

June 26, 2018 – REGULAR SESSION

President Wollert called the meeting to order at 7:48 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

Council President Wollert 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 3rd 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

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| ▪ 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 | |

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

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-122) 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

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

ROLL CALL

Ms. Steward	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
President Wollert	YES

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-123/)

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 14th, 2018
3. A Resolution Authorizing Celestial Church of Christ to Hold a Block Party/Road Closing on July 29th, 2018

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

ROLL CALL

Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Ms. Steward	YES
President Wollert	YES

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

ALCOHOLIC BEVERAGE CONTROL MATTERS

1. The Clerk read (Resolution #18R-124) A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2018-2019 EWING MUNICIPAL LIQUOR LICENSES

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

ROLL CALL

Ms. Keyes-Maloney	YES
Ms. Steward	YES
Mr. Baxter	YES
President Wollert	YES

2. The Clerk read (Resolution #18R-125) 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)

Ms. Steward moved the Resolution, seconded by Ms. Keyes-Maloney.

Mr. Baxter commented that, moving forward, Council should put more consideration on the Police Reports.

There were no additional questions or comments from Council. There were no questions or comments from the Public. President Wollert called for a roll call.

ROLL CALL

Ms. Keyes-Maloney YES
Ms. Steward YES
Mr. Baxter YES
President Wollert YES

The above referenced Alcoholic Beverage Control 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 #18-15) 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 said that this will curtail parking at certain times.

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

ROLL CALL

Mr. Baxter YES
Ms. Keyes-Maloney YES
Ms. Steward YES
President Wollert YES

2. The Clerk read (Ordinance #18-16) 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

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

ROLL CALL

Ms. Steward YES
Mr. Baxter YES
Ms. Keyes-Maloney YES
President Wollert YES

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

1. The Clerk read (Ordinance #18-12) 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

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that certain bond proceeds in the aggregate amount of \$17,805.11 provided for in the various

bond ordinances listed below and remaining unspent (the “Unspent Proceeds”) are no longer needed for the purposes referenced therein (the “Prior Projects”). The Township of Ewing, in the County of Mercer, New Jersey (the “Township”) desires, therefore, to cancel and transfer the following funded debt authorizations:

Ordinance and Section Number	Improvement Description and <u>Date of Adoption</u>	Amount to be <u>Cancelled</u>
2012-13 Section 3(f)	<u>Recreation Department</u> : Acquisition and installation of an overhead door at the ESCC gym and renovations to the second floor at Hollowbrook, finally adopted May 29, 2012.	\$2,813.43
2012-13 Section 3(i)	<u>Streets and Roads</u> : The Road Paving Program, finally adopted May 29, 2012.	\$936.57
2013-24 Section 3(a)	<u>Phase II Municipal Building Upgrades</u> : Renovations to various offices and locations within Municipal Complex, finally adopted June 25, 2013.	\$7,536.03
2014-26 Section 3(a)	<u>Police Technology Equipment</u> : Acquisition of an in car video, body cameras, a server, and Getac V110 MDT’s, finally adopted Dec 9, 2014.	\$515.03
2015-16 Section 3(c)	<u>Community Affairs</u> : Various improvements, including repairs to the pool filter, Hollowbrook Community Center and the gym’s overhead door and the replacement of lights in the gym, finally adopted June 9, 2015.	\$6,004.05
		\$17,805.11

The appropriation of the Unspent Proceeds for the Prior Projects are hereby cancelled and such funds are hereby transferred pursuant to N.J.S.A. 40A:2-39 to the Township’s Capital Surplus Fund for future capital projects.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Baxter made a motion to open the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. There were no questions or comments from the Public. Ms. Steward made a motion to close the Public Hearing, seconded by Mr. Baxter. It was agreed by unanimous voice vote.

