannon, Attorney         |
| ▪ Ms. Steward – Present       | Kim Macellaro, Municipal Clerk |
| ▪ President Wollert – Excused |                                |

Vice President Baxter announced that he will be presiding as the Council President is on vacation.

### DISCUSSION

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 215, ARTICLE X, SECTION 215-101 TITLED “GUARANTEES AND INSPECTIONS”

The Attorney said that a new Statute was adopted in January which made significant changes to both performance and maintenance guarantees and created a new requirement – a Safety and Stabilization Guarantee. The Attorney explained the changes and the new requirement. This Ordinance conforms the Township’s land control ordinances to meet the requirements of this new Statute.

The Attorney then explained Discussion Item Number Two, which is a companion Ordinance, dealing with temporary certificates of occupancy.

Vice President Baxter asked what happens if a contractor does not fulfill their obligations within the two year maintenance period.

The Attorney responded that now, if a Town is unhappy with the improvements, it must act within the two year maintenance period. The bond will automatically expire at the end of those two years.

Vice President Baxter asked if current projects are grandfathered.

The Attorney responded that projects fall into three categories. Projects which have received approval from the Planning Board, have permits that have been pulled and have guarantees that have been posted will continue under the old law. Projects that have received approval from the Planning Board under the old law but do not have work permits fall into a grey area. These contractors have a choice – to continue under the old law or reapply under the new law. Any project starting now will be under the new law.

Councilwoman Keyes-Maloney said that the Safety & Stabilization provisions in this Ordinance are not well defined.

The Attorney responded that this Ordinance tracks the Statute which does not provide any additional clarity and the Town will take a broad interpretation in the interest of public safety.

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

2. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 215, ARTICLE XI, SECTION 215-106 TITLED "ENFORCEMENT"**

This Ordinance was discussed with Discussion Item Number One.

3. **A RESOLUTION AUTHORIZING THE PURCHASE OF 2018 RAM 1500 CREW CAB SSV FOR THE TOWNSHIP OF EWING PUBLIC WORKS FROM CELEBRITY CHRYSLER JEEP BEYER OF MORRISTOWN #88730 THROUGH STATE CONTRACT T-2776 (expires 03/15/2019)**

The Administrator said that this is replacing a vehicle.

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

4. **A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO RICHARD T. BARRETT PAVING COMPANY, LLC FOR THE 2017 ROAD IMPROVEMENT PROGRAM IN THE INCREASED AMOUNT OF \$9,979.73**

The Attorney explained that a section of Whitewood Drive is deteriorating. The amount is less than twenty percent of the overall contract price.

The Administrator added that the road had been damaged a few years ago during a storm; emergency repairs were done. Because it is in an area near a gas pipeline, you cannot go down far, so it wears down quicker than the rest of the road.

Councilwoman Keyes-Maloney added that the Township Engineers have documented the situation and the cost.

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

5. **A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE FOR THE CONTRACT FOR THE 2016/2017 NJDOT TRUST FUND RESURFACING OF FEDERAL CITY ROAD (PHASES I & II) IN THE AMOUNT OF \$116,615.28**

The Attorney stated that this change order is more complicated as it exceeds the twenty percent maximum under DCA regulations. Council has a copy of these regulations and has before them several documents necessary to conform with the Statute. The necessity for this was originally flagged by the Township Engineer who recommends that Federal City Road be repaved at a four inch thickness instead of the normal two point five inches. The Attorney then explained the procedure that needs to be followed for approval of this change order: certification from the Engineer; a written request to Council from the Administration outlining the reasons it should be approved, the cost and what exactly will be done; the Change Order advertised by the Clerk's Office and the Clerk's Office maintaining all documents for review by the Auditor. Another DCA regulation is that the nature and character of the contract cannot change. The Attorney then described why this recommendation from the Engineer is not altering the nature and character of the contract.

The Administrator added that the contractor is already out there; starting the prep work. The work will take about two weeks, weather permitting. Federal City is one of the most heavily traveled Township roads. It is hoped that this thicker base will last longer.

Vice President Baxter said that the repaving is from Bull Run down to Ewingville Road.

The Administrator responded – yes.

Councilwoman Keyes-Maloney asked about the memorialization of the conversation the Township had with the DCA.

The Attorney responded that the Township Engineer had the conversation with the Department of Transportation; a copy of the formal request is attached as an Exhibit to the Engineer's Certification.

The Administrator responded to Councilman Schroth's comments about this issue being foreseeable.

There were no additional questions or comments from Council. There were no questions or comments from 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 \$6,251,965.12 and to Pay Supplemental Bills per Resolution #18R-15 in the Amount of \$2,906.03

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

### **CONSENT AGENDA**

Vice President Baxter presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for November 28, 2017; Approval of Regular Session Minutes for November 28, 2017
2. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$125.00 to Empire Restoration, 52 Manhattan Street, Jackson, NJ 08527 for a payment at 36 Sherbrooke Road. The applicant was not required to have a Property Transfer completed.
3. A Resolution Authorizing a Refund, as Recommended by the Director of EMS for Overpayment in the amount of \$35.00 for overpayment of transport service on January 20, 2016 for patient Oneill, J. to Oneill, J., 25 Ingleside Avenue, Pennington, NJ 08534
4. A Resolution Authorizing Communications Workers of America-CWA Local 1040 to Hold a Blood Drive/Road Closing on June 2, 2018

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

The Bills List and the Consent Agenda were approved for Action.

### **CY2018 TOWNSHIP BUDGET**

1. A RESOLUTION OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

The Attorney explained that this is a State requirement that on or before a municipality adopts their budget, a resolution is adopted acknowledging that the Town is in compliance with this EEOC requirement: with hiring practices, there are no pre-offer inquiry into criminal background.

