

August 14, 2018 – AGENDA SESSION

President Wollert called the meeting to order at 6:32 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 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 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 – 7:49 p.m. | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present | |
| ▪ President Wollert – Present | |

The Clerk stated for the record that Councilwoman Keyes-Maloney will be late this evening.

PRESENTATION – Accreditation Commission – Harry Delgado - Presentation to Chief Stemler

Chief Stemler recognized and thanked Mr. Delgado from the New Jersey State Association of Chiefs of Police Law Enforcement Accreditation Commission for being here tonight. The Chief then recognized and thanked his accreditation managers – retired Captain David Muller and Detective Julia Caldwell. They worked tirelessly on this for about eighteen months. The accreditation process reviewed all aspects of the Police Department to ensure that the Department is operating at the high standards of the State Chiefs Accreditation Commission. During this review period, the Department had gone through an enormous transition period - from a new Administration, to all new mid-level management and first-line management, and to hiring more than thirty-three percent of the current police force as new Officers to bring the level back to an acceptable level after layoffs and a lot of retirements. Chief Stemler stated that he is very proud that throughout this incredible time of change and restructuring the Department was able to operate in all areas of the review at the highest level in accordance with the Accreditation Commission standards. This speaks volumes to the quality of Officers we have in Ewing and to their commitment to serve the citizens of Ewing Township. Chief Stemler then thanked his Officers and recognized them for all of the outstanding work that they have done.

Harry Delgado (New Jersey State Association of Chiefs of Police Law Enforcement Accreditation Commission) said that it is a privilege for him to come tonight to recognize the Ewing Police Department as one of the best in the State of New Jersey and arguably in the Nation because they have undergone a very rigorous process that requires the Department to adhere and to show tangible proof to one hundred five standards which follow best practices not only at the State level but national. It is a significant achievement. There are over five hundred and sixty agencies eligible to apply for the accreditation but as of today only a handful over two hundred have made it because of the rigor involved in the process. Ewing Township has had a history of adhering to best practices going back to 2007. But, it is under the Chief’s leadership and the work of the Accreditation Managers – Captain Muller and Detective Caldwell – that the Department finally achieved it.

Mr. Delgado briefly described the accreditation process and said that Ewing Township, in many instances, exceeded the accepted practices in the field of law enforcement. Mr. Delgado then listed some benefits of accreditation. Mr. Delgado explained that there is a final on-site assessment. Tangible proof must be shown for those one hundred five standards of the State of New Jersey, many of which require more than one tangible proof. Mr. Delgado then read some of what was noted in the report: The Ewing Township Police Department is a professional organization with disciplined and well-trained personnel. The Agency has a strong organizational culture consistent with their experience in the accreditation process. They adhere to national and state best practices. Their leadership is progressive and forward-thinking. The Ewing Township Police Department, under the direction of Chief John Stemler, has embraced the accreditation process and has committed the Agency to maintaining its accredited status. As a result, the high level of competence, leadership and professionalism is evident in the Agency. Mr. Delgado added that Ewing had a perfect final on-site assessment which put them in a category of less than one percent of agencies that in their attempt to achieve accreditation had no blemishes in their final report; this is truly remarkable. It is the opinion of the Assessment Team that the Ewing Township Police Department is a highly professional and committed agency which exemplifies all of the tenants of law enforcement accreditation at the State and national level. Mr. Delgado congratulated the Ewing Township Police Department, Council and those citizens they proudly serve for achieving accreditation and joining a very exclusive group of law enforcement agencies that have made this important commitment to excellence in policing.

President Wollert, on behalf of herself and Council, thanked the Chief and Detective Caldwell for all the great work that they have done. They are a credit to the Town. Council appreciates all the work the Chief has done to bring a level of professionalism to the force and added that it is hoped that the Chief will be here a long time to continue to do that. Council President Wollert added that it is especially edifying to her to see someone who grew up in Ewing, who represents the Town, doing such a wonderful job managing the police work which is one of the most important jobs in the Town.