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

ROLL CALL

Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Ms. Steward	YES
President Wollert	YES

2. The Clerk read (Ordinance #18-13) AN ORDINANCE AUTHORIZING THE EWING TOWNSHIP REDEVELOPMENT AGENCY TO ENTER INTO AN 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

BE IT ORDAINED by the Township Council of the Township of Ewing that the Ewing Township Redevelopment Agency is authorized to enter into an agreement with Precious P, LLC (“Precious P”) in which Precious P will pay the Township of Ewing (“Township”), in lieu of full property taxes, an amount equal to a percentage of taxes otherwise due on the portion of the assessed value at the completion of the project above the assessment at the time of the commencement of the project.

Section 1:

The Ewing Township Redevelopment Agency has received an application from Precious P to redevelop an area located within the Subarea 1 Redevelopment Area, identified as Block 461, Lot 37 and commonly known as 1510 Pennington Road, and such application also requests financial assistance in the form of a tax exemption and abatement pursuant to the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq.

The Ewing Township Redevelopment Agency has negotiated an agreement with Precious P, such agreement being formally endorsed and accepted by the Ewing Township Redevelopment Agency on February 1, 2017 for the redevelopment of the site through the creation of an 8,000 square foot mixed-use building consisting of three offices and an 11 bedroom dwelling space from the existing 4,000 square foot retail building.

Precious P qualifies for a tax abatement on the physical improvements under N.J.S.A. 40A:21-1, et seq.; Precious P shall be responsible for the payment of taxes on the existing assessment of the subject property of \$213,400.00, and the abatement shall apply to the difference between such existing value and the assessed value of the property upon completion of the project with the total cost of the project estimated to be \$500,000. The abatement will apply only to the assessed value of the project’s improvements on the property exclusive of the assessed value of the property at the time of the commencement of the project.

In accordance with N.J.S.A. 40A:21-10(c), the Township is authorized to enter into an agreement with Precious P in which Precious P will pay to the Township, in lieu of full property tax payments, an amount equal to a percentage of taxes otherwise due on the value of the project’s improvements on the property, according to the following schedule:

- (1) In the first full tax year after completion (2019), no payment in lieu of taxes otherwise due;
- (2) In the second tax year (2020), an amount not less than 20% of taxes otherwise due;
- (3) In the third tax year (2021), an amount not less than 40% of taxes otherwise due;
- (4) In the fourth tax year (2022), an amount not less than 60% of taxes otherwise due;
- (5) In the fifth tax year (2023), an amount not less than 80% of taxes otherwise due;
- (6) In the sixth tax year (2024), an amount not less than 100% of taxes otherwise due.

The amounts equal to taxes currently being paid on the property to the Ewing Township Board of Education, the County of Mercer, and the Township of Ewing will remain constant over the period of the agreement.

Section 2.

This ordinance shall take effect upon final adoption and publication in accordance with law.

STATEMENT

This Ordinance authorizes the Ewing Township Redevelopment Agency to enter into an agreement with Precious P, LLC.

Adopted: June 26, 2018

Mr. Baxter made a motion to open the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. There were no questions or comments from the Public. Ms. Steward made a motion to close the Public Hearing, seconded by Mr. Baxter. It was agreed by unanimous voice vote.

Councilman Baxter asked the Clerk about the title language. The Clerk replied that she struck "...a Payment in Lieu of Taxes ("PILOT") ..."

There were no additional questions or comments from Council. Ms. Steward then moved the Ordinance, seconded by Mr. Baxter. President Wollert called for a roll call.

ROLL CALL

Mr. Baxter	YES
Ms. Steward	YES
Ms. Keyes-Maloney	YES
President Wollert	YES

- 3. The Clerk read (Ordinance #18-14) AN ORDINANCE AUTHORIZING THE EWING TOWNSHIP REDEVELOPMENT AGENCY TO ENTER INTO AN 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**

BE IT ORDAINED by the Township Council of the Township of Ewing that the Ewing Township Redevelopment Agency is authorized to enter into an Agreement with YMBB Holdings, LLC ("YMBB") in which YMBB will pay the Township of Ewing ("Township"), in lieu of full property taxes, an amount equal to a percentage of taxes otherwise due on the portion of the assessed value at the completion of the project above the assessment at the time of the commencement of the project.

Section 1:

The Ewing Township Redevelopment Agency has received an application from YMBB to redevelop an area located within the Subarea 1 Redevelopment Area, identified as Block 118.02, Lot 38 and commonly known as 1520 Pennington Road, and such application also requests financial assistance in the form of a tax exemption and abatement pursuant to the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq.

The Ewing Township Redevelopment Agency has negotiated an agreement with YMBB, such agreement being formally endorsed and accepted by the Ewing Township Redevelopment Agency on February 1, 2017 for the redevelopment of the site through the creation of a 9,000 square foot mixed-use building consisting of three offices and a 14 bedroom dwelling space from the existing 4,200 square foot professional office.

YMBB qualifies for a tax abatement on the physical improvements under N.J.S.A. 40A:21-1, et seq.; YMBB shall be responsible for the payment of taxes on the existing assessment of the subject property of \$266,200.00, and the abatement shall apply to the difference between such existing value and the assessed value of the property upon completion of the project. The abatement will apply only to the assessed value of the project's

improvements on the property exclusive of the assessed value of the property at the time of the commencement of the project.

In accordance with N.J.S.A. 40A:21-10(c), the Township is authorized to enter into an agreement with YMBB in which YMBB will pay to the Township, in lieu of full property tax payments, an amount equal to a percentage of taxes otherwise due on the value of the project's improvements on the property, according to the following schedule:

- (7) In the first full tax year after completion (2020), no payment in lieu of taxes otherwise due;
- (8) In the second tax year (2021), an amount not less than 20% of taxes otherwise due;
- (9) In the third tax year (2022), an amount not less than 40% of taxes otherwise due;
- (10) In the fourth tax year (2023), an amount not less than 60% of taxes otherwise due;
- (11) In the fifth tax year (2024), an amount not less than 80% of taxes otherwise due;
- (12) In the sixth tax year (2025), an amount not less than 100% of taxes otherwise due.

The amounts equal to taxes currently being paid on the property to the Ewing Township Board of Education, the County of Mercer, and the Township of Ewing will remain constant over the period of the agreement.

Section 2.

This ordinance shall take effect upon final adoption and publication in accordance with law.

STATEMENT

This Ordinance authorizes the Ewing Township Redevelopment Agency to enter into an agreement with YMBB Holdings, LLC.

Adopted: June 26, 2018

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

ROLL CALL

Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Ms. Steward	YES
President Wollert	YES

NEW BUSINESS

- 1. The Clerk read (Resolution #18R-126) A RESOLUTION AUTHORIZING THE DISCHARGE OF FIREWORKS AT THE ANNUAL FOURTH OF JULY CELEBRATION**

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

ROLL CALL

Ms. Steward	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
President Wollert	YES

2. The Clerk read (Resolution #18R-127) A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

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

ROLL CALL

Ms. Steward	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
President Wollert	YES

3. The Clerk read (Resolution #18R-128) A RESOLUTION AUTHORIZING THE MAILING OF ESTIMATED 3RD QUARTER 2018 TAX BILLS

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

ROLL CALL

Mr. Baxter	YES
Ms. Steward	YES
Ms. Keyes-Maloney	YES
President Wollert	YES

4. The Clerk read (Resolution #18R-129) 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

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

ROLL CALL

Ms. Steward	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
President Wollert	YES

5. The Clerk read (Resolution #18R-130) 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

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

ROLL CALL

Ms. Steward	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
President Wollert	YES

6. The Clerk read (Resolution #18R-131) 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

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

ROLL CALL

Ms. Steward	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
President Wollert	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 President Wollert called for a motion to adjourn. Ms. Steward so moved seconded by Mr. Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 8:02 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk