

February 12, 2019 – REGULAR SESSION

President Baxter called the meeting to order at 7:40 p.m.

The Clerk read the Invocation: Almighty God, we ask that you bless us and help us seek your wisdom, guidance, courage and strength. Be with us in our deliberations and help us to be wise in the decisions we make for the good of all those who have placed their trust and confidence in our leadership. Give us insight to lead with integrity that our decisions may reflect what is right and good and grant us humility to always seek your will in all that we do and say. Amen.

Flag Salute

Council President Baxter 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 2nd day of January 2019.

THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE “STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC” SEGMENT OF THE MEETING. A MEMBER OF THE PUBLIC MAY SIGN IN ON THE SHEET AT THE FRONT OF THE ROOM AND UTILIZE FIVE MINUTES OF TIME FOR REMARKS AND QUESTIONS. ALL QUESTIONS SHOULD BE DIRECTED TO THE COUNCIL PRESIDENT. WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND ADDRESS.

ROLL CALL

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

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

The Clerk stated for the record that no members of the Public are present.

BILLS LIST

1. The Clerk read (Resolution #19R-42) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the amount of \$5,817,437.47 and to Pay Supplemental Bills per Resolution #19R-16 in the Amount of \$281,841.29.

The Clerk stated that she believes the total amount needs to be amended because of the check being swapped out.

The Administrator said that he does not know if the CFO made the adjustment for the total. Council is approving the individual checks. The total, if different, can be reported to Council.

A discussion followed on what the correct total should be. The Clerk then announced that the amended Bills List total should be: \$5,705,027.81.

Councilwoman Steward stated for the record that Council is approving this Bills List with that one item changed.

The Attorney added that the intent is for the number to accurately reflect the totality of the payments.

For the record, Vice President Keyes-Maloney noted the specific line item Council is amending: page three, check #58240, (President Baxter corrected the check number – it is 78240) vendor #8352 listed as \$168,614.49. The amendment effects the total related to the Current Fund of \$645,450 downwards by \$112,000.

There were no additional questions or comments from Council. No members of the Public were present. Ms. Keyes-Maloney then moved the Resolution as amended, seconded by Ms. Steward. President Baxter asked for a roll call.

ROLL CALL

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

The above referenced Bills List Resolution and the Bills List are available in the Clerk's Office in the 2019 Resolution Book Number One.

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 #19R-43/)

1. Approval of Agenda Session Minutes for January 8, 2019; Approval of Regular Session Minutes for January 8, 2019
2. A Resolution Authorizing the River Horse Brewing Company to Hold a 6K Road Race

The Council President mentioned that during the Agenda Session, Council discussed a change to the January 8th Regular Minutes - \$2500 instead of \$2400 for New Business Item Number Six.

There were no questions or comments from Council. No members of the Public were present. Mr. Schroth then moved the Resolution, seconded by Ms. Keyes-Maloney with the clarification so noted on the record. President Baxter asked for a roll call.

ROLL CALL

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

The above referenced Minutes are available in the Clerk's Office in the 2019 Agenda Session and Regular Session Minutes Books. The above referenced Consent Agenda Resolution is available in the Clerk's Office in the 2019 Resolution Book Number One.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #19-04) A BOND ORDINANCE RE-APPROPRIATING \$315,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR A SPLASH PAD AND SITE IMPROVEMENTS AT EWING SENIOR COMMUNITY CENTER IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY

Ms. Steward moved the Ordinance, seconded by Ms. Wollert. There were no questions or comments from Council. No members of the Public were present. President Baxter asked for a roll call.

ROLL CALL

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

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

(None for this Meeting)

Council President Baxter announced that there was another Ordinance that did not come before Council. Instead, an Executive Order was issued for the bulk waste site that Council had a robust discussion about a few months ago. The Mayor signed the Executive Order and it will go into effect on March 1st.

The Attorney clarified for the record that Council discussed an Ordinance to amend the Solid Waste Ordinance of the Township to provide for a bulk waste site and fees and various penalties associated with the operation of that site. A bulk waste site is currently being operated by the Township without any Ordinance at all. The Mayor, through his executive powers, has issued an Executive Order, regulating portions of the operation of the bulk waste site. It does not deal with fees or penalties, as it cannot. The Executive Order has made certain changes to the operation of the site, specifically, with respect to citizens having twelve visits to the site per year for each property in the Township. Certain restrictions are in place: no College of New Jersey waste and you must have a valid ID. A lot of the regulatory framework Council discussed previously will now be in place as a result of this Executive Order. At some point in the future, Council may want to revisit the Ordinance and discuss the operation of the site and impose fees and penalties. On-site ID cards will be issued on Thursdays and Fridays from 9:00 am to 1:00 pm and anytime at the Ewing Senior & Community Center. Multiple residents at a property can each get an ID but that property only gets one set of twelve visits per year. It is purely residential, no commercial and there are restrictions on the type of waste that can be disposed of, specifically, no construction waste.

