

June 11, 2018 – AGENDA SESSION

President Wollert called the meeting to order at 6:30 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 28th day of May 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

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

The Clerk stated for the record that Mr. Schroth has an excused absence for this evening.

CLOSED SESSION – The Attorney read (Resolution #18R-111) A Resolution to Enter into Closed Executive Session for the Purpose of 1) Settlement – Twp and Waste Management

At 6:32 p.m., the Attorney read the Resolution to enter into a Closed Executive Session pursuant to the Open Public Meetings Act as permitted by N.J.S.A 10:4-12. The discussion will be on a possible settlement of potential litigation with Waste Management. Minutes will be made available if and when the matter is concluded.

At 6:33 p.m., Councilwoman Steward made a motion to enter into Closed Executive Session, seconded by Councilman Baxter. It was agreed by unanimous voice vote.

At 6:42 p.m., Councilwoman Keyes-Maloney made a motion to close the Closed Executive Session, seconded by Councilwoman Steward. It was agreed by unanimous voice vote.

At 6:42 p.m., Councilwoman Steward made a motion to enter back into Open Session, seconded by Councilwoman Keyes-Maloney. It was agreed by unanimous voice vote.

DISCUSSION

- 1. AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE CANCELLATION OF \$17,805.11 IN BOND PROCEEDS REMAINING UNSPENT NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND TO TRANSFER SUCH PROCEEDS TO THE CAPITAL SURPLUS FUND FOR FUTURE CAPITAL PROJECTS**

There were no questions or comments from Council.

Mildred Russell (119 King Avenue) asked if there is a listing.

The Council President stated that there are five items to be cancelled: 1) Recreation Department - renovations at the ESCC and Hollowbrook in the amount of \$2,813.43 2) Streets and Roads – paving program adopted in 2012 in the amount of \$936.57 3) Municipal Building upgrades in the amount of \$7,536.03 4) Police - technology in the

amount of \$515.03 5) Community Affairs – improvements in the amount of \$6,004.05. The total amount is \$17,805.11.

Councilwoman Steward stated that some monies were left over after these projects were completed.

The Administrator added that this money can be used for future capital projects.

Mrs. Russell stated that her group will give the Administration a list of suggestions on how to spend this money.

There were no additional questions or comments from the Public.

This Item was approved for Action.

2. AN ORDINANCE AUTHORIZING THE EWING TOWNSHIP REDEVELOPMENT AGENCY TO ENTER INTO A PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT WITH PRECIOUS P, LLC (PRECIOUS P) IN WHICH PRECIOUS P WILL PAY EWING TOWNSHIP, IN LIEU OF FULL PROPERTY TAXES, AN AMOUNT EQUAL TO A PERCENTAGE OF TAXES OTHERWISE DUE UNDER THE FIVE YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ON THE VALUE OF PHYSICAL IMPROVEMENTS MADE

The Council President said that this is the old Precious Pets store. The land has been repurposed. The building will be used for various commercial purposes. The Redevelopment Agency has the authority to grant these PILOTS because the property is within that zone.

President Wollert and the Attorney then explained the PILOT agreement.

Councilwoman Keyes-Maloney asked if the Redevelopment Agency had already approved this.

The Attorney replied – yes.

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

This Item was approved for Action.

3. AN ORDINANCE AUTHORIZING THE EWING TOWNSHIP REDEVELOPMENT AGENCY TO ENTER INTO A PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT WITH YMBB HOLDINGS, LLC (YMBB) IN WHICH YMBB WILL PAY EWING TOWNSHIP, IN LIEU OF FULL PROPERTY TAXES, AN AMOUNT EQUAL TO A PERCENTAGE OF TAXES OTHERWISE DUE UNDER THE FIVE YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ON THE VALUE OF PHYSICAL IMPROVEMENTS MADE

President Wollert said that this is the same deal as with the other property.

There were no questions or comments from Council.

Mildred Russell (119 King Avenue) asked if people will be living in this horrible looking building. If people are going to be living there, it should look nicer.

Councilwoman Keyes-Maloney disagreed and said that it is a different style and it is still not complete.

There were no additional questions or comments from the Public.

This Item was approved for Action.

4. A RESOLUTION AUTHORIZING THE TOWNSHIP TO SETTLE A DISPUTE REGARDING UNPAID BALANCES DUE WITH WASTE MANAGEMENT OF NEW JERSEY, INCORPORATED

President Wollert said that this resolves a situation that arose several years ago with Waste Management regarding the pick-up of recycling at apartment complexes. No money will be exchanged. This resolves the matter without going to Court.

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

This Item was approved for Action.

