

**April 10, 2018 – REGULAR SESSION**

Vice President Baxter called the meeting to order at 7:47 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

Vice President Baxter 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 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 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 | Maeve Cannon, Attorney         |
| ▪ Mr. Schroth – Present       | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present       |                                |
| ▪ President Wollert – Excused |                                |

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

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

There were no statements and comments from Members of the Public.

**BILLS LIST**

1. The Clerk read (**Resolution #18R-84**) 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. Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Schroth. Vice President Baxter asked for a roll call.

**ROLL CALL**

- |                   |                          |
|-------------------|--------------------------|
| Mr. Schroth       | YES                      |
| Ms. Keyes-Maloney | YES                      |
| Mr. Baxter        | YES                      |
| Ms. Steward       | YES, Abstain Check #1148 |

The above referenced Bills List Resolution and the Bills List are available in the Clerk's Office in the 2018 Resolution Book Number Two.

*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 #18R-85/)

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. Ms. Steward moved the Resolution, seconded by Mr. Schroth. Vice President Baxter called for a roll call.

### ROLL CALL

Mr. Schroth	YES
Ms. Steward	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES

The above referenced Minutes are available in the Clerk's Office in the 2017 Agenda Session and Regular Session Minutes Books. The above referenced Consent Agenda Resolutions are available in the Clerk's Office in the 2018 Resolution Book Number Two.

### CY2018 TOWNSHIP BUDGET

1. The Clerk read (Resolution #18R-86) 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"

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Resolution, seconded by Ms. Steward. The Vice President asked for a roll call.

### ROLL CALL

Ms. Steward	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Mr. Schroth	YES

2. The Clerk read (Resolution #18R-87) A RESOLUTION TO READ THE BUDGET BY TITLE AT PUBLIC HEARING

Vice President Baxter stated that the Budget was: introduced and approved on March 13, 2018; sent to the Director of DLGS within three days of introduction and

approval; advertised - noticing the date, time and place of the Public Hearing at least ten days before the Public Hearing; and made available in the public libraries in the Township as attested by the Clerk of the Township.

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

**ROLL CALL**

Ms. Steward	YES
Mr. Schroth	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES

Vice President Baxter announced that Council will now entertain the Public Hearing on the 2018 Budget.

Mr. Schroth made a motion to open the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. There were no members of the Public present. Ms. Steward made a motion to close the Public Hearing, seconded by Mr. Schroth. It was agreed by unanimous voice vote.

**3. The Clerk read (Resolution #18R-88) A RESOLUTION ADOPTING THE TOWNSHIP OF EWING CY2018 BUDGET**

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

**ROLL CALL**

Mr. Schroth	YES
Ms. Steward	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES

**4. The Clerk read (Resolution #18R-89) A RESOLUTION AUTHORIZING PARTICIPATION IN SELF-EXAMINATION PROGRAM OF THE MUNICIPAL BUDGET FOR THE 2018 BUDGET YEAR**

The Vice President said that the CFO spoke to this earlier; speaking to the Township's sound fiscal management.

Councilwoman Steward thanked the Administration for their excellent work making the Township eligible for this, for making it comfortable to vote in favor of this Resolution, and confident in the fact that a self-exam will be sufficient for this year.

Vice President Baxter thanked the CFO who has been stewarding the Township in the right direction, financially.

Councilwoman Keyes-Maloney said that she is quite happy with how well the Township is doing, especially considering her day job.

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

**ROLL CALL**

Ms. Keyes-Maloney	YES
Mr. Schroth	YES
Ms. Steward	YES
Mr. Baxter	YES

The above referenced CY2018 Township Budget Resolutions are available in the Clerk's Office in the 2018 Resolution Book Number Two.

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

1. The Clerk read (**Ordinance #18-07**) 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 Vice President stated that Council had a lengthy discussion about this earlier. It is a new process handed down by the State Legislature.

