

December 11, 2018 – REGULAR MEETING

President Wollert called the meeting to order at 7:58 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

The Council President 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 – Present | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present | |
| ▪ President Wollert – Present | |

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no questions or comments from members of the Public.

BILLS LIST

1. The Clerk read (**Resolution #18R-213**) 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

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

ROLL CALL

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

The above referenced Bills List Resolution and 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-214/)

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 2nd 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 4th 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 4th 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 4th 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 4th 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 2nd 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 4th 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.

Ms. Keyes-Maloney moved the Resolution and then stated that she will abstain from the July 24th Board of Health minutes as she was absent. Mr. Schroth seconded the motion. There were no additional questions or comments from Council. There were no questions or comments from the Public. The Council President called for a roll call.

ROLL CALL

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| Mr. Schroth | YES |
| Ms. Keyes-Maloney | YES, except as noted |
| Mr. Baxter | YES |
| Ms. Steward | YES |
| President Wollert | YES |

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

- 1. The Clerk read (Ordinance #18-29) 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**

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 debt authorizations and other funds, in the aggregate amount of \$99,600 provided for in the below reference bond ordinances and ordinance of the Township of Ewing, in the County of Mercer, New Jersey (the “Township”), is no longer needed for the purposes referenced below. The Township desires, therefore, to re-appropriate the following debt authorization:

| Bond Ordinance/ Ordinance Number | Improvement Description and <u>Date of Adoption</u> | Amount to be <u>Re-Appropriated</u> |
|--|--|--|
| 16-19 | Up-fit of the mobile command post for the Police Department, including all related costs and expenditures incidental thereto, finally adopted December 13, 2016. | \$20,000 |

| | | |
|-----------------------|--|----------|
| Section 3(g) of 17-19 | <u>Pennington Road Fire Company:</u> Acquisition of various equipment, including a PPV fan, turn out gear, a hose and a StrongArm tool, including all work and materials necessary and incidental thereto and further including all related costs and expenditures incidental thereto, finally June 13, 2017. | \$21,600 |
| Section 3(j) of 17-19 | <u>Police Department:</u> (i) Command post vehicle up-fit, including all related costs and expenditures incidental thereto. | \$58,000 |

The aggregate amount of \$99,600 described in Section 1 hereof and made available pursuant to N.J.S.A. 40A:2-39 is hereby re-appropriated to bond ordinance #16-08, finally adopted May 10, 2016, as re-appropriated by ordinance #18-21, finally adopted September 25, 2018, to provide for storm drain and sewer repairs, including all work and materials necessary and incidental thereto and further including all related costs and expenditures incidental thereto.

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.

President Wollert stated that this Ordinance will repurpose unused monies to repair and to provide upgrades to the Township’s storm drains and sewer system.

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

ROLL CALL

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

- 2. The Clerk read (Ordinance #18-32) 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**

WHEREAS, the Township of Ewing (“Township”), in the interest of safety and the expedition of traffic on public roadways, requested a site inspection of Carlton Avenue, between Scotch Road and Lower Ferry Road, to determine whether a statutory speed limit reduction may be applied; and

WHEREAS, presently, Carlton Avenue, between Scotch Road and Lower Ferry Road, has a speed limit of thirty-five (35) miles per hour as codified in the Township Code § 225-70, “Speed Limits”; and

WHEREAS, Remington & Vernick Engineers (“Engineers”) performed a site inspection and noted the following existing conditions: (1) The width of the roadway is approximately twenty-four (24) feet; (2) The properties fronting the roadway are residential (with the exception of the State Cemetery); and

WHEREAS, the Engineers determined Carlton Avenue, between Scotch Road and Lower Ferry Road meets the requirements to be considered a “Residence District” as defined by N.J.S.A. 39:1-1; and

WHEREAS, it was the recommendation of the Engineers that the Township establish a twenty-five (25) mile per hour speed limit for Carlton Avenue, between Scotch Road and Lower Ferry Road, in accordance with N.J.S.A. 39:4-98(b)(1), “Rates of Speed”; and

WHEREAS, the Township is authorized to implement such traffic regulations under N.J.S.A. 39:4-8(b)(1), without requiring the approval of the Commissioner of Transportation for the State of New Jersey; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Article VIII Schedules, Chapter 225, VEHICLES AND TRAFFIC, Section 70, SCHEDULE XXIII: SPEED LIMITS, is hereby amended to read as follows:

| Name of Street | Speed Limit (mph) | Location |
|---|--------------------------|--|
| Bulls Run Road | 40 | From Pennington Road to Federal City Road |
| Buttonwood Drive [Amended 9-26-2017 by Ord. No. 17-25] | 25 | From Somerset Street to Prospect Avenue |
| Carlton Avenue | 35 <u>25</u> | <u>From Scotch Road to Lower Ferry Road</u> |
| Eggerts Crossing Road | 40 | |
| Federal City Road | 35 | |
| Green Lane, from Pennington Road to Ewingville Road | | |
| Zone 1: | 35 | From Pennington Road to the center of the Bridge over Shabakunk Creek, thence |
| Zone 2: | 40 | To Ewingville Road |
| Lower Ferry Road | | |
| Zone 1: | 40 | From River Road to Parkway Avenue; thence |
| Zone 2: | 35 | To the Ewing Township-Hopewell Corporate Line |
| Mountain View Road | 35 | Between Route 29 and Bear Tavern Road |
| Scenic Drive | 40 | |
| School zone | 25 | In the Fisher Middle School Zone in Zone 2, during recess or while children are going to |

or leaving school during opening or closing hours

Somerset Street 25
[Amended 5-9-2017 by Ord. No. 17-15]

Stuyvesant Avenue 40

Wilburtha Road

| | | |
|---------|----|---|
| Zone 1: | 30 | From River Road to 1,880 feet east thereof; thence |
| Zone 2: | 40 | To West Upper Ferry Road |

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

President Wollert said that this is a recommendation from the Traffic Department.

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

Councilwoman Steward asked if the Ordinance is the result of requests by residents or the Police.

The Administrator replied that it was requested by residents who live on Carlton Avenue.

The Attorney added that the Engineer also conducted a survey.

There were no additional questions or comments from Council. The Council President asked for a roll call.

ROLL CALL

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

- The Clerk read (Ordinance #18-33) 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**

WHEREAS, the Township of Ewing (“Township”), in the interest of safety, driver expectancy and the expedition of traffic on public roadways, requested a site inspection of Boone Avenue, between Dunmore Avenue and Farrell Avenue, and Duke Street, between Peck Avenue and Lower Ferry Road, to address safety concerns;

WHEREAS, presently, Boone Avenue has a speed limit of twenty-five (25) miles per hour, is approximately 500 feet in length, and intersects with Dunmore Avenue and Farrell Avenue; and

WHEREAS, Remington & Vernick Engineers (“Engineers”) performed a site inspection of the intersection of Boone Avenue and Dunmore Avenue, and noted the following existing conditions: (1) a “STOP” sign is not currently installed at the T-Intersection of Boone Avenue and Dunmore Avenue, and the intersection is not listed in the Township Code; (2) the lack of a traffic control device creates a hazardous condition for vehicles at the intersection; and

WHEREAS, it was the recommendation of the Engineers that the Township install a new “STOP” sign and “STOP” bar on Boone Avenue at the T-Intersection of Boone Avenue and Dunmore Avenue; and

WHEREAS, the Engineers performed a site inspection of the intersection of Boone Avenue and Farrell Avenue, and noted the following existing conditions: (1) a “STOP” sign is not currently installed at the T-Intersection of Boone Avenue and Farrell Avenue, and the intersection is not listed in the Township Code; (2) the lack of a traffic control device creates a hazardous condition for vehicles at the intersection; and

WHEREAS, it was the recommendation of the Engineers that the Township install a new “STOP” sign and “STOP” bar on Boone Avenue at the T-Intersection of Boone Avenue and Farrell Avenue; and

WHEREAS, presently, Duke Street has a speed limit of twenty-five (25) miles per hour, is approximately 260 feet in length, and intersects with Lower Ferry Road and Peck Avenue; and

WHEREAS, the Engineers performed a site inspection and noted the following existing conditions: (1) a “STOP” sign is not currently installed at the T-Intersection of Duke Street and Peck Avenue; (2) the lack of a traffic control device creates a hazardous condition for vehicles at the intersection; and

WHEREAS, it was the recommendation of the Engineers that the Township install a new “STOP” sign and “STOP” bar on Duke Street at the T-Intersection of Duke Street and Peck Avenue; and

