

## November 20, 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 – Excused        | Jim McManimon, Administrator   |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney         |
| ▪ Mr. Schroth – Present       | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Excused       |                                |
| ▪ President Wollert – Present |                                |

The Clerk stated for the record that both Councilman Baxter and Councilwoman Steward are excused for this evening.

### DISCUSSION

#### **1. BEST PRACTICES WORKSHEET CY2018/SFY2019 DISCUSSION PURPOSES ONLY, NO ACTION REQUIRED**

President Wollert stated that this is for discussion purposes only; Council will take no action on this matter.

The Administrator said that the Town adopted all of the required best practices. There are no issues so the Town will receive all of the state aid tied to it. Active lobbying by the New Jersey Municipal Managers Association, the New Jersey Conference of Mayors and the League tried to do away with best practices. That is not going to happen; but, the State has agreed to review some of the recent changes to reflect the input of those groups that really know what goes on in the towns. No municipality wants to risk losing state aid unintentionally. Even with these most recent changes, Ewing scored high enough that losing aid is not an issue.

Councilwoman Keyes-Maloney first thanked the Administration and the CFO for all the work they put into this and then commented that in the past there had been some challenges with the trickiness of the questions. This year, the questions are more straightforward. Councilwoman Keyes-Maloney then mentioned that a couple of things came up with respect to shared services.

The Administrator responded that Ewing has shared services with the School District, the City of Trenton, Mercer County and Hamilton Township. The Attorney is in the process of putting it all into one massive shared service agreement.

Councilwoman Keyes-Maloney asked when does the best practices worksheet need to be submitted.

The Administrator replied that after tonight’s discussion, it will be submitted. It does not need Council approval; the discussion just needs to be documented.

Councilwoman Keyes-Maloney said that the Town may want to review the answer regarding electronic fund transfers because the Township may be satisfying the requirements.

The Administrator responded that he told the CFO that he believes that the Town is satisfying it.

Councilwoman Keyes-Maloney and the Administrator next discussed hybrid vehicles. Councilwoman Keyes-Maloney and the Attorney discussed pay-to-play and the fact that the Town follows a more restrictive regime than state statute.

The Administrator added that that one should be a “yes.”

Councilwoman Keyes-Maloney mentioned a new best practice – fringe benefits as related to vehicle use - and said that she hopes that the Town can review this and perhaps institute it. The Town has eighty-seven points, well above the sixty-one points needed, and a couple more points can be added.

President Wollert added that that one is only applicable to those who are allowed to take the vehicle home. Currently that is four employees. The Council President asked about the question dealing with the SALT Charitable Contribution Law.

The Attorney responded that this law is very complicated and seems likely that the IRS is going to “shoot it down.” It is more cumbersome than what it is worth.

Councilwoman Keyes-Maloney added that it may be subject to challenge and may not give residents the outcome that they desire so she does not advocate going forward with it. Councilwoman Keyes-Maloney reiterated that she is glad to see that the questions are not as tricky.

The Administrator added that when Towns are not able to reach the best practices goal, then there will be more of a push to end it.

There were no additional questions or comments from Council.

2. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 SECTION 70, SCHEDULE XXIII; SPEED LIMITS, REDUCING THE SPEED LIMIT ON CARLTON AVENUE FROM 35 MILES PER HOUR TO 25 MILES PER HOUR**

President Wollert said that Carlton Avenue is primarily residential.

The Attorney added that the Township Engineer made the recommendation. It is an appropriate reduction; consistent with the guidelines from the NJDOT. The speed limit will be reduced from Scotch Road to Lower Ferry.

Councilman Schroth asked if there were any particular problems.

The Administrator responded that there were complaints from residents as there are a number of young kids who live along that road. It was very obvious, once the Engineer completed the survey, that the speed limit reduction is necessary.

There were no additional questions or comments from Council.

This Item was approved for Action.

3. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 SECTION 59, SCHEDULE XII; STOP INTERSECTIONS, CONVERTING THE INTERSECTION OF BOONE AVENUE AND DUNMORE AVENUE, BOONE AVENUE AND FARRELL AVENUE, AND DUKE STREET AND PECK AVENUE TO STOP-CONTROLLED INTERSECTIONS BY INSTALLING NEW STOP SIGNS AND STOP BARS ON BOONE AVENUE AND DUKE STREET**

The Attorney said that these are recommendations from the Township Engineer after he surveyed these intersections.

