

## June 26, 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        | Jim McManimon, Administrator   |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney         |
| ▪ Mr. Schroth – Excused       | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present       |                                |
| ▪ President Wollert – Present |                                |

President Wollert asked everyone to stand for a moment of silence as the Town lost two valuable members of its citizenry this past week – Judith Peoples and Harry Masterson.

### PRESENTATION – Chief Stemler – Quarterly Report

Chief Stemler presented the UCR Report for March, April and May 2018. For March 2018, the overall crime index was down 12.3 percent as compared to March 2017. Violent crime was down 88.9 percent and non-violent crime was up 2.1 percent. For April 2018, the overall crime index was up 22.4 percent; violent crime was up 40.0 percent and non-violent crime was up 20.5 percent as compared to April 2017. Compared to May 2017, the overall crime index in May 2018 was up 1.4 percent with violent crime down 62.5 percent and non-violent crime up 9.1 percent.

Chief Stemler then briefly described some of the major cases that occurred April through June. There were twenty-seven assaults and a few aggravated assaults; one being a road rage incident. On June 17<sup>th</sup>, there was a shooting on Terrace Boulevard. The victim was shot in the calf but could not provide any additional information. There were twenty-eight residential burglaries – most involving vacant properties or detached garages. A few were domestics; very few involved an unknown person coming into a home. Three robberies were reported. The five reported sexual assaults are still under investigation but all five appear to be domestic or family oriented. Narcan was administered to five of the six overdoses.

President Wollert asked if anyone passed away from an overdose.

The Chief replied that with one, the person was deceased prior to their arrival.

President Wollert asked if there was any reason for the rise in car thefts.

Chief Stemler responded that it may have come up at the last Chiefs’ meeting which he was unable to attend but he will find out. It seems to come in waves. A couple of years ago, the stolen cars ended up on container ships headed overseas.

President Wollert asked if there has been an uptick in gang activity within the Town.

Chief Stemler replied – no. The Chief then mentioned the terrible incident last week in Trenton that did involve gang members.

Vice President Baxter asked, regarding car thefts, are people leaving their cars running.

The Chief replied that that is usually seen in the wintertime. For a lot of the stolen cars, the cars were just left unlocked with a spare key inside the vehicle.

Vice President Baxter asked if we need to be on the lookout for anything during the Town's Fourth of July celebration.

The Chief responded, as we tell everybody, if you see something say something. There will be vehicle barriers and a few extra Officers will be on duty. As far as any kind of direct threat as a result as to what happened in the City; the Chief had not heard anything. There is no reason to think that there is anything imminent. He is confident that they have a handle on the event.

Vice President asked if all rape kits go out to be DNA tested.

The Chief replied – yes.

Councilwoman Steward commented that she has been reading that nationwide some of this is people feeling more comfortable coming forward.

Councilwoman Steward thanked the Chief and his team for creating that type of environment.

There were no additional questions for Chief Stemler. Council thanked the Chief for coming tonight and giving the report.

## **DISCUSSION**

- 1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 VEHICLES AND TRAFFIC, ARTICLE VIII SCHEDULES, § 225-50 SCHEDULE III: NO PARKING CERTAIN HOURS TO ADD ENTIRE LENGTH INSIDE CURB RADIUS ON PENNWOOD DRIVE**

President Wollert explained that this neighborhood has extremely narrow streets; making it very difficult for vehicles to get through. This will create No Parking on one side of the street.

The Attorney said that this is really just a clean-up of the existing Ordinance which says No Parking on the North side of Pennwood Drive. Since Pennwood Drive is a circle, it is unclear as to what is the North side. This clarifies that the entire center of that roadway will be No Parking.

For the benefit of the Public, Councilwoman Steward added that this will be in effect Monday through Friday from 7 a.m. to 5 p.m.

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

This Item was approved for Action.

- 2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING TO PROHIBIT PARKING AT ANY TIME ON THE WESTBOUND SIDE OF SPRUCE STREET FROM ARCTIC PARKWAY TO PARKSIDE AVENUE**

The Council President said that westbound is coming further into Ewing; eastbound is heading toward Lawrence and east Trenton.

The Attorney added that this will facilitate the County's initiative on all County roads: to restripe to make room for bicycle paths.

There were no questions from Council or the Public.

This Item was approved for Action.

- 3. A RESOLUTION AUTHORIZING THE DISCHARGE OF FIREWORKS AT THE ANNUAL FOURTH OF JULY CELEBRATION**

The Council President said that the fireworks are June 30<sup>th</sup> with a rain date of July 1<sup>st</sup>.

Councilwoman Keyes-Maloney asked if the Administration will be sending out any type of notice.

The Administrator replied – yes, a telephone message will be sent out on Thursday evening, it will be on the Township website and on the Police and Township Facebook pages. There is also an ad in the Ewing Observer, which comes out on Thursday.