WHEREAS, the Engineers noted a “STOP” sign is currently installed on Duke Street at the T-Intersection of Duke Street and Lower Ferry Road and therefore, no further action is required; and

WHEREAS, the “STOP” sign detail and “STOP” bar layout detail to be installed at the intersection of Boone Avenue and Dunmore Avenue, Boone Avenue and Farrell Avenue, and Duke Street and Peck Avenue shall conform to the specifications as noted on the attached sketches as drafted by the Engineers; and

WHEREAS, the Township is authorized to implement such traffic regulations under N.J.S.A. 39:4-8(b)(1), without requiring the approval of the Commissioner of Transportation for the State of New Jersey; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Article VIII Schedules, Chapter 225, VEHICLES AND TRAFFIC, Section 59, SCHEDULE XII: STOP INTERSECTIONS, is hereby amended to read as follows:

In accordance with the provisions of § 225-13, the following streets shall be designated as stop intersections, and stop signs shall be installed as provided herein:

| Intersection | Stop Sign On |
|------------------------------------|---------------------|
| Auburn Place and Chesney Avenue | Auburn Place |
| Auburn Place and Lisbon Avenue | Auburn Place |
| Beechwood Avenue and Radnor Avenue | Radnor Avenue |
| Bernard Drive and Frederick Lane | Frederick Lane |

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| Bernard Drive and Scudder Road | Scudder Road |
| Berwyn Avenue and Radnor Avenue | Radnor Avenue |
| Bismark Avenue and Trent Avenue | Trent Avenue |
| Bittersweet Drive and Autumn Lane | Autumn Lane |
| <u>Boone Avenue and Dunmore Avenue</u> Intersection | <u>Boone Avenue</u> Stop Sign On |
| <u>Boone Avenue and Farrell Avenue</u> | <u>Boone Avenue</u> |
| Brenwal Avenue and Broad Avenue [Added 11-14-2016 by Ord. No. 16-16] | Broad Avenue |
| Brenwal Avenue and Western Avenue [Added 11-14-2016 by Ord. No. 16-16] | Western Avenue |
| Brenwal Avenue and Florence Avenue [Added 11-14-2016 by Ord. No. 16-16] | Florence Avenue |
| Browning Avenue and Crescent Avenue | Crescent Avenue |
| Bull Run Road and Federal City Road | Bull Run Road |
| Chauncey Avenue and Linwood Avenue [Added 9-22-2015 by Ord. No. 15-33] | Linwood Avenue |
| Cleardale Avenue and Patton Drive | Patton Drive |
| Concord Avenue and Radnor Avenue | Radnor Avenue |
| Dover Avenue and Hazel Avenue | Hazel Avenue |
| Dover Avenue and Robbins Avenue | Robbins Avenue |
| Duffield Drive and Holder Drive | Holder Drive |
| Duffield Drive and Willis Drive | Willis Drive |
| <u>Duke Street and Peck Avenue</u> | <u>Duke Street</u> |
| Exit driveway at Ewing High School [Added 10-9-2001 by Ord. No. 01-26] | Exit driveway at Ewing High School |
| Fireside Avenue and Dunmore Avenue | Fireside Avenue |
| Glen Stewart Drive and Glen Mawr Drive [Added 2-13-2001 by Ord. No. 01-03] | Glen Stewart Drive |
| Glenmore Avenue and Pennington Road | Glenmore Avenue |
| Greenland Avenue and Chelsea Avenue | Chelsea Avenue |
| Intersection | Stop Sign On |
| Greenland Avenue and Douglas Avenue | Greenland Avenue and Douglas Avenue |
| Greenway Avenue and Radnor Avenue | Radnor Avenue |
| Hawthorne Avenue and Browning Avenue | Browning Avenue |
| Hawthorne Avenue and Dearborn Avenue | Dearborn Avenue |