The Administrator said that these are short streets behind the old Woolworths between Farrell and Dunmore.

The Attorney added that this is consistent with NJDOT standards.

The Administrator said that residents requested this and hopefully it will slow traffic. Traffic will be further alleviated if the School Board puts in additional parking at the High School.

There were no questions or comments from Council.

This Item was approved for Action.

4. **AN ORDINANCE AUTHORIZING THE TOWNSHIP OF EWING UNDER THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1, ET SEQ., TO ENTER INTO A PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT WITH HOMES BY TLC, INC., “TLC”) IN WHICH TLC WILL PAY THE TOWNSHIP OF EWING, IN LIEU OF CONVENTIONAL REAL PROPERTY TAX PAYMENTS, AN ANNUAL MONETARY PAYMENT COMPUTED IN ACCORDANCE WITH N.J.S.A. 40A:20-12(B)(1)**

The Attorney explained that this is a development for moderate, low and very low income properties developed by a subsidiary of HomeFront – Homes by TLC. They are a non-profit entity. This is a voluntary payment program.

Council President asked if these are on Sullivan Way.

The Administrator responded that it is the old doctors’ residences from Trenton Psychiatric. This is a PILOT for them but they really do not have to give the Township anything.

The Attorney said that it is a fourteen unit development and added that she modified the agreement and Ordinance because some of the provisions were not necessary.

Council President asked if the correct Agreement and Ordinance is in Council Share. The Attorney replied – yes.

There were no additional questions or comments from Council.

This Item was approved for Action.

5. **AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY, VACATING THE PAPER STREET KNOWN AS WILSON AVENUE IN THE TOWNSHIP OF EWING**

The Attorney explained that this was a request from an adjacent resident who asked that the Town vacate this paper street. An attached map shows the location. The normal process when a street is vacated is that the property is divided in half and goes 50/50 to each adjacent property owner. Vacating the street is good for the Township in that it lowers the cost to maintain these properties and gets on the tax rolls.

There were no questions or comments from Council.

This Item was approved for Action.

6. **A RESOLUTION AUTHORIZING CY2018 BUDGET TRANSFERS**

The Council President said that this is a standard process at the end of the year - moving unused money from accounts to other accounts that do not have enough money.

The Administrator added that there most likely will be another resolution for the December 11<sup>th</sup> Council meeting.

There were no questions or comments from Council.

7. **A RESOLUTION TO CANCEL OUTSTANDING CHECKS**

President Wollert said that again this is a standard process at the end of the year – canceling any uncashed checks.

There were no questions or comments from Council.

Items Six and Seven were approved for Action.

8. **A RESOLUTION TO CANCEL CERTAIN GRANT BALANCES**

Council President Wollert said that this is yet another standard process – canceling unused grant money.

The Administrator added that some of the money has to be given back to the State. The Administrator said that the Town did not use all the money to repave Green Lane because blacktop was too expensive. The Administrator then explained some of the other grant money that is being canceled.

There were no questions or comments from Council.

**This Item was approved for Action.**

**(Council President next discussed Agenda Item Ten and then went back to Agenda Item Nine.)**

**10. A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE COUNTY OF MERCER AND THE TOWNSHIP OF EWING FOR FIRE DISPATCH FOR EWING TOWNSHIP**

**The Administrator said that the Town had already done a shared service with the County EMS; this is a shared service for fire dispatch.**

**President Wollert added that this would give the Town credit toward its “best practices.”**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

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

**President Wollert said that this is standard.**

**The Administrator added that this is for the Sprint grant which is the Tower at the Police Station and the Clean Communities grant which is for all the Township’s recycling efforts. The Clean Communities grant is \$66,577.00 and the Sprint grant is about \$22,000.00.**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

**11. A RESOLUTION AWARDING RICHARD T. BARRETT PAVING COMPANY, INC. A CONTRACT IN THE AMOUNT OF \$66,395.00 FOR NORTH OLDEN AVENUE ASPHALT SIDEWALK RECONSTRUCTION**