Vice President Baxter added that Council has had lengthy discussions with the Administration regarding this.

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

2. A RESOLUTION TO READ THE BUDGET BY TITLE AT PUBLIC HEARING

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

3. A RESOLUTION ADOPTING THE TOWNSHIP OF EWING CY2018 BUDGET

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

The Attorney added that the Public Hearing on the Budget will be held during Council's Regular meeting.

**4. A RESOLUTION AUTHORIZING PARTICIPATION IN SELF-EXAMINATION PROGRAM OF THE MUNICIPAL BUDGET FOR THE 2018 BUDGET YEAR**

The CFO said that this will be considered after the Public Hearing and Adoption of the Budget. Every third year, the State examines a municipality's Budget. The State reviewed Ewing's Budget last year. This year and next, the Township is eligible for self-examination.

The CFO responded to Vice President Baxter and further explained this procedure.

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

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

**(None for this Meeting)**

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

**1. AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, NEW JERSEY APPROVING APPLICATION FOR FINANCIAL AGREEMENT**

The Administrator said that this is for Park Place Apartments, senior and low-income housing, on Parkside Avenue. This was part of the Township's COAH obligation, thirty years ago. It has expired. The facility was sold and the new owner applied for a PILOT. It will again count towards the Township's COAH obligations. The Township makes out better under a PILOT agreement than with regular taxation and for the residents, it stabilizes the rent.

Vice President Baxter asked how many units does this help with the Town's COAH obligation.

The Administrator responded – one hundred twenty-six units.

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

**COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL**

Councilwoman Keyes-Maloney announced that the Arts Commission will be holding two events. The first is a joint Art Show with Mercer Arc and HomeFront this Thursday at the Municipal Building. The second event is the Student Art Show held in conjunction with the Trenton Elks. It will be April 22<sup>nd</sup> at the Elks. The art is from any student living in Ewing.

Vice President Baxter said that the next Recreation Advisory Board meeting will be held on April 19<sup>th</sup> at the ESCC. All are welcome to attend. There are no pressing issues at the moment.

Vice President Baxter said that the Town's reevaluation will be taking place and then announced the dates for public informational meetings - April 18<sup>th</sup> at 10:00 a.m., April 23<sup>rd</sup> at 6:00 p.m., and April 25<sup>th</sup> at 6:00 p.m. All meetings will be held in Council Chambers.

The Administrator added that two representatives from the Assessor's Office will be at the meeting and he will be in the audience to hear residents' questions and concerns.

Councilwoman Steward said that the Green Team met and had an interesting presentation about wildflower opportunities that the County is looking to support. There are two upcoming events: on April 27<sup>th</sup>, Green Team and the Environmental Commission members chipped in to purchase a tree for Arbor Day which will be planted at the Benjamin Temple House. Shred Day will be held from 9:00 a.m. to 1:00 p.m. on the 28<sup>th</sup>. It is also Prescription Take-Back Day. And, the rescheduled presentation on the Emerald ash borer will be held on the 17<sup>th</sup>.

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

**NEW BUSINESS**

**(None for this Meeting)**

## STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Donna Morgan (76 Main Boulevard) said that she came tonight to address the recent notifications from Trenton Water Works. She knows that it is an ongoing issue and stated that it is a scary situation knowing that the drinking water is coming from a river that is already one of the most polluted in the county and being managed by an organization that does not seem to be able to get its act together. Ms. Morgan said that she has been trying to educate herself about it as much as she can and hopes that more members of the community get involved and do more than just vent on Facebook. Ms. Morgan asked if Ewing is going to hold a Council meeting to directly address this.

The Administrator gave Ms. Morgan a synopsis of what has been going on with Trenton Water Works; including discussing the consent order between the City of Trenton and the Department of Environmental Protection. The Administrator also mentioned that the letter residents just received is notice of the last violation before the two outside companies were brought in to run the infiltration plant.

Mildred Russell (119 King Avenue) asked, in reference to the trees that fell this past winter, how long will the Township be picking up this curbside debris.

The Administrator replied – two months. And, the Township will put something out, near the end of this period, telling residents that they can no longer put loose branches and brush out at the curb.

Mrs. Russell said that people should be fined if the rules are not followed.

Mrs. Russell then asked the Administrator who is responsible for cleaning up branches on Green Lane and for trash throughout the Township.

The Administrator responded.

Jessie Vaccaro (1044 Parkway Avenue) spoke about the Township robo calls and how previously a call was repeated twice. Now, the message is only given once and sometimes she only gets part of the message. Ms. Vaccaro asked if the message can again be sent twice so there is a better chance of getting the entire message.

The Administrator asked Ms. Vaccaro to provide her telephone number so he can see how her number is registered in the Reverse 911 system.

Ron Prykanowski (16 Thurston Avenue) said that it is not just Ms. Vaccaro. It is a system-wide problem as the last three or four calls have been truncated - the message starts in the middle.

Councilwoman Steward responded that it is difficult for these systems to identify when the “beep” is. The solution is to repeat the message twice.

The Administrator explained that the Township recently switched to Verizon. The company the Township used previously had been sold to an overseas company that could not always be reached when needed.

Councilwoman Steward added that you can also get this message via email or text message. This can be requested via the Township website.

The were no additional statements and comments from members of the Public.

## CLOSED SESSION

(None for this Meeting)

## ADJOURNMENT

There being no further business, Vice President Baxter asked for a motion to adjourn. Ms. Steward so moved seconded by Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 7:40 p.m.

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Kathleen Wollert, President

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Kim J. Macellaro, Municipal Clerk

\*\*Kevin Baxter, Presiding Officer