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| Hendrickson Avenue and Albemarle Avenue [Added 11-22-2005 by Ord. No. 05-44; amended 2-14-2006 by Ord. No. 06-04] | Albemarle Avenue |
| Hinckle Avenue and Summit Avenue [Added 2-13-2001 by Ord. No. 01-03] | Hinckle Avenue |
| Ives Avenue and Hillman Avenue | Hillman Avenue |
| Kelsey Avenue — Hazel Avenue and Homestead Avenue | Homestead Avenue |
| Homecrest Avenue and Chelsea Avenue | Homecrest Avenue and Chelsea Avenue |
| Homecrest Avenue and Douglas Avenue | Homecrest Avenue and Douglas Avenue |
| Keswick Avenue and Dearborn Avenue | Dearborn Avenue |
| Lafayette Avenue and Summit Avenue | Summit Avenue |
| Lake Boulevard and Linwood Avenue [Added 9-22-2015 by Ord. No. 15-33] | Lake Boulevard |
| Langford Lane and Franklyn Road — Clamer Road | Langford Lane |
| Latona Avenue and Radnor Avenue | Radnor Avenue |
| Levin Properties (Laneco) | All locations numbered 1 and circled in red shown on the plan prepared by Carr Engineering Associates, P.A., revised October 4, 1989 |
| Lochatong Road and Westwood Drive [Added 10-9-2001 by Ord. No. 01-26] | Lochatong Road |
| Intersection | Stop Sign On |
| Nancy Lane and Alexander Drive | Alexander Drive |
| Pickford Avenue and Pershing Avenue | Pershing Avenue |
| Pingree Avenue and Berwyn Avenue [Added 2-13-2001 by Ord. No. 01-03] | Pingree Avenue |
| Pingree Avenue and Berwyn Avenue [Added 5-3-2005 by Ord. No. 05-16] | Pingree Avenue and Berwyn Avenue |
| Pingree Avenue and Latona Avenue [Added 2-13-2001 by Ord. No. 01-03] | Pingree Avenue |
| Pingree Avenue and Latona Avenue [Added 5-3-2005 by Ord. No. 05-16] | Pingree Avenue and Latona Avenue |
| Pingree Avenue and Westmoreland Drive [Added 2-13-2001 by Ord. No. 01-03] | Pingree Avenue |
| Pingree Avenue and Westmoreland Avenue [Added 10-24-2017 by Ord. No. 17-27] | Pingree Avenue and Westmoreland Avenue |
| Rhodes Avenue and King Avenue | Rhodes Avenue |
| Riverview Drive and Wilburtha Road | Riverview Drive |
| Roosevelt Avenue and Southard Street | Southard Street |

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| Roosevelt Avenue and Trent Street | Trent Street |
| Rosedale Avenue and Greenville Avenue [Added 11-22-2005 by Ord. No. 05-44; repealed 2-14-2006 by Ord. No. 06-04] | |
| Rosedale Avenue and Hendrickson Avenue [Added 11-22-2005 by Ord. No. 05-44; repealed 2-14-2006 by Ord. No. 06-04] | |
| Sherbrook Road and Kilmer Drive | Kilmer Drive |
| South driveway of Ground Round Restaurant and Route 31 | South driveway of Ground Round Restaurant |
| Star Drive and Westwood Drive [Added 10-9-2001 by Ord. No. 01-26] | Star Drive |
| Intersection | Stop Sign On |
| Stuart Avenue and Clement Avenue | Stuart Avenue |
| Summit Avenue and Walker Avenue | Summit Avenue |
| Summit Avenue and Washington Avenue [Amended 2-13-2001 by Ord. No. 01-03] | Washington Avenue |
| Sutherland Avenue and Pingree Avenue | Pingree Avenue |
| Terrace Boulevard and Beacon Avenue [Added 3-28-2017 by Ord. No. 17-08] | Beacon Avenue |
| Terrace Boulevard and Dunmore Avenue [Added 3-28-2017 by Ord. No. 17-08] | Dunmore Avenue |
| Terrace Boulevard and Farrell Avenue [Added 3-28-2017 by Ord. No. 17-08] | Farrell Avenue |
| Terrace Boulevard and Meridan Avenue [Added 3-28-2017 by Ord. No. 17-08] | Meridan Avenue |
| Terrace Boulevard and Rutledge Avenue [Added 3-28-2017 by Ord. No. 17-08] | Rutledge Avenue |
| Terrace Boulevard and Scarsdale Avenue [Added 3-28-2017 by Ord. No. 17-08] | Scarsdale Avenue |
| Terrace Boulevard and Stratford Avenue | Stratford Avenue |
| Terrace Boulevard and Wallace Avenue [Added 3-28-2017 by Ord. No. 17-08] | Wallace Avenue |
| Terrace Boulevard and Walton Avenue [Added 3-28-2017 by Ord. No. 17-08] | Walton Avenue |
| Trenton Avenue and Hinckle Avenue [Amended 2-13-2001 by Ord. No. 01-03] | Trenton Avenue |
| Trenton Avenue and Howell Avenue | Howell Avenue |
| Trenton Avenue and Walker Avenue | Walker Avenue |
| Walker Avenue and Central Avenue [Amended 2-13-2001 by Ord. No. 01-03] | Walker Avenue |
| Intersection | Stop Sign On |
| Washington Avenue and Central Avenue | Central Avenue |

Weber Avenue and Robbins Avenue

Robbins Avenue

White Oak Way and Glen Mawr Drive
[Added 2-13-2001 by Ord. No. 01-03]

White Oak Way

Whitebeach Drive and Glen Mawr Drive
[Added 2-13-2001 by Ord. No. 01-03]

Whitebeach Drive

Whitewood Drive and Westwood Drive

Whitewood Drive

Winthrop Avenue and Stratford Avenue

Winthrop Avenue

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

President Wollert said that, as with the previous Ordinance, this was also requested by residents.

The Administrator replied – yes. This is the area where kids from the High School park and sometimes block traffic by parking on the bend.

The Attorney added that again the Township Engineer conducted a study and made these recommendations.

Councilwoman Steward added that Duke and Peck were brought up at a Council meeting about six weeks ago.

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

ROLL CALL

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

- The Clerk read (Ordinance #18-34) 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)**

WHEREAS, the Township of Ewing, County of Mercer, State of New Jersey (“Township”) is a municipal corporation, having a principal office at 2 Jake Garzio Drive, Ewing, New Jersey 08628; and

WHEREAS, Homes by TLC, Inc. (“TLC”) is a non-profit corporation of the State of New Jersey, having a principal office at 1880 Princeton Avenue, Lawrenceville, New Jersey 08648 (the “Sponsor”); and

WHEREAS, the Ewing Township Redevelopment Agency has received an application from TLC seeking a long term tax exemption pursuant to the Long Term Tax Exemption Law (“LTTE Law”), N.J.S.A. 40A:20-1, et seq.; and

WHEREAS, TLC plans to develop, construct and operate a fourteen (14) unit residential facility which shall be restricted to occupancy for persons of moderate, low and very low income to be situated on a parcel of land designated as Block 414, Lot 2.01, as shown in the official assessment map of the Township and more commonly referred to as the “Sullivan Green Project at 208 Sullivan Way, in the Township of Ewing, County of Mercer, State of New Jersey” (“Project”); and

WHEREAS, the Township and TLC desire to enter a Payment in Lieu of Taxes (“PILOT”) financial agreement pursuant to N.J.S.A. 40A:20-9 (“Agreement”) setting forth the terms and conditions of this long term tax exemption, under which TLC will pay the Township, in lieu conventional real property tax payments, an annual monetary payment computed in accordance with N.J.S.A. 40A:20-12(b)(1); and

WHEREAS, pursuant to N.J.S.A. 40A:20-9, the Township is authorized to enter into an agreement with TLC in which TLC will pay to the Township, in lieu of conventional real property tax payments, an annual service charge computed in accordance with N.J.S.A. 40A:20-12(b)(1); and

WHEREAS, as of the date the improvements shall have been substantially completed, the improvements comprising the Project shall be exempt from real property taxes, provided that the Sponsor shall make payments for municipal services in lieu of taxes to the Township as provided;

WHEREAS, this exemption of the Project from real property taxation and the Sponsor’s obligation to make payments in lieu of taxes shall extend for a period of thirty (30) years; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Ewing Township Redevelopment Agency is authorized pursuant to N.J.S.A. 40A:20-9, to enter into a PILOT financial agreement with TLC, in which TLC will pay the Township, 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) in such amount as follows:

Section 1

1. From the date of substantial completion of the Project and for the thirty (30) year term of the exemption period, the Sponsor shall make payment to the Municipality in an amount equal to five percent (5%) of the annual gross revenue of the total Project.
2. As used herein, “annual gross revenue” means the total annual gross rental or carrying charge or other income of the Sponsor from the Project less the cost of utilities furnished by the Project, which shall include the cost of gas, electricity, heating fuel, water supplied, and sewer charges, if any. The Project revenue shall not include any rental subsidy contributions received from any federal or state program.
3. Notwithstanding the provisions of this Agreement, in the event that the annual gross revenue cannot be ascertained, the minimum annual service charge shall be in the amount of 1% of the total project cost calculated from the first day of the month following substantial completion of the project (\$2,340,000.00) which is \$23,400.

Payments by the Sponsor shall be made on a quarterly basis in accordance with the tax bills issued by the tax collector of the Township in the same manner and on the same dates as real estate taxes are paid to the Township, and shall be based upon annual gross revenues of the total Project for the previous quarter. No later than ninety (90) days following the end of the first fiscal year of operation for the Project and each year thereafter that this Agreement remains in effect, the Sponsor shall submit an audited financial statement of the operation of the Project (the “Audit”) setting forth the annual gross revenues and the total payments in lieu of taxes due to the Township calculated at five percent (5 %) of Project revenues as set forth in the Audit (the “Audit Amount”), to the Mayor and Council of the Township and to the Director of the Division of Local Government Services in the Department of Community Affairs.

TLC shall simultaneously pay the difference, if any, between the Audited Amount that should have been paid and the actual payments made by the Sponsor to the Township for the preceding fiscal year. The Township may accept any such payment without prejudice to its right to challenge the amount due. In the event that the payments made by the Sponsor for any fiscal year shall exceed the audited amount for such fiscal year, the Township shall credit the amount of such excess to the account of the Sponsor.

Any delinquency in the aforesaid payments shall be charged interest at the rates set forth in the New Jersey Statutes for unpaid taxes.

Section 2 This Ordinance shall take effect upon final adoption and publication in accordance with law.

Section 3 Repealer. All prior Ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This Ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

President Wollert stated that this is the property on Sullivan Way by the Trenton County Club.

Councilwoman Steward stated that she is recusing herself because of her employer's relationship with the entity in question.

Ms. Keyes-Maloney made a motion to open the Public Hearing, seconded by Mr. Baxter. It was agreed by voice vote with one abstention (Councilwoman Steward). There were no questions or comments from members of the Public. Mr. Schroth made a motion to close the Public Hearing, seconded by Mr. Baxter. It was agreed by voice vote with one abstention (Councilwoman Steward). Ms. Keyes-Maloney then moved the Ordinance, seconded by Mr. Baxter. There were no additional questions or comments from Council. The Council President asked for a roll call.

ROLL CALL

| | | |
|--------------------------|------------|----------------|
| Mr. Baxter | YES | |
| Ms. Keyes-Maloney | YES | |
| Mr. Schroth | YES | |
| Ms. Steward | | ABSTAIN |
| President Wollert | YES | |

5. The Clerk read (Ordinance #18-35) 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

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Township of Ewing ("Township") may, by ordinance, vacate any public street, dedicated to public use but not accepted by the Township, whether or not the same, or any part, has been actually opened or improved; and

WHEREAS, a paper street known as Wilson Avenue in the Township, located between Walker Avenue and Hinckle Avenue, remains undeveloped and unimproved; and

WHEREAS, the Township has no need for said paper street and it appearing the public interest will be better served by vacating said street; and

WHEREAS, pursuant to N.J.S.A. 40:67-1(b), the Township Council must, by ordinance, preserve the public utilities' rights to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over, or under the property to be vacated.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

1. The paper street, known as Wilson Avenue, located between Walker Avenue and Hinckle Avenue, as more particularly shown on the Tax Map of the Township of Ewing, is hereby vacated in its entirety and the portions thereof divided and conveyed to the adjoining property owners 50-50 in accordance with the law;
2. All rights and privileges possessed by public utilities, as defined by N.J.S.A. 48:2-13, and by any cable television company, as defined in the “Cable Television Act,” N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace facilities, in, adjacent to, over or under Wilson Avenue, are hereby expressly reserved from vacation;
3. The Municipal Clerk shall publish, this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6;
4. The Municipal Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6, including Katherine Dunham.
5. The Municipal Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.

Section 1: This Ordinance shall take effect after final passage and publication according to law.

STATEMENT

This Ordinance vacates the street known as Wilson Avenue located in the Township, pursuant to N.J.S.A. 40:67-1(b).

Mr. Schroth 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 members of the Public. Mr. Baxter made a motion to close the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Ms. Steward. There were no questions or comments from Council. The Council President asked for a roll call.

ROLL CALL

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

NEW BUSINESS

1. The Clerk read (Resolution #18R-215) **A RESOLUTION AUTHORIZING CY2018 BUDGET TRANSFERS**

President Wollert said that this is a standard item during this time of year.

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

ROLL CALL

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

2. The Clerk read (Resolution #18R-216) A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

The Council President said that this a standard action. When items come in during the year, they need to be added to the Budget.

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

ROLL CALL

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

3. The Clerk read (Resolution #18R-217) A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL DECREASE TO RICHARD T. BARRETT PAVING COMPANY FOR 2016 ROAD IMPROVEMENT PROGRAM

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

ROLL CALL

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

4. The Clerk read (Resolution #18R-218) 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

Council President Wollert stated that this Resolution authorizes the release of this bond on the recommendation of the Township’s engineering firm.

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

ROLL CALL

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

5. The Clerk read (Resolution #18R-219) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER AN ADOPTION AGREEMENT WITH SERGEANT CHARLES MORGAN FOR THE ADOPTION OF A RETIRING POLICE CANINE

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

ROLL CALL

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

6. The Clerk read (Resolution #18R-220) A RESOLUTION DECLARING EWING TOWNSHIP A STIGMA-FREE COMMUNITY

The Council President said that this supports mental health awareness and destigmatizing those who suffer from this disease.

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

ROLL CALL

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

President Wollert announced that there is an add-on from the Agenda Session.

7. The Clerk read (Resolution #18R-221) A RESOLUTION AUTHORIZING THE TOWNSHIP TO SETTLE A CIVIL ADMINISTRATIVE PENALTY ASSESSMENT ISSUED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Attorney explained that this is a Resolution to settle a penalty which had been reduced. The DEP assessed the Township for the late filing of an air permit application.

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

ROLL CALL

| | |
|-------------------|-----|
| Mr. Schroth | YES |
| 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. Mr. Baxter so moved seconded by Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 8:15 p.m.

A member of the Public asked to speak.

Ms. Keyes-Maloney made a motion to reopen the Council meeting, seconded by Ms. Steward. It was agreed by unanimous voice vote. The meeting was reopened at 8:15 p.m.

Robert Byron (30 Winthrop Avenue) asked if anything can be done with the Lower Ferry intersection. He lives on the first block over as you go north from Parkway Avenue. The intersection has become a traffic nightmare especially at 5:00 p.m. because it is not wide enough. If someone is making a left, everyone gets jammed up. He noticed that, today, traffic was backed up beyond Carlton Avenue. When that happens, everyone starts making left turns into his neighborhood. Every street in his neighborhood has speed bumps for that reason. Mr. Byron asked if there is something the County can do to widen the intersection. He asked if something can be done to take some of the corner property. The situation is only going to get worse when the General Motors development opens up.

Councilwoman Steward said that Parkway Avenue is under review.

The Administrator said that the traffic light at Parkway and Lower Ferry is a State DOT light. It is the only one the State owns in Ewing; the rest are all owned by the County. The Township, in the past, has asked the State to change the timing. They did on Parkway Avenue and even added left turn lanes. The Administrator said that he does not know about taking property, but he will refer Mr. Byron's concerns to Mr. Watson.

Councilwoman Keyes-Maloney mentioned the federal study being done on Parkway.

The Administrator commented that the State is not going to have a roundabout at Parkway on Lower Ferry.

Mr. Byron commented that it is ironic that the State DOT is located right at that corner.

The Administrator reiterated that he will share Mr. Byron's concerns with the Deputy Administrator in the Traffic Division.

Mr. Byron said that the County did a great job with all the recent lane changes, but he does not understand why they did not put in a left turn arrow.

The Administrator added that he is equally frustrated with that corner.

Mr. Byron asked if he should contact the Governor.

The Administrator said that he can and added that Mr. Byron can also reach out to our state legislators and go directly to the DOT. The Administrator asked Mr. Byron to give his contact information to the Clerk.

Mr. Byron replied that he talked with the County a few times, but nothing ever happened.

There were no additional questions or comments from members of the Public.

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 8:21 p.m.

Kevin Baxter, Council President

Kim J. Macellaro, Municipal Clerk