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

**ROLL CALL**

Ms. Steward	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
Mr. Baxter	YES

2. The Clerk read (**Ordinance #18-08**) 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”

There were no questions or comments from Council or the Public. Ms. Steward then moved the Ordinance, seconded by Ms. Keyes-Maloney. The Vice President called for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES
Ms. Steward	YES
Mr. Baxter	YES
Mr. Schroth	YES

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

1. The Clerk read (**Ordinance #18-06**) AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, NEW JERSEY APPROVING APPLICATION FOR FINANCIAL AGREEMENT

**WHEREAS**, One foot Fence Urban Renewal, LLC (the “**Entity**”) is the contract purchaser of the property known as Block 118.01, Lot 27 (the “**Project Area**”), with an address of 1460 Parkside Avenue, in the Township of Ewing (the “**Township**”), which is developed with a 126 unit apartment complex designated for elderly (62+) and/or disabled low-income residents originally constructed in 1983 (including the Additional Improvements (defined below), the “**Project**” or the “**Improvements**”); and

**WHEREAS**, the Entity is an “Urban Renewal Entity” qualifying under the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:12A-1 *et seq.* (the “**Long Term Tax Exemption Law**”) and, thus, may exercise the powers conferred on such entities thereunder; and

**WHEREAS**, the Project includes the lease of two (2) cell phone towers atop the building, leased to Verizon and AT&T (the “**Towers**”); and

**WHEREAS**, the Entity intends to acquire the Project and renovate and rehabilitate same, including upgrades to the building’s security system, landscaping and grounds, lighting, common areas, exterior and unit interiors (the “**Additional Improvements**”); and

**WHEREAS**, the Project will be restricted to seniors of very low and low income, and qualifies as a “low and moderate income housing project” as defined in N.J.S.A. 40A:20-3(k); and

**WHEREAS**, pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, the Township is authorized to provide for a tax exemption for a limited dividend entity undertaking a low and moderate income housing project and for payments, by the property owner to the municipality, in lieu of taxes in connection with such project; and

**WHEREAS**, the Entity submitted to the Mayor of the Township (the “**Mayor**”) an application (the “**Application**”), which is on file with the Township Clerk, to make payments to the Township in lieu of taxes in connection with the Project; and

**WHEREAS**, the Entity also submitted to the Mayor a form of financial agreement (the “**Financial Agreement**”), a copy of which is on file with the Township Clerk, establishing the rights, responsibilities and obligations of the Entity; and

**WHEREAS**, the Mayor submitted the Application and Financial Agreement to the Township Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

**WHEREAS**, the Township Council has determined that the Project represents an undertaking permitted by the Long Term Tax Exemption Law.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, NEW JERSEY AS FOLLOWS:**

**Section 1.** The Application and Financial Agreement are hereby approved.

**Section 2.** The Mayor is hereby authorized to execute the Financial Agreement substantially in the form on file with the Township Clerk, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

**Section 3.** The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

**Section 4.** This ordinance shall take effect in accordance with applicable law.

**Vice President Baxter said that this apartment complex will help with the Township’s COAH obligation – one hundred twenty-six units.**

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

**ROLL CALL**

<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>

**NEW BUSINESS**

- 1. The Clerk read (Resolution #18R-90) 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)**

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

**ROLL CALL**

Mr. Schroth YES  
Ms. Steward YES  
Mr. Baxter YES  
Ms. Keyes-Maloney YES

2. The Clerk read (**Resolution #18R-91**) 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

Vice President Baxter said that this is for Whitewood Drive near Lore School.

There were no questions or comments from Council or the Public. Mr. Schroth then moved the Resolution, seconded by Ms. Keyes-Maloney. Vice President Baxter called for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney YES  
Mr. Schroth YES  
Ms. Steward YES  
Mr. Baxter YES

3. The Clerk read (**Resolution #18R-92**) 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

Vice President Baxter stated that both the Administration and the Township Engineer have requested that Federal City Road be repaved at four inches instead of the normal two and one-half inches. It is a heavily traveled road.

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

**ROLL CALL**

Mr. Schroth YES  
Ms. Steward YES  
Ms. Keyes-Maloney YES  
Mr. Baxter YES

The above referenced New Business Resolutions are available in the Clerk's Office in the 2018 Resolution Book Number Two.

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

There being no further business, Vice President Baxter asked for a motion to adjourn. Mr. Schroth so moved seconded by Ms. Steward. It was agreed by unanimous voice vote. The meeting was adjourned at 8:02 p.m.

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Kathleen Wollert, President

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Kim J. Macellaro, Municipal Clerk

\*\*Kevin Baxter, Presiding Officer