President Baxter added that the Administration wanted to advertise this in the Observer as soon as they could. This new process will start March 1st.

The Attorney added that the site is currently closed but will reopen on March 1st. To ensure that the program can get started as envisioned and specifically because it is a very large budgetary issue because of the number of people who are abusing the program – disposing non-residential waste - the need was to start the program with the restrictions in place going into this budget season. Council, at any time, can revisit this via an Ordinance. The Administrator said that residents can get these IDs beginning on the 20th. The advertisement did say February 19th, but the company advised us today that the cards will be available on the 20th.

Councilwoman Steward said that, as a procedural matter, she would like a heads-up on stuff like this. She appreciates the urgency of getting this into the Observer, however, that is where she found out about it. If the Mayor issues an Executive Order on something that Council has debated at length, it would be great to get a copy at least as an advisory.

Councilwoman Wollert stated that she agrees with that. It is helpful for Council to be aware of what the Administration is planning. A lot of it is procedural. However, Council had the biggest hang-up on this ID program which is exactly what is going to be put into effect for people to be able to use the site. Councilwoman Wollert said that another point she would like to make is that she has an issue with the construction debris restriction because there is a state or federal law which specifically includes construction debris. A large fine - \$10,000 – is associated with this state or federal law if you are found to be in violation. Councilwoman Wollert said that during discussions last year, she had suggested that information about this fine be posted at the site as a deterrent. Councilwoman Wollert said that she understands the financial burden – over \$500,000 and rising – that this puts on the Town and the need to do something. President Wollert said that she had thought about doing away with this altogether and going back to a format where residents call Public Works to schedule an appointment for these types of items to be picked up. Some are not happy with the idea of an ID card and we will see how it goes with twelve visits per

year. Some residents use the site more than others; for the majority, it will not be an issue. People need to realize how expensive this is and how they are subsidizing construction businesses. That has not been made clear. Councilwoman Wollert suggested that the Mayor use his column in the Observer to explain the situation.

The Administrator stated that the Mayor just had a long interview which included this and added that he will share Council's concerns with the Mayor. That first Friday and Saturday will be hectic. People have already called concerning the ID cards. A small amount of construction debris is allowed for residents, not contractors, doing work in their homes. Three bulk pieces can still be put out at the curb. There will be some adjustments to this process.

Vice President Keyes-Maloney asked the Administration to share how it went with Council and asked Counsel to research if there are any conflicts with state or federal law that need to be addressed.

The Attorney said that she believes Councilwoman Wollert was referencing a broader DEP regulation which the Town can construe more narrowly. The Attorney said that she is not sure about the fine structure.

Vice President Keyes-Maloney said that communication is critical because residents approach Council members about a lot of different things. Notice needs to be given to every member of Council especially concerning executive orders.

President Baxter stated that he is just putting this on the record that this was done through Executive Order and not by Council. Council did discuss it many times. Some of things Council discussed are in there and some are not. We will see how it goes.

The Administrator said that he does not mean to argue but this has been discussed for some time and the Mayor, at the time, indicated that if he could not get an Ordinance adopted, he would do this by Executive Order. The Administrator said that he takes responsibility for not communicating the executive order to all five council members.

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

NEW BUSINESS

1. The Clerk read (Resolution #19R-44) A RESOLUTION CELEBRATING BLACK HISTORY MONTH

President Baxter stated that he believes (at least since he has been on Council) that this is the first time Council has adopted this Resolution.

There were no questions or comments from Council. No members of the Public were present. Mr. Schroth then moved the Resolution, seconded by Ms. Steward. President Baxter asked for a roll call.

ROLL CALL

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

2. The Clerk read (Resolution #19R-45) A RESOLUTION AUTHORIZING EXECUTION OF A PUBLIC DONOR AGREEMENT WITH THE CYO OF MERCER COUNTY

President Baxter stated that the Executive Director of the CYO was here earlier and spoke about this program. He is thankful to the Administration and to Council for continuing with the program. It is a great benefit to the Township.

There were no questions or comments from Council. No members of the Public were present. Ms. Keyes-Maloney then moved the Resolution, seconded by Ms. Wollert. The Council President asked for a roll call.

ROLL CALL

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

3. The Clerk read (Resolution #19R-46) A RESOLUTION AWARDED RJR ENGINEERING CO., INC. CONTRACTORS & ENGINEERS A CONTRACT IN THE AMOUNT OF \$608,535.00 FOR SPLASH PAD & SITE IMPROVEMENTS AT THE EWING SENIOR COMMUNITY CENTER

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

ROLL CALL

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

4. The Clerk read (Resolution #19R-47) A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE FOR JAMES SANOCKI, 262 CLAFLIN AVENUE (BLOCK 179/LOT 336) – EWING ENGINEERS REMINGTON & VERNICK R&V #1102-I-094

There were no questions or comments from Council. No members of the Public were present. Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Schroth. The Council President called for a roll call.

ROLL CALL