DISCUSSION

1. 2017 ANNUAL REPORT OF ZONING & PLANNING BOARD ACTIVITY - Informational Purposes Only

Charles Latini (Township Planner) said that every year the Zoning Board has to put together this report which analyses all Planning and Zoning Board activity throughout the year – variances, escrow taken in from developers, application results – which are then reported back to the Planning Board and Council. Ewing treats the report a bit differently than most other municipalities. It is not just a summary of a bunch of statistics; it is also an analysis of the data to come up with different things that the Township should address throughout the upcoming year in terms of the Master Plan or zoning changes. Some key determinations in this report include: continuing to look at single-family residential zones because of the amount of bulk variances received for mom and pop just trying to do simple things like adding a carport or an addition because zoning regulations from awhile ago did not reference lot size - this is significant because those fees can run \$500 to \$700 just to get a few feet variance; looking at zoning around some of the industrial zones and continuing to look at commercial and residential interface around the Town.

President Wollert added that a lot of information is contained in the report. It is a public document, if any member of the Public is interested.

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

2. AN ORDINANCE RE-APPROPRIATING \$150,000 FROM UNUSED DEBT AUTHORIZATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR STORM DRAIN AND SEWER REPAIRS IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY

The Administrator explained that the Township is doing some repair work on Westwood Drive by Lore School and Hawthorne Avenue off of Browning where part of a storm drain collapsed. There was also a change order for Banchoff Park. As part of doing the dog park, it was realized that the roadway from the circle back could not wait until the next capital budget.

President Wollert said that the sinking drains seem to be happening more frequently and then asked if there has been an evaluation of the drains in the various neighborhoods.

The Administrator responded that Public Works goes out and marks those drains in need of repair. There are quite a few. It might be a capital item in next year's budget request but the drains will be fixed as needed. The Township Engineer has also taken a look based on Public Works' recommendations.

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

3. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, AMENDING AND REVISING § 225-64, SCHEDULE XVII: BUS STOPS

The Attorney explained that it is a multi-step process. At the last meeting, Council approved the movement of these bus stops at the request of NJ Transit. The Township, separately, maintains an entire schedule of bus stops throughout the Township in its Ordinances. This codifies those bus stop movements into the Township's Schedule to make them official.

The Administrator said that one of these new bus stops is on Bear Tavern near 750 Greene and then added that NJ Transit will put up a bus shelter which the Township will maintain.

Councilwoman Steward remarked that she hopes it is on Wheldon Shivers Drive and not on Bear Tavern.

The Administrator replied that it is on Bear Tavern going toward the Interstate so people do not have to cross Bear Tavern.

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

4. A RESOLUTION OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING THE PARKWAY AVENUE REDEVELOPMENT AREA TO INCLUDE ADDITIONAL PARCELS DETERMINED TO BE IN NEED OF REDEVELOPMENT AND/OR REHABILITATION AND NECESSARY FOR THE EFFECTIVE REDEVELOPMENT OF THE AREA

Charles Latini (Township Planner) explained that Council authorized the Planning Board back in July to determine whether or not some additional parcels should be incorporated within the Parkway Avenue Redevelopment Area. One of which, was a one acre parcel originally granted to Homefront as part of the base closure process. Since Homefront is no longer there, this parcel became the location of the Township's brush drop-off site. It was always intended to be within the Redevelopment Area. The other parcel is located between Birmingham Gardens and the strip mall next to Marrazzo's. The recommendation from the Planning Board is to include these two parcels in the Redevelopment Area.