**The Administrator explained that years ago the Township acquired property from the Incarnation Church under the flood mitigation program done in the 1990s. Over the years, the sidewalk disappeared but a lot of families walk along there. Money to reinstate the sidewalk was put into the capital budget earlier this year.**

**President Wollert added that this needs to be done – it is a safety issue.**

**There were no additional questions or comments from Council.**

**This Item was approved for Action.**

**12. A RESOLUTION AWARDING STRAIGHT EDGE STRIPING A CONTRACT IN THE AMOUNT OF \$16,534.68 FOR TRAFFIC STRIPING AND SIGN INSTALLATION AT VARIOUS LOCATIONS IN THE TOWNSHIP OF EWING**

**The Administrator said that the specific area is Somerset Street.**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

**13. A RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO PRINCETON HEALTHCARE SYSTEM IN THE AMOUNT OF \$5,267.50 FOR THE PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAM FOR THE PERIOD OF JANUARY 1, 2019 TO DECEMBER 31, 2019**

**President Wollert said that this is a standard program implemented each year. The contract is being awarded to Princeton Healthcare System to handle any assistance Township employees may need.**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

**14. A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL DECREASE TO INTEGRITY ROOFING, INC. FOR HOLLOWBROOK COMMUNITY CENTER ROOF REPLACEMENT**

**President Wollert said that this is a reduction in what the Town is paying.**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

**15. A RESOLUTION AUTHORIZING A MAINTENANCE GUARANTEE RELEASE FOR RVGV REALTY, LLC, 1441 HEATH AVENUE (BLOCK 13/LOT 35) – EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-I-067**

**The Council President said that this is a standard item. The Township Engineer recommended the maintenance guarantee release for this project.**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

**16. A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE FOR BEAR TAVERN GREENE (PHASE II), 750 BEAR TAVERN ROAD (BLOCK 373/LOT 2) – EWING ENGINEERS REMINGTON & VERNICK R&V #1102-I-059**

**President Wollert said that this is a standard release recommended by the Township's engineering firm.**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

**17. A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE FOR PRECIOUS PETS, LLC, 1510 PENNINGTON ROAD (BLOCK 1461/LOTS 36 & 37) – EWING ENGINEERS REMINGTON & VERNICK R&V #1102-I-080**

**President Wollert stated that this is another performance bond put up by the developer; the terms have been satisfied and the Township Engineer recommends that the Township release the performance bond.**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

**18. A RESOLUTION GRANTING MICHAEL DELAHANTY PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA-925) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT DECEMBER 31, 2018**

**President Wollert said that this Resolution speaks for itself.**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

**19. A RESOLUTION GRANTING JOHN SHALER PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA-948) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT DECEMBER 1, 2018**

**The Council President said that it is standard practice; retiring police officers are given permission to receive their service firearms.**

**There were no questions or comments from Council.**

**This Item was approved for Action.**

**20. A RESOLUTION APPROVING CAMERON W. BROWER AS A SENIOR FIREFIGHTING MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY NO. 1**

Council President Wollert said that Council would like to see more of these resolutions. If anyone here tonight is interested in becoming a member, both Prospect Heights and West Trenton would welcome any interest.

There were no questions or comments from Council.

This Item was approved for Action.

**21. A RESOLUTION ENDORSING THE CONCEPT OF BUILDING 180 NEW MILES OF CIRCUIT TRAIL TO COMPLETE 500 MILES OF TRAILS IN THE GREATER PHILADELPHIA REGION BY 2025**

Council President Wollert introduced Jay Watson who will speak on this Resolution.

Jay Watson (D&R Greenway Land Trust, Inc.) said that D&R Greenway has been recently engaged by the William Penn Foundation and the Delaware Valley Regional Planning Commission to work with circuit partners who are trying to connect eight hundred miles of trails in the Greater Philadelphia area. This Resolution does not ask the Township to do anything but support the concept. It does open up additional funding opportunities for the Trust. The Johnson Trolley Line and making the connection over I295 is on a lot of minds. If the two pieces of the trolley line can be connected then it will connect with the Lawrence-Hopewell trail and the D&R canal path. The Trust is hopeful to bring Ewing into the fold with the other eighty-six municipalities in the region that have already supported this. Mr. Watson said that he would be glad to answer any questions Council may have.

President Wollert said that there have been numerous efforts over the period that she has been on Council and quite a bit of success in making trails in different parts of the County. The Johnson Trolley Line has been talked about for awhile and it would be a good thing to see it come to pass. President Wollert applauded Mr. Watson and D&R for their continuing efforts.

Responding to President Wollert, Mr. Watson briefly discussed how these trails are linked together and, in particular, how D&R Greenway has been charged to reconnect the D&R Canal Path that runs from Battle Monument to Bordentown City and then mentioned that these trails are multi-purpose but are geared to be long distance trails for bicycles to be used for commuting and recreation.

Councilwoman Wollert asked if there will be any opportunities for portage along the Canal.

Mr. Watson said that he does not know if that has been thought of in context of the circuit trails.

The Administrator added that the new Scudders Falls Bridge, due to open late 2019, will have a separate walkway.

There were no additional questions or comments from Council.

This Item was approved for Action.

**BILLS LIST**

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$11,231,169.33 and to Pay Supplemental Bills per Resolution #18R-15 in the Amount of \$277,123.08

There were no questions or comments from Council.

The Bills List was approved for Action.

**CONSENT AGENDA**

Council President Wollert presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for August 14, 2018, September 11, 2018; Approval of Regular Session Minutes for August 14, 2018, September 11, 2018

- 2. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$54.00 to Andrew Dudich, 88 Martins Lane, Hamilton, NJ 08620 for the one-day event being held at the following location River Horse, Graphics Drive, Ewing, NJ. He paid for a Type 1 permit and the event was cancelled due to inclement weather.**
- 3. A Resolution Authorizing a Refund, as Recommended by the Director of EMS for Overpayment in the amount of \$605.65 for overpayment of transport service on August 24, 2018 for patient Doggett, Jacqueline to Horizon BC BS of NJ, PO Box 820, Newark, NJ 07101.**
- 4. A Resolution Authorizing a Refund, as Recommended by the Municipal Clerk, for a One-Day Mobile Retail Food License in the amount of \$30.00 to Mama Dude's (Andrew Dudich), 88 Martins Lane, Hamilton, New Jersey 08620 for a one-day Mobile Retail Food License issued to Mama Dude's for an event that was cancelled at River Horse Brewery (Pint's for Pets) on October 27, 2018 due to inclement weather.**
- 5. A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector. A REFUND in the amount of \$3,308.84 for May 1, 2018 2<sup>nd</sup> Quarter Taxes and a CANCELLATION in the amount of \$13,817.72 for May 1, 2018 to December 31, 2018 to Ewing Realty Partners, LLC., 432 Stokes Avenue, Ewing, NJ 08638 for property owner Ewing Realty Partners, LLC., for Block: 13, Lot: 17, also known as Beakes Street. Cancellation due to lower assessment and refund of May 1<sup>st</sup>, 2018 2<sup>nd</sup> Quarter Taxes.**
- 6. A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector. A REFUND in the amount of \$4,529.29 for January 1, 2018 thru June 30, 2018 1<sup>st</sup> & 2<sup>nd</sup> Quarter Taxes and a CANCELLATION in the amount of \$8,852.63 for Full Year 2018 to Ewing Realty Partners, LLC., 432 Stokes Avenue, Ewing, NJ 08638 for property owner Ewing Realty Partners, LLC., for Block: 13, Lot: 10, also known as Princess Diana Lane due to Full Year Cancellation 2018 and Refund of 1<sup>st</sup> and 2<sup>nd</sup> Quarter Taxes.**
- 7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,916.13 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Jones Jr., Robert E., 3 Beth Ann Way, Ewing, NJ 08638, for property owner Jones Jr., Robert E., for Block: 582 Lot: 4 also known as 3 Beth Ann Way.**
- 8. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$244.15 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Pitt, Sidney & Caryl E., 29 Brophy Drive, Ewing, NJ 08638, for property owner Pitt, Sidney & Caryl E., for Block: 565 Lot: 5 also known as 29 Brophy Drive.**
- 9. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$884.23 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Lygas, Theodore M. & Diana C., 69 Brophy Ct., Ewing, NJ 08638, for property owner Lygas, Theodore M. & Diana C., for Block: 223.10 Lot: 215 also known as 69 Brophy Ct.**
- 10. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$176.83 for overpayment of October 1, 2018 2<sup>nd</sup> Half Sewer to Britton, Joyce, 26 Cambridge Drive, Ewing, NJ 08628, for property owner Britton, Joyce for Block: 588 Lot: 82 also known as 26 Cambridge Drive.**
- 11. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,128.93 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Smaw, Darius & Martha, 304 Ewingville Road, Ewing, NJ 08638, for property owner Smaw, Darius & Martha for Block: 559 Lot: 29 also known as 304 Ewingville Road due to being a 100% disabled veteran.**