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

This Item was approved for Action.

The Administrator added that the fireworks company is already contacting him regarding next year's celebration. The date is price driven. Having it on the Fourth, is the most expensive. Lawrence and Mercer County are also having their celebration on the 30<sup>th</sup>.

**4. A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

The Administrator stated that this is the Clean Communities grant that the Town applies for each year. A lot of it is based on how well a municipality does with its recycling efforts. The Town has done well because the State, for the past few years, has been reducing the amount regardless of how well a Town does because the money was tight. This is pretty much the same amount as last year. Internationally, the recycling market has dropped. The entire recycling effort is being redefined. Fortunately, the Town is locked in with the County for a period of time.

Vice President Baxter asked if some of this grant money is still being used to buy biodegradable bags to give out to residents.

The Administrator responded - yes. Residents can pick up ten bags at a time at the Scotch Road site. This money is also used to pay for the mulching of brush and leaves which has already done three times this year because of the harsh winter.

President Wollert added that these are two very popular programs so it is good that the Town receives some revenue to make sure these efforts can continue.

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

**5. A RESOLUTION AUTHORIZING THE MAILING OF ESTIMATED 3<sup>RD</sup> QUARTER 2018 TAX BILLS**

President Wollert said that in the event that the State Budget is not resolved, Council will authorize the mailing of an estimated tax bill.

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

This Item was approved for Action.

**6. A RESOLUTION OF SUPPORT FOR THE DESIGNATION OF BUS STOPS ALONG NJ ROUTE 31 IN THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY**

Council President Wollert stated that every so often the Town gets a request from NJ Transit to add or delete bus stops along various routes in the Township. All of these involve Route 31.

Councilwoman Keyes-Maloney thanked the Clerk for providing the current Ordinance.

Councilwoman Steward added that one of the street names is wrong. It is not Clover Street but rather Clover Avenue.

The Clerk explained that this is actually just a traffic regulation order designating the bus stops. An Ordinance will have to be done to add or delete the bus stops.

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 AUTHORIZING CHANGE ORDER NO. 2 FINAL INCREASE IN THE AMOUNT OF \$4,200.00 FOR FINAL ADJUSTMENT AND AS-BUILT QUANTITIES AND CONTRACT COSTS TO TSIVICOS ENTERPRISES, INC. FOR THE POOL RENOVATIONS AT THE HOLLOWBROOK COMMUNITY CENTER**

The Administrator said that this is strictly for renovating the pool and putting in the splash pad. The dressing rooms were also renovated. There were some issues bringing those up to code so anyone could access them.

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

This Item was approved for Action.

8. A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR THE POOL RENOVATIONS AT THE HOLLOWBROOK COMMUNITY CENTER TO TSIVICOS ENTERPRISES, INC. – EWING ENGINEERS REMINGTON, VERNICK & ARANGO RV&A #1102-T-038

President Wollert said this release was recommended by the Township Engineer. It will put in place a two year maintenance bond.

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

President Wollert said that this is the standard annual renewal for licensed establishments.

Vice President Baxter asked about Dawn & Bottle.

The Clerk replied that she received their Tax Clearance Certificate; it is in Council Share.

Councilwoman Steward asked if there are any that are outstanding.

The Clerk replied – no. HK is being considered next.

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

2. A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2018-2019 EWING MUNICIPAL LIQUOR LICENSE FOR HK, INC. t/a HK DISCOUNT LIQUORS WITH CONDITIONS (LICENSE NO. 1102-33-012-006)

The Attorney first mentioned that today, the Clerk received a letter from the Attorney for HK withdrawing the application that Council had been considering regarding the expansion. The Attorney then explained the two conditions for renewal. The first condition was imposed by Council when it approved the expansion of the licensed facility for storage: that area must be used for the storage of alcoholic beverages only. The second one is that the size of the bar area as it is currently configured cannot be expanded.

Vice President Baxter asked if that bar area had been cleaned up or does it remain the same as it was.

The Attorney said that it stays as is; as of the time of the application. To her knowledge, HK had not been directed to do anything.

The Clerk added that HK has not been directed to do anything by the Township.

There were no additional questions or comments from Council. 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 \$9,430,974.30 and to Pay Supplemental Bills per Resolution #18R-15 in the Amount of \$60.00

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

## CONSENT AGENDA

Council President Wollert presented the Consent Agenda for review.

1. Approval of Special Session Minutes for March 26, 2018
2. A Resolution Authorizing Bernadine Wilson to Hold a Block Party/Road Closing on July 14<sup>th</sup>, 2018
3. A Resolution Authorizing Celestial Church of Christ to Hold a Block Party/Road Closing on July 29<sup>th</sup>, 2018

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 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

President Wollert said that this is standard; the CFO recommended this.