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

5. A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH BRINKERHOFF ENVIRONMENTAL SERVICES, INC. TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES AND LICENSED SITE REMEDIATION PROFESSIONAL SERVICES FOR 1000 PENNINGTON AVENUE UNDER A NON-FAIR AND OPEN CONTRACT AND AUTHORIZING BRINKERHOFF TO MAKE APPLICATION UNDER THE NEW JERSEY HAZARDOUS DISCHARGE SITE REMEDIATION FUND FOR THE COSTS OF SUCH SERVICES PRIOR TO THE COMMENCEMENT OF WORK

The Attorney said that this is an old garage. The garage had been taken down but the grounds are potentially contaminated because of its historic use. Brinkerhoff will apply to the State for the grant to fund the initial assessment of the property. If it is determined that the site does need to be cleaned up, they will apply for further funds. Brinkerhoff will get paid out of the grant money received from the State.

President Wollert clarified that any funding will come through a State grant; the Town does not have to appropriate any money in advance of receipt of that grant.

The Attorney said that that was an error on her part. She had thought that the Town had to fund this upfront and then get reimbursed. The contractor is not paid until the grant money is received. Right now, the contractor is only applying for the grant. Once the money comes in, then the contractor will start work.

Mr. Latini (Township Planner) added that the funds come directly from the Hazardous Discharge Site Remediation Fund Program. The State distributes this money on a rolling basis. There is a lot of money in that account and the Township is pretty much assured to get money to help clean up this site.

The Administrator said that the State also goes after the assets of the person or company who owns or owned the property to recover the money the State spends.

Mr. Latini said that this is a gateway property to the Township. There are some issues with that corner. The Town wants to put its best foot forward so when people are driving up Pennington Road, they know when they enter Ewing Township. The plan is to improve it with landscaping and some off-street parking.

President Wollert said that that area has been a sore spot for a long time and then asked what has happen with the other businesses along there.

The Administrator and the Township Planner responded.

The Clerk changed "Avenue" to "Road" in the title of Discussion Item Number Five.

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

6. A RESOLUTION SUPPORTING REDEVELOPMENT STUDY AT 1000 PENNINGTON ROAD, EWING TOWNSHIP NEW JERSEY

President Wollert stated that this is a companion resolution.

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

7. A RESOLUTION AMENDING THE TOWNSHIP OF EWING POLICE DEPARTMENT RULES AND REGULATIONS

Chief Stemler said that this is just a minor addition under Section 4.5.12; adding drug testing. This has always been part of the General Orders but it was never in the Departments Rules and Regulations. That is a requirement.

A brief discussion followed as to whether or not other amendments were necessary. This is the only amendment needed; the others had previously been made.

Vice President Baxter asked if all employees have access to the DMS system.

The Chief responded - yes and then explained the procedure.

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

8. A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE HVAC PNEUMATIC CONTROLS REPLACEMENT AT THE EWING TOWNSHIP MUNICIPAL BUILDING TO ATC SYSTEMS, INC. IN THE AMOUNT OF \$148,000.00

The Administrator said that the Engineer and the Attorney both checked that this low bidder was legitimate in their pricing.

President Wollert said that that work was not done all that long ago and asked if this balancing work was part of any warranty.

The Administrator replied – no.

The Attorney added that this work is an upgrade to a Johnson Controls system – a specific proprietary item. A couple meetings ago, Council authorized the specification specifically of Johnson Controls and no others. Of the three bids, ATC Systems, as the low bidder, did bid Johnson Controls equipment. Johnson Controls also bid at \$225,000.00. The concern was, why are these guys so much lower. But, ATC Systems is an authorized Johnson Controls distributor and installer. It sometimes happens when a manufacturer sees that they are specifically specified, they come in high. The Engineer is satisfied that this vendor can do the work at this price. And, it will be the specified proprietary equipment required to be compatible with the existing Township system.

President Wollert asked if there is going to be any kind of warranty of effectiveness. The Attorney replied that the equipment and workmanship is warrantied.

The Administrator added that what has been tried in the past has not worked. There is no balance.

Councilman Schroth asked if it is known whether or not ATC has done work for surrounding Towns.

The Attorney said that they had to provide references in their bid; she will look through their bid and let Council know.

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

9. A RESOLUTION APPROVING CHANGE ORDER NO. 2 TO RICHARD T. BARRETT PAVING COMPANY, LLC FOR THE 2017 ROAD IMPROVEMENT PROGRAM IN THE INCREASED AMOUNT OF \$24,153.50

The Administrator said that this is for Banchoff Park - the paving being done from the circle back.

The Council President added that it is coming out of capital.

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

10. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO AN AGREEMENT WITH THE EWING-LAWRENCE SEWERAGE AUTHORITY, BRADFORD AND MARTHA DAVIS AND THE TOWNSHIP OF HOPEWELL FOR THE PROVISION OF SEWER SERVICES FOR 11 BRANDON ROAD WEST

President Wollert said that this happens anytime there is a new building going in in Hopewell Township.

The Administrator added that they pay one and one-half times the rate.

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

11. A RESOLUTION TO ESTABLISH A COMPLETE STREETS POLICY

The Administrator said that the Township, in concert with the College of New Jersey, is again applying for a grant to put in sidewalks along the College side of Green Lane. Councilwoman Steward added that this is really saying that the Town values and hopes to plan for a complete streets policy, wherever possible, throughout the Township.

The Administrator said that when Green Lane was repaved with State grants, a shoulder, on one side, was put in for bikes. It was always hoped that sidewalks would eventually be put in on the inside.

Vice President Baxter added that in the grant application attempt last year, there was not enough letters from the Public supporting this. There has been outreach this time around to get that residential support.

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

The Attorney then reported back to Councilman Schroth and listed some of the municipal and other references provided by ATC Systems, Inc.

At the request of the Council President, the Attorney announced a walk-on item.

12. A RESOLUTION AWARDED A MONTH-TO-MONTH EXTENSION OF THE CONTRACT FOR PHYSICIAN SERVICES WITH ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL-HAMILTON

The Attorney explained that they are the Township's current contractor. They do the physicals for Township employees. It will be for the same terms as the current contract until these services are reprocured.

Vice President Baxter asked if that is a breakdown of \$34,000.00 divided by twelve that they will get each month.

The Administrator replied – correct and added that last time this was bid out, another hospital bid higher and wanted the employees to come to a different location.

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 \$1,436,361.61 and to Pay Supplemental Bills per Resolution #18R-15 in the Amount of \$22,394.89**

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 Agenda Session Minutes for April 10, 2018, April 24, 2018, May 8, 2018; Approval of Regular Session Minutes for April 10, 2018, April 24, 2018, May 8, 2018**
2. **A Resolution Authorizing a Refund, as Recommended by the Director of EMS for Overpayment in the amount of \$512.97 for overpayment of transport service on November 7, 2017, for patient Brown, Shiela to United Healthcare, PO Box 740800, Atlanta, Georgia 30374**
3. **A Resolution Authorizing a Refund, as Recommended by the Municipal Clerk, For Fees in the amount of \$12.20 to Patrice Wright, 23 Manor House Drive, Ewing, New Jersey 08638 for a Dog License Fee (2018-2019 Tag #1092). The license was issued five days prior to the dog's passing.**

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

Township Planner, Chuck Latini, discussed Items One and Two together.

1. **AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF THE EXISTING AFFORDABLE HOUSING ORDINANCE OF TOWNSHIP OF EWING TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS**
2. **AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF EWING TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN SUPPORT OF AFFORDABLE HOUSING AS PERMITTED BY THE NEW JERSEY FAIR HOUSING ACT**

Mr. Latini said that these are part of the Fair Share Plan that the Township had negotiated with the Fair Share Housing Center and was approved by Judge Jacobson. These Ordinances are being reintroduced because the Court Master had several tweaks to make them consistent with all the findings all the other judges have been making throughout this process. Largely, all of this has remained the same as it was before except for those few tweaks.

3. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER CHAPTER 215, ARTICLE IV ZONING DISTRICT REGULATIONS; CONDITIONAL USES, PARKING AND SIGN REQUIREMENTS WITH RESPECT TO COMMERCIAL ROOMING STRUCTURES**

Mr. Latini (Township Planner) explained that this is the Township's continuing attempt to protect and to strengthen neighborhoods in the Town from the difficulties that rental housing, particularly around the College, puts on the residents. The Ordinance adopted last month defined what a commercial rooming structure is and prohibited it from the Town's single family - R1, R2 and R3 - zones.

Mr. Latini explained, for the benefit of the Public, that this is not the prohibition of rentals, this is the prohibition against the distortion of what a single family home is. Mr. Latini then discussed this Ordinance and mentioned where these structures will be allowed – BN and Subarea 1, 2 & 5 of the Olden Avenue Redevelopment Area.

There were no questions or comments from Council or the Public for these three Items.

All three Items were approved for Action.

Mr. Latini added that Council did refer this to the Planning Board and said that it is consistent with the Master Plan. The Planning Board did not recommend any changes.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Steward said that the Green Team met the end of last month and planned their National Night Out strategy which will focus on recycling education - a hot topic right now about what is and what is not recyclable right now. The most significant accomplishment of the Green Team in the past few weeks is the publishing of the new “Welcome to Ewing” booklet. It is a very comprehensive booklet. It is featured on the Township’s website. The Green Team will be doing some outreach to realtors and schools. The team that put this together did a fantastic job. It was about a two year process.

Vice President Baxter said that the Recreation Commission is still on its summer hiatus. Town & Gown will meet again in September but did ask him to reach out to residents to help with the sidewalk grant application mentioned earlier tonight. Vice President Baxter thanked the Administration for addressing a safety concern on Homan Avenue by adding speed humps. Mr. Baxter thanked the Green Team for putting out the Welcome Booklet.

President Wollert said that the Planning Board did meet. The discussion focused around the housing issued Mr. Latini discussed earlier.

The Administrator mentioned two upcoming events. The 9/11 event will begin at 6:00 p.m. and Community Fest is on September 29th.

The Administrator, President Wollert and Councilwoman Steward then discussed issues caused by the collapse of the recycling market.

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

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Anne Chmielewski (49 Sunset Avenue) stated that she has been attending Freeholder meetings as there have been things going on with the Airport Master Plan. People like to speak in generalities and to quote statistics. Ms. Chmielewski encouraged everyone to seek how that statistic or number was derived. Things can vary as can be seen here at the Airport with the recent departure of one airline and with the remaining airline, Frontier, facing some challenges with staffing levels. Mercer Quiet Skies has done some research and discovered that Airport revenue is not so much generated from flights to Florida but rather from the use of the land. For example, J&J’s contract from 1967 was just renegotiated for some \$657,000.00. Also, J&J has agreed, to the best of their ability, to honor flight times and not disturb the neighborhood. Ms. Chmielewski said that she lived in West Trenton for sixty some years and has tried, with respect to the Airport, to be respectful, responsible and reasonable. Moving forward, Ms. Chmielewski says that she is only asking the County to do the same with regards to the Airport Master Plan. Ms. Chmielewski said that she wants the County to seek an environmental impact study not merely an assessment, which would also include the impact on the taxes; important, because of the forty plus homes and businesses named in the Master Plan for possible taking at some future point. Ms. Chmielewski commented on the commercial rooming structures discussed earlier and said that these structures, because of the density after modification, need to be listed with the fire company.

Ms. Chmielewski then mentioned one of her pet peeves – confusing painted road signage that points into a fence. She gave an example of the left turn on Parkway Avenue into the fence at the old General Motors site. Ms. Chmielewski added that Mercer Quiet Skies will be at Community Fest.

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

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Wollert asked for a motion to adjourn. Ms. Steward so moved seconded by Mr. Schroth. The meeting was adjourned at 7:50 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk