

## December 11, 2018 – AGENDA SESSION

President Wollert called the meeting to order at 6:30 p.m. and read the Open Public Meeting Statement:

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian, filed with the Clerk of the Township of Ewing and posted in the Ewing Township Municipal Complex, all on the 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 – Present       | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present       |                                   |
| ▪ President Wollert – Present |                                   |

Council President Wollert announced that the first item is a presentation by Mr. West who will speak on the topic of mental health.

Terry West (242 Jackson Street, Trenton) said that each month they visit a different municipality to promote their mental health awareness program and to encourage each municipality to adopt a resolution recognizing that particular month as Mental Health Awareness Month. He and his colleague, Michele Madiou, are grateful that Ewing will be adopting a resolution this week.

Michele Madiou (1123 Lower Ferry Road) thanked Council for moving forward this Resolution. In May, County Executive Brian Hughes launched the Stigma-Free Campaign in Mercer County. Mental health stigma operates broadly in society and acts as a barrier to those individuals for would seek mental health treatment. The Stigma-Free Mercer Campaign was implemented to address the causes and impact of stigma as it functions to impede health seeking behavior thus increasing risk factors for unhealthy coping strategies. To promote the stigma-free messaging, they are offering training and special projects and, in particular, to engage the youth voice in this very important effort to decrease stigma and to foster a sense of competence, confidence, dignity and hope in the health seeking process. Ms. Madiou again thanked Council for their support in the effort to promote a stigma-free Mercer County. Ms. Madiou added that, as a Ewing resident, she is particularly proud to witness this very important evening and thanked Council for all the work that they do to make Ewing a really great place to live.

President Wollert said that mental health awareness and mental health treatment is a subject near and dear to her heart as she has had a number of family members who have suffered from different types of mental health issues over a long period of time. She is well aware of the kind of impact that this can have. Ms. Wollert added that she witnessed it first hand when she worked at Trenton Psychiatric Hospital doing occupational therapy with the patients. President Wollert said that awareness is needed, offered Council’s assistance and said that it would be beneficial to foster awareness in the schools.

Mr. West said that next year there will be programs in all the local schools.

Council then took a photo holding up t-shirts handed out by Mr. West.

## **PRESENTATION**

**Robert Filler, Executive Director and Vance Stephens, Administrative Officer – Ewing-Lawrence Sewerage Authority– ELSA Budget and Sewer Rate**

**Charlie Geter (Chair, ELSA) said that they are here tonight to give Council an update. ELSA has done a lot of work since it came into existence in 1951. ELSA is very proud that the plant has been completely rebuilt without having to shut it down and that it came in mostly on budget. In the upcoming year, ELSA will be helping Ewing redevelop some of its areas. Mr. Geter introduced Executive Director Rober Filler.**

**Robert Filler (Executive Director, ELSA) first mentioned that the Ewing-Lawrence Sewer Usage Ordinance has just been adopted by both Ewing and Lawrence and it has been submitted, along with certifications, to the DEP. Second, this December, Synergy is going before the Hamilton Planning Board for preliminary and final site plan approval and shortly after will start construction on 12,000 ground-mounted solar panels which will provide eighty-five percent of the energy needed to run the treatment plant. Its capacity is close to four megawatts and projected savings are at least \$250,000. It is a fifteen year contract with the option to purchase the facility. Mr. Filler said that most of the forty acres is wooded; half are wetlands and twenty-five percent of the trees will be removed. In October, the Delaware Riverkeeper voiced concerns and the Planning Board Chair asked for a delay until December. It is Mr. Filler's understanding that those questions have been answered and, hopefully, by late next summer (tape is unclear). Third, the treatment plant upgrade is very near completion. The contractor was paid a total of \$29,791,896.04. There are some items that have to be taken care of.**

**President Wollert asked where were the Riverkeepers concerns.**

**Mr. Filler responded.**

**Vance Stephens (Administrative Officer & CFO – ELSA) said that for Ewing Township, in terms of the annual charge, there is a decrease. The final numbers are not yet available but at this point with the current flows, Ewing's charge will go from almost 8.9 million to 8.65 million.**

**Mr. Filler added that it will be approximately a \$150,000 reduction.**

**Mr. Filler next discussed the Parkway Town Center. In partnership with Atlantic Realty, a condition assessment completed along Parkway Avenue showed the need to replace about 2,225 feet. In addition, down Scotch Road there is about 665 feet from the intersection and out to the first manhole cover on Silvia Street that needs to be replaced. That work started about two weeks ago. In the near future, Sullivan Way will be upgraded. All of this work will give ELSA new pipe and more capacity as the new pipes are 27 inch and 30 inches in diameter.**

**Mr. Filler then mentioned how extreme weather impacts ELSA. About sixty inches of rain fell in 2018, an increase of fifty-two percent over 2017, which caused a strain on the system and overflow in a few areas. Areas of concern are Mountainview and 4<sup>th</sup> Street near the pump station. Mr. Filler then more fully described the situation in Mountainview and what is/will be done to fix the situation.**

**Mr. Filler handed Council information concerning Trenton Biogas. A facility is under construction. They will be taking food stock and converting it into energy. Major fertilizer outfits will be buying all the byproduct that they can produce. There is a lease purchase arrangement. In round numbers, ELSA and Hamilton own twenty-five percent; Trenton owns fifty percent.**

**Vice President Baxter asked where will this facility be located.**

**Mr. Filler replied - Duck Island at the sludge plant.**

**Mr. Filler next discussed, at length, the situation on Fourth Street and what needs to be done to fix it. Fourth Street is priority number one and will take a lot of money to properly fix it. President Wollert asked what are the cost projections.**

**Mr. Filler responded – about \$12 million. At this point, financing is still available for wastewater improvement at seventy-five percent interest free.**

**Councilwoman Keyes-Maloney asked if the project will start in 2020 or beyond.**

**Mr. Filler replied – yes. ELSA will be doing a careful assessment in 2019.**

**Mr. Filler responded to Vice President Baxter and explained in greater detail the issues involved with Mountainview and 4<sup>th</sup> Street and added that redundancy has been a priority of his for the past twenty-seven years.**

**There were no additional questions or comments for Mr. Filler or Mr. Stephens.**

**President Wollert thanked them for coming in.**

**Mr. Filler stated that he is very appreciative of his Ewing board members because they are very supportive.**

## **DISCUSSION**

### **1. A RESOLUTION AUTHORIZING CY2018 BUDGET TRANSFERS**

President Wollert said that this is standard end of the year business.

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

This Item was approved for Action.

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

The Council President stated that this is also standard.

The Attorney added that every time something is inserted into the Budget, a resolution needs to be adopted approving it. This is for the Drunk Driving Enforcement Fund.

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

This Item was approved for Action.

### **3. A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL DECREASE TO RICHARD T. BARRETT PAVING COMPANY FOR 2016 ROAD IMPROVEMENT PROGRAM**

The Council President commented that a savings for the Town is always a good thing.

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

This Item was approved for Action.

### **4. A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR THE 2016 ROAD IMPROVEMENT PROGRAM TO RICHARD T. BARRETT PAVING COMPANY – EWING ENGINEERS REMINGTON & VERNICK RV&A #1102-T-036**

President Wollert said that this is a standard release of the performance bond upon completion of the project.

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

This Item was approved for Action.

### **5. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER AN ADOPTION AGREEMENT WITH SERGEANT CHARLES MORGAN FOR THE ADOPTION OF A RETIRING POLICE CANINE**

Council President Wollert said that every once in a while Council sees this type of resolution. A police dog retiree is finding a home with Sergeant Morgan.

The Administrator added that the new one is in training and should be ready in early February.

Councilwoman Keyes-Maloney asked what type of work did Hondo do.

The Administrator responded that dogs are trained for either drugs or bombs. The new one is being trained for bombs and not drug-sniffing because if recreational marijuana is ever legalized it will change the entire landscape. It could be a cover drug and then it would be an illegal search and seizure.

Councilwoman Steward commented that it will be a boon for the dog training industry.

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

This Item was approved for Action.

**6. A RESOLUTION DECLARING EWING TOWNSHIP A STIGMA-FREE COMMUNITY**

President Wollert said that this has to do with mental health issues. There was a presentation about it earlier tonight.

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

This Item was approved for Action.

**BILLS LIST**

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$10,720,224.00 and to Pay Supplemental Bills per Resolution #18R-15 in the Amount of \$11,291.84

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

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 September 25, 2018, October 16, 2018; Approval of Regular Session Minutes for September 25, 2018, October 16, 2018; Approval of Board of Health Minutes for January 23, 2018, February 27, 2018, April 24, 2018, May 22, 2018, June 26, 2018, July 24, 2018, September 25, 2018, October 16, 2018 and November 20, 2018
2. A Resolution Authorizing a Refund, as Recommended by the Director of EMS for Overpayment in the amount of \$111.85 for overpayment of transport service on November 18, 2017 for patient Lucas, Zachary to Horizon BC BS NJ, PO Box 1301, Neptune, NJ 07754-1301
3. A Resolution Authorizing a Refund, as Recommended by the Director of EMS for Overpayment in the amount of \$67.00 for overpayment of transport service on February 6, 2018 for patient Thompson, Carolyn to Amerigroup, PO Box 933657, Atlanta, GA 31191-3657
4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$107.70 for overpayment of October 1, 2018 2<sup>nd</sup> Half Sewer to Rego, Joseph, 24 Brophy Drive, Ewing, NJ 08638, for property owner Rego, Joseph, for Block: 566 Lot: 15 also known as 24 Brophy Drvie.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$278.97 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Dimascio, Anthony M., 103 Central Avenue West, Ewing, NJ 08628, for property owner Dimascio, Anthony M., for Block: 378 Lot: 245 also known as 103 Central Avenue West.
6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$716.42 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Trident Land Transfer (NJ), LLC., 3 Executive Campus, Suite 100, Cherry Hill, NJ 08002, for property owner Filandro, Michael, for Block: 74 Lot: 75 also known as 23 Hazelhurst Avenue. Refund to title company – Reference # 18NJ03584/115.
7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$26.76 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to Neal, Linda E., 860 Lower Ferry Road #5-GH, Ewing, NJ 08628, for property owner Neal, Linda E., for Block: 322 Lot: 15 C507 also known as 860 Lower Ferry Road #5-GH.

8. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1,539.54 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to First American Title Insurance Company, 50 Millstone Road, Bld. 200, Ste. 150, East Windsor, NJ 08520, for property owner Headley, Christopher, for Block: 214.01 Lot: 28 also known as 137 Nancy Lane. Refund to title company – file Number 3471-2567297-PRC.
9. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$328.13 for overpayment of October 1, 2018 2<sup>nd</sup> Half Sewer to Eskarous, Samir, 123 Brickhouse Road, Princeton, NJ 08540, for property owner Eskarous, Samir, for Block: 3 Lot: 8 also known as 227 New Trent Street.
10. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1400.00 for overpayment of November 1, 2018 4<sup>th</sup> Quarter Taxes to NABA & Aisha LLC, 1 Brookside Drive, Titusville, NJ 08560, for property owner NABA & Aisha LLC, for Block: 225.01 Lot: 2.02 C0737 also known as 737 Timberlake Drive.

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

The Consent Agenda was approved for Action.

#### **ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

**(None for this Meeting)**

Council President Wollert said that there are five Ordinances for Second Reading. There will be a Public Hearing and Final Adoption later tonight.

#### **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

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

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 this was recommended by Traffic.

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

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 INTERSECTIONS 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

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

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)

President Wollert said that this is something Council has previously done in other instances. Instead of taxes, a direct payment is made to the Town. It will be shared with the School Board as per the terms of the contract.

The Administrator added that the Town has determined that we would reverse the amount for PILOTS.

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

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

Council President Wollert said that this paper street has been on the books for a long time and will be given to the neighbors who have been maintaining it. It will be split equally.

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

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

Councilwoman Keyes-Maloney said that this Thursday, the featured artist, will hold a “Meet the Artist” evening here at the Municipal Building from 6:00 to 8:00 p.m. He is a member of the Patriotic Committee and a long time Ewing resident. He is also a retiree of the Department of Education who has taken up art as a hobby. In addition, the volunteer reception is scheduled for December 20<sup>th</sup> from 6:00 p.m to 8:00 p.m. at Hollowbrook.

President Wollert thanked Councilwoman Keyes-Maloney for spearheading that effort.

Vice President Baxter said that last Recreation Advisory Board was held last night. It mainly closed out business for the year. Everyone up for reappointment would like to be reappointed. The Community Affairs Director, Ted Forst, had a consultation with a person who is well-versed in swimming pool management in order to figure out which direction the pool system will go - whether an outside company will handle the pools again or whether the Town will do so in-house. It was a good summer except for a few rainouts during the latter part of the summer. The splash pad was a big hit and a little better upcoming pool season is anticipated when the new splash pad is built.

President Wollert added that it is her understanding that it was a successful summer, and the other programs were will received.

Councilwoman Steward said that the Green Team is gearing up for Sustainable Jersey recertification. The planning retreat is Saturday January 5<sup>th</sup> from 9:00 a.m. to 1:00 p.m. All are welcome to attend and give feedback. Councilwoman Steward mentioned that she will be bringing some items back to Council for consideration.

President Wollert said that the Planning Board did have a meeting last week but she was unable to attend. There was one application (a body shop on Olden Avenue); it was approved.

Vice President Baxter asked that everyone, including Council members, RSVP for the volunteer reception.

There were no additional Commission and Committee reports from members of Council.

#### NEW BUSINESS

(None for this Meeting)

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

Ron Prykanowski (16 Thurston Avenue) asked with respect to the change in ELSA’s budget and the decrease, how will that affect the ratepayers.

President Wollert replied that generally it shows a lesser rate for the year. It will not be a radical amount.

The Administrator added that the CFO will calculate the rate out, now that ELSA has given the Township the official numbers. A Trust is set-up so the Township will need to see what is needed to pay the bill.

Mr. Prykanowski asked the Council President if he could ask a question of Mr. Filler.

President Wollert replied – yes.

Mr. Prykanowski asked, now that the plant has been upgraded, is it a tertiary treatment plant or is it still secondary.

Mr. Filler replied – secondary.

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

President Wollert said that the Reorganization Meeting will be January 1, 2019 at Noon here in Council Chambers. The reception will follow at Blooming Grove Inn. All are welcome.

**CLOSED SESSION** – The Attorney read (**Resolution #18R-212**) A Resolution Excluding the Public from a Public Meeting for the Purpose of 1) Advice of Counsel and Negotiations – re: 21-23 New Trent Street 2) Advice of Counsel – re: NJDEP Settlement

At 7:27 p.m., the Attorney read the Resolution to enter into Closed Executive Session under the Open Public Meetings Act for the purpose of receiving the advice of Counsel with the respect to the potential settlement of two matters – the first one, actually the negotiation, for 21-23 New Trent Street and the second one being a potential settlement of a notice of civil administrative penalty assessment from the Department of Environmental Protection. Minutes of the Closed Session will be made available to the Public if and when the matter is completed and if appropriate.

At 7:28 p.m., Councilwoman Keyes-Maloney made a motion to enter into Closed Executive Session, seconded by Councilwoman Steward. It was agreed by unanimous voice vote.

At 7:48 p.m., Councilman Schroth made a motion to close the Closed Executive Session, seconded by Councilwoman Steward. It was agreed by unanimous voice vote.

At 7:48 p.m., Councilwoman Keyes-Maloney made a motion to enter back into Open Session, seconded by Councilwoman Steward. It was agreed by unanimous voice vote.

### **ADJOURNMENT**

There being no further business, President Wollert asked for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Ms. Steward. It was agreed by unanimous voice vote. The meeting was adjourned at 7:49 p.m.

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Kevin Baxter, President

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Kim J. Macellaro, Municipal Clerk