- 12. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,794.86 for overpayment of November 1, 2018 4th Quarter Taxes to Alexander, Leon & Lois, 10 Federal City Road, Ewing, NJ 08638, for property owner Alexander, Leon & Lois for Block: 214.01 Lot: 9 also known as 10 Federal City Road.**
- 13. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$184.38 for overpayment of November 1, 2018 4th Quarter Taxes to Scymansik, David & De Wald, Lynn, 27 Fran Avenue, Ewing, NJ 08628, for property owner Scymansik, David & De Wald, Lynn for Block: 547 Lot: 13 also known as 27 Fran Avenue.**
- 14. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,196.57 for overpayment of November 1, 2018 4th Quarter Taxes to Sterling Title Agency, LLC, 2662 Nottingham Way, Hamilton, NJ 08619, for property owner Lee, Suining for Block: 122.01 Lot: 14 also known as 71 Groveland Avenue. Refund to title company, reference MC-25567.**
- 15. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$339.41 for overpayment of November 1, 2018 4th Quarter Taxes to Greene, Glenn Joel, 72 Jacobs Creek Road, Ewing, NJ 08628, for property owner Greene, Glenn Joel for Block: 530 Lot: 12 also known as 72 Jacobs Creek Road.**
- 16. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$621.07 for overpayment of November 1, 2018 4th Quarter Taxes to Bauer, Maria D, 4 Lochatong Road, Ewing, NJ 08628, for property owner Bauer, Maria D, for Block: 516 Lot: 21 also known as 4 Lochatong Road.**
- 17. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,464.02 for overpayment of November 1, 2018 4th Quarter Taxes to Tuttle, William S., 8 Locke Ct., Ewing, NJ 08628, for property owner Tuttle, William S., for Block: 420.01 Lot: 82 also known as 8 Locke Ct.**
- 18. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$837.61 for overpayment of November 1, 2018 4th Quarter Taxes to Sanjeevaraya, Deepa Rangapura, 889 Lower Ferry Road, Ewing, NJ 08628, for property owner Sanjeevaraya, Deepa Rangapura for Block: 475 Lot: 3 also known as 889 Lower Ferry Road.**
- 19. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,622.10 for overpayment of November 1, 2018 4th Quarter Taxes to Monarch Title Agency, LLC, 427 Whitehorse Avenue, Hamilton, NJ 08610, for property owner Hoarn, Christopher & Lyden Annmarie for Block: 506 Lot: 2 also known as 1167 Lower Ferry Road. Refund to title company, file M18-304FA.**
- 20. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$340.70 for overpayment of October 1, 2018 2nd Half Sewer to Vasquez, Andres S. & Rachel S., 517 Maple Avenue, Ewing, NJ 08618, for property owner Vasquez, Andres S. & Rachel S., for Block: 290 Lot: 23 also known as 517 Maple Avenue.**
- 21. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,587.81 for overpayment of November 1, 2018 4th Quarter Taxes to Goldstone TitleSurety Title Agency Region, LLC, 853 Mill Creek Road, Manahawkin, NJ 08050, for property owner Iucolino, Fabio S. & Jennifer S., for Block: 578 Lot: 23 also known as 86 Misty Morn Lane. Refund to title company, file 8586SG-01.**
- 22. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$551.35 for overpayment of November 1, 2018 4th Quarter Taxes to Weed, Richard M., 61 Nancy Lane, Ewing, NJ 08638, for property owner Weed, Richard M., for Block: 214.11 Lot: 12 also known as 61 Nancy Lane.**



23. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$100.00 for overpayment of November 1, 2018 4th Quarter Taxes to Cader, Theodore II, 6 Newfane Avenue, Ewing, NJ 08618, for property owner Cader, Theodore II, for Block: 508 Lot: 10 also known as 6 Newfane Avenue.
24. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$62.08 for overpayment of November 1, 2018 4th Quarter Taxes to Meiris, Charles P. & Miraflor, Mary C., 2046 Pennington Road, Ewing, NJ 08618, for property owner Meiris, Charles P. & Miraflor, Mary C., for Block: 217 Lot: 43 also known as 2046 Pennington Road.
25. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$296.70 for overpayment of November 1, 2018 4th Quarter Taxes to Ditmars, Linda J., 1051 River Road, Ewing, NJ 08628, for property owner Ditmars, Linda J., for Block: 423.01 Lot: 36 also known as 1051 River Road.
26. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$727.68 for overpayment of November 1, 2018 4th Quarter Taxes to Biddulph, Claire, 1 Running Brook Road West, Ewing, NJ 08638, for property owner Biddulph, Claire for Block: 554 Lot: 18 also known as 1 Running Brook Road West.
27. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$67.56 for overpayment of November 1, 2018 4th Quarter Taxes to Phillips, Shirley L., 6 Running Brook Road West, Ewing, NJ 08638, for property owner Phillips, Shirley L., for Block: 555 Lot: 13 also known as 6 Running Brook Road West.
28. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,426.17 for overpayment of November 1, 2018 4th Quarter Taxes to Southern United Title Agency LLC, 30 S Maple Avenue, Marlton, NJ 08053, for property owner Paguio, Rodolfo & Azucena for Block: 193.03 Lot: 11 also known as 10 Sunslow Drive. Refund to title company, file #7494.
29. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,091.14 for overpayment of November 1, 2018 4th Quarter Taxes to Goldstone Title, 2409 Pennington Road, Pennington, NJ 08534, for property owner Delaney, Kristi for Block: 468 Lot: 158 also known as 1042 Terrace Blvd. Refund to title company, file GS18-0046.

There were no questions or comments from Council.

The Consent Agenda was approved for Action.

#### **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 RE-APPROPRIATION OF \$99,600 IN UNUSED DEBT AUTHORIZATIONS AND OTHER FUNDS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR STORM DRAIN AND SEWER REPAIRS

Council President Wollert explained that the first item will be carried over to the next meeting as it is a re-appropriation. Items two and three will be considered at tonight's Regular Meeting.

2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 300 SEWERS, ARTICLE III INDUSTRIAL DISCHARGES

3. **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 § 225-48 SCHEDULE I: NO PARKING ANYTIME**

### **COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL**

Councilwoman Keyes-Maloney said that, during the winter months, the Arts Commission will have a December featured artist who is a member of the Patriotic Committee and in January the Student Art Show will be on Pro Bowl weekend. The Commission is also finishing up the EASEL Art Show which was done in coordination with EASEL in support of the Animal Shelter.

President Wollert said that the Planning Board did meet; the only applicant withdrew their application.

There were no additional Commission & Committee Reports.

The Administrator announced that the tree lighting ceremony is next Sunday, December 2<sup>nd</sup> 5:00 p.m. at the ESCC. On December 3<sup>rd</sup>, Woman's Space candle-lighting will 5 p.m. at the Municipal Building.

The Attorney added that Fisher's Peacekeepers Club will be lighting the candles.

The Administrator announced that on December 7<sup>th</sup> there will be a daytime ceremony and presentation about Pearl Harbor by the Patriotic Committee at the High School.

There were no additional announcements.

### **NEW BUSINESS**

**(None for this Meeting)**

### **STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC**

Mildred Russell (119 King Avenue) said that she is here tonight representing the Braeburn Civic Association and asked when will homeowners be notified of the assessment of their property.