5. A RESOLUTION APPOINTING PHOENIX ADVISORS, LLC. AS FINANCIAL ADVISOR TO AND FOR THE TOWNSHIP OF EWING

The Council President said that this is standard. This company has been the Township's financial advisor for a number of years. The value of the contract will not exceed \$4,000. They assist with information that is necessary if the Town borrows money by issuing bonds or notes.

Councilwoman Keyes-Maloney asked how many years has the Township had them. The Administrator replied that this will be the eighth year. Years ago, Bond Counsel used to do both - financial advising and bond counsel - but the law changed and you cannot do both.

Councilwoman Keyes-Maloney added that they are used state-wide and are viewed as a quality provider of this service. There are good reasons for this to be separate from an ethical perspective.

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 THE COUNTY OF MERCER FOR THE PROVISION OF MUNICIPAL ALLIANCE PROGRAMMING FOR DRUG AND ALCOHOL PREVENTION FROM JULY 1, 2018 THROUGH JUNE 30, 2019 IN THE AMOUNT OF \$31,228.00 (NO COUNTY FUNDS)

President Wollert said that this is a shared services agreement that has been standard for a number of years. It allows the Town to score points with the State for doing some best practices.

Councilwoman Keyes-Maloney added that they partner with the school districts around a bunch of different prevention programs and are partnering with, in light of some leftover revenue from this past year, an organization called Campfire for a summer program that looks to benefit children – a weeklong camp program at a reduced rate – that will include some drug prevention messaging.

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

This Item was approved for Action.

7. A RESOLUTION AWARDED PL CUSTOM BODY & EQUIPMENT CO., INC. D/B/A NEW JERSEY EMERGENCY VEHICLES A CONTRACT IN THE AMOUNT OF \$199,879.00 TO PROVIDE THE TOWNSHIP OF EWING A 2017 OR NEWER AMBULANCE

The Council President stated that the Town has been looking to accomplish this for awhile and it will be paid for from the bonding.

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

This Item was approved for Action.

8. A RESOLUTION AUTHORIZING CHANGE ORDER NUMBER TWO (DECREASE) FINAL FOR THE CONTRACT FOR THE 2016/2017 NJDOT TRUST FUND RESURFACING OF FEDERAL CITY ROAD (PHASES I & II) IN THE AMOUNT OF \$45,515.66

The Administrator said that the Town combined two state grants to repave the entire length of Federal City with additional blacktop so the road holds up better. It was also striped better to try to hold traffic speed down. It is an overall improvement to Federal City and it still came in under budget because fuel prices were down.

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

This Item was approved for Action.

ALCOHOLIC BEVERAGE CONTROL MATTERS

1. A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2018-2019 EWING MUNICIPAL LIQUOR LICENSES
2. A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2018-2019 EWING MUNICIPAL LIQUOR LICENSE FOR AMPHORA RESTAURANT, LLC t/a ERINI'S RESTAURANT WITH CONDITIONS

Vice President Baxter asked if this is the only liquor license with conditions. The Clerk replied - yes. Two Peters is inactive and the VFW is no more. Council then briefly discussed Two Peters. Councilwoman Keyes-Maloney asked if this is the bulk of the establishments. The Clerk replied - yes; there are five or six left.

There were no additional questions or comments from Council regarding these two Items. There were no questions or comments from the Public.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$10,946,577.62 and to Pay Supplemental Bills per Resolution #18R-15 in the Amount of \$17,414.74

Councilwoman Keyes-Maloney asked about the metal detector for the ball fields. The Administrator replied that it will be used for lost items and also to find the sprinkler heads.

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

CONSENT AGENDA

Council President Wollert presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for March 13, 2018; Approval of Regular Session Minutes for March 13, 2018
2. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$58.00 to Maiysha Robinson, 1617 Seventh Street, Ewing, NJ 08638 for a permit at 1617 Seventh Street, Ewing, NJ 08638. The homeowner paid for a permit that was already paid for.
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$369.34 for overpayment of May 1, 2018 2nd Quarter Taxes to John W. & Catherine M. Bing, 13 Perry Drive, Ewing, NJ 08628, for property owner John W. & Catherine M. Bing for Block: 435 Lot: 32 also known as 13 Perry Drive.

There were no questions or comments from Council or 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 AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO ESTABLISH A BULK DROP OFF PROGRAM AND AN IDENTIFICATION SYSTEM FOR RESIDENTS TO DISPOSE OF BULKY ITEMS AT THE TOWNSHIP COLLECTION CENTER AND ESTABLISHING A FEE FOR ADDITIONAL DISPOSAL BEYOND THAT ALLOWED HEREIN

President Wollert said that this had a First Reading. There have been some comments and issues that need to be considered before Council can move on this. The Council President announced that she is pulling this from tonight's Agenda.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney said that the EDAA participated in post-prom activities that were completely drug and alcohol free. On June 18th, the Art Commission in coordination with the High School Art Club will be dedicating the mural, "Ewing in a Nutshell," at the Municipal Building.