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

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

President Wollert said that this is the old Precious Pets building which is in the process of being redeveloped. It is in the Redevelopment Zone and the Agency has asked to have this authorized. They have agreed to a PILOT. The owner of the property will pay the taxes that have always been due on that property on the current value. The PILOT is solely for the value of the improvements and that will be phased-in over a five year period in increasing increments until it reaches the one hundred percent mark for the improvements as well as the original.

There were no questions or comments from Council.

Ron Prykanowski (16 Thurston Avenue) said that the statement “...payment in lieu of taxes (“PILOT”)....” needs to be taken out because they are not making a payment in lieu of taxes but are paying taxes on a graduated basis. Legally, these are two different things.

The Council President, the Attorney and Mr. Prykanowski discussed this further. This language was removed.

There were no additional questions or comments from the Public.

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 this is in the same vein as above. The language, as discussed in the previous item, will be removed from this Ordinance as well.

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

### COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney invited everyone to take a look at the mural that was unveiled last week. It is a very nice job by the High School Art Club. Ms. Keyes-Maloney said that the art associated with the Student Art Show has been taken down; but there will be another featured artist in July. The EDAA had its last meeting of the year. They are set up for their participation in National Night Out the first week in August.

Councilwoman Steward said that the Green Team meets tomorrow night. The Garden Tour is July 7<sup>th</sup> between 10:00 a.m. and 5:00 p.m. The map can be picked up at the ESCC.

Vice President Baxter said that the Summer Basketball program has started. Because of construction at Moody Park, they had been playing at the High School. Tonight is the first evening back at Moody. School is over for the year - the High School graduated on June 21<sup>st</sup> and Fisher Middle School graduated Wednesday.

There has been a softball tournament in Town the past couple of weeks. It is a showcase for local athletes as many college coaches are in attendance and it has a huge impact on the local economy. Both pools are open and doing well. A vendor provides staffing; it just has to be monitored to make sure it holds up.

There were no additional Commission and Committee Reports from Members of Council.

The Administrator added that all three hotels in Ewing were completely sold out for both softball tournaments. The economic impact is not just on the airport, but on local businesses as well. Other communities are building softball facilities to try to take this away from Ewing but there is a great loyalty because we were the first community to run these super tournaments.

President Wollert added that it is a credit to our Town that we have fields and facilities that are able to be used in this way. It is a boast for businesses in Town and we want to work to keep these relationships and build new ones. The Council President gave credit to the Administration, Public Works and the Recreation Commission for all the work they put into this.

The Administrator said that there is a bill proposed by Assemblyman DeAngelo to establish an oversight committee for Trenton Water Works. The bill is a really good start. The Administrator asked Council to give any feedback to him or to Mr. DeAngelo. The towns served by Trenton Water have been asking for this for awhile.

There were no additional notices from the Administration.

### NEW BUSINESS

(None for this Meeting)

### STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

GH Friedlander (fifty-five year resident) said that although he has spoken to two members of the School Board nothing has been done. There is no handicapped parking spot in front of the High School. This is not legal. There is a handicapped spot in the back. People who come to vote or come to see basketball games have no place to park. Something must be done. The Clerk responded that she puts up handicapped parking signs in front of the High School each election day.

Mr. Friedlander said that the Americans for Disabilities Act requires painted signs and signs 365 days per year.

Councilwoman Steward said that the School Board is planning a referendum this year and one of the items they hope to include is parking on the grassy area in front of the High School. Councilwoman Steward said she is not sure if that includes handicapped parking.

Councilwoman Keyes-Maloney added that Council can take it to the School Board.

Mr. Friedlander begged Council to adopt a Resolution stating their opposition to the horror that is going on at the Texas border with children being separated from their parents.

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

The Council President announced the need to enter into Closed Session.

**CLOSED SESSION**

At 7:25 p.m., the Attorney read Resolution (Resolution #18R-121) Excluding the Public from a Public Meeting with respect to the Open Public Meetings Act, N.J.S.A. 10:4-12 regarding the basis to exclude the Public from a Public Meeting – specifically, under Subsection 7, any pending or anticipated litigation or contract negotiation other than in Subsection D4, and any matters falling under attorney client privilege as well as a personnel related issue all relating to Dispatch Services within the Township. Minutes will be made available when the matter is concluded, if appropriate.

At 7:26 p.m., Councilwoman Steward made a motion to enter into Closed Executive Session, seconded by Councilwoman Keyes-Maloney. It was agreed by unanimous voice vote.

At 7:39 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 7:39 p.m., Councilwoman Steward made a motion to enter back into Open Session, seconded by Councilman Baxter. It was agreed by unanimous voice vote.

**ADJOURNMENT**

There being no further business, President Wollert asked for a motion to adjourn. Ms. Steward so moved seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. The meeting was adjourned at 7:39 p.m.

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Kathleen Wollert, President

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Kim J. Macellaro, Municipal Clerk