The Administrator replied that the company is not quite finished – perhaps a few more weeks. When the assessments are complete, everyone will be notified of the initial assessment recommendation from the company. Then, there will be public meetings about it. There will also be private meetings if the homeowner wishes to question the assessment but only if that homeowner allowed them into their home. If the company was not allowed into the home, the assessment cannot be questioned.

Mrs. Russell asked how do we let someone know that a sign is missing.

The Administrator replied that they can send him an email. There is also an online process.

Students from The College of New Jersey (Daniel Surich – 49 Bayberry Drive; Claire Paul – 17 King Avenue; Daniel Stevens – 117 Browning Avenue) asked Council and the Administration to consider installing a cross walk at Browning and Green Lane because it is a dangerous intersection.

The Administrator responded that he and the Mayor did meet with representatives of the new College president and have asked the Township Engineer to look into it. It is a dangerous crosswalk idea – some trees would have to be cut back and flashing lights added. Funding is not really the issue, but whether the crosswalk can be designed in a safe manner.

The students were also concerned about jaywalking at the corner of Pennington and Lanning and at the corner of Pennington and Theresa and asked if the Township could petition NJDOT to add crosswalks.

The Administrator replied that he met with NJDOT. There is an ongoing road diet study of Pennington Road from Ewingville to Olden Avenue. The study is almost done and would restripe the road in order to slow traffic.

President Wollert mentioned Campus Town.

The Administrator responded and added that Lanning School has been sold to the group that owns Campus Town.

Ms. Paul presented to Council a petition of over one hundred signatures in support of these efforts and asked the Administration to make a public statement supporting this.

Councilwoman Keyes-Maloney said that Council can support the concept but conversations must be had with NJDOT to see how the crosswalks would fit in with what they are doing on Pennington Road. Regarding Green Lane, Council has to make sure that any crosswalks are done in the most responsible way possible and does not end up doing more harm than good.

Councilwoman Keyes-Maloney asked the students to leave their contact information with the Clerk.

The Administrator added that he will forward the petitions to NJDOT so they can include it in their diet study.

President Wollert applauded the students' interest particularly since they researched it and then asked the students to make Council aware if they see anything else. The Council President added that she hopes their interest in Ewing will continue after graduation.

There were no additional statements and comments from the Public.

**CLOSED SESSION** – The Attorney read (**Resolution #18R-192**) A Resolution Excluding the Public from a Public Meeting for the Purpose of 1) Discussing Litigation and Receiving the Advice of Counsel in the Matter of **Smith v. Ewing, et al.**

At 7:25 p.m., the Attorney read the Resolution to enter into a Closed Executive Session under N.J.S.A. 10:4-12 under the Open Public Meetings Act which is the provision that deals with the exclusion of the Public because of the subject matter under discussion. In this case, subpart seven relating to any pending or anticipated litigation or contract negotiation and any matters falling under attorney-client privilege. Specifically, Council will be discussing **D. Scott Smith versus Ewing Township et al.** and a potential settlement offer.

At 7:25 p.m., Councilwoman Keyes-Maloney made a motion to enter into Closed Executive Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote.

At 7:36 p.m., Councilwoman Keyes-Maloney made a motion to close the Closed Executive Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote.

At 7:36 p.m., Councilwoman Keyes-Maloney made a motion to enter back into Open Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote.

President Wollert stated that a Resolution needs to be walked onto the Regular Agenda because of the Closed Session discussion. Ms. Keyes-Maloney made a motion to walk-on the Resolution, seconded by Mr. Schroth. Council President Wollert then read the Resolution – A RESOLUTION AUTHORIZING THE TOWNSHIP TO SETTLE A DISPUTE IN THE MATTER STYLED D. SCOTT SMITH V. EWING TOWNSHIP & KIM MACELLARO, MER-L-001884-18, BEFORE THE SUPERIOR COURT OF NEW JERSEY, MERCER COUNTY. President Wollert asked for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Ms. Keyes-Maloney	YES
President Wollert	YES

**ADJOURNMENT**

There being no further business, President Wollert asked for a motion to adjourn. Mr. Schroth so moved seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. The meeting was adjourned at 7:38 p.m.

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Kathleen Wollert, President

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Kim J. Macellaro, Municipal Clerk