Councilwoman Steward said that at the May Green Team meeting, they began the recertification process. This year, there are some actions around transparency in municipal government that Council can take. The fourth annual garden tour will be held on July 7th from 10:00 am to 5:00 pm starting at the ESCC. For a \$10 donation, you can pick up a map and then it is self-guiding.

Vice President Baxter said that he was unable to attend the last Recreation meeting as he was out of town. The next meeting is Monday.

President Wollert said that there was a Planning Board meeting but she had a conflict and missed the meeting. The Council President asked the Administrator if he would like to comment.

The Administrator said that there was one main application down off Calhoun Street. A certain type of fencing was approved on the condition that plantings will be added to hide and protect it from graffiti.

Councilwoman Steward said that the fireworks will be June 30th.

The Administrator added that the rain date will be July first and then mentioned some of the activities that will be at the event. The Administrator added that Lawrence will also be having their fireworks the same night. The Administrator said that he had received questions as to why the fireworks are being held on the 30th. The 4th being the middle of the week is one factor, but the other is the price of the fireworks. The Administrator explained that the cost of the fireworks on June 30th is \$10,000. On July 4th the cost is \$25,000. It just make sense to have the fireworks on the 30th.

There were no additional Commission and Committee Reports.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Mildred Russell (119 King Avenue) asked if speed bumps will be added to Louisiana Avenue in 2018.

The Administrator replied that some have not been installed yet. A number were installed but he will have to look at the list to see if Louisiana is on it. He does not remember off the top of his head.

The Administrator, Mrs. Russell and Council then discussed this further.

Mrs. Russell said a fence needs to be put up on College property along Green Lane. There are a lot of trees and everything not cleaned up on that side of the road, comes over to the other side.

The Administrator said that he will relay that to the College.

Mrs. Russell said that several streets near the College have two hour parking. The College needs to do something, especially September through November, to let their students know that they will get a ticket if they do not follow this rule.

President Wollert said that the Administration will continue to work with the College on this. The Administrator added that the Town and the College have done some parking enforcement this year. Council will get this report a bit later.

Jeff Preischel (636 Concord Circle) asked for an update on the bulk drop-off ordinance which was pulled from tonight's agenda.

President Wollert said that a number of items have been brought forward. One involved the fees charged if someone needed to use it more frequently than allotted. It is valuable to take people's concerns and suggestions into consideration before Council adopts something.

The Ordinance is still under consideration. The cost of maintaining the program just keeps growing and if something is not done, it will become unsustainable.

The Vice President added that the Administration did provide the budget numbers for the program. The program started with a budget of \$300,000. It now costs \$400,000. Each year it costs \$20,000 to \$25,000 more.

Mr. Preischel asked if there is anything in writing that gives the intended use of the drop-off. It seems that the original intent needs to be clarified.

Council President said that the original intent was to give people a way to avoid dumping their stuff in a vacant lot somewhere and also to alleviate issues with the once per week bulk pick-up.

Councilwoman Steward added that the language is vague.

Vice President Baxter added that it was a good idea that went awry. A few years ago, the Township was looking dirty; items were just sitting out at the curb. He and the Administration looked at how other municipalities handled this and the Mayor decided to set up a drop-off site.

Councilwoman Keyes-Maloney said that sometimes it is just a matter of education and gave the example of televisions, which are not allowed to be placed at the curb, but people put them at the curb all the time.

Mildred Russell (119 King Avenue) stated that many people hire other Ewing residents to maintain their lawns. If she was able, she would take the brush to the site herself, but since she cannot, why can't she just give him her card.

Council President Wollert and Mrs. Russell discussed this further.

The Administrator added that commercial vehicles are not permitted at the site. It is a DEP regulation and the Town could lose the right to have the site. A truck can be rented to take the material to the site.

Vice President Baxter mentioned to Mrs. Russell that she is paying for her brush to be removed twice – once to the man removing the material and then via her tax dollars for the material to be removed from the site.

Councilwoman Keyes-Maloney added that it can be bagged and put at the curb.

The Administrator explained that contractors are coming in from outside of the Township. The Attorney reiterated that the DEP could take away the license and the Town would not be able to have the site if commercial vehicles are allowed.

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

ADJOURNMENT

There being no further business, President Wollert asked for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Ms. Steward. It was agreed by unanimous voice vote. The meeting was adjourned at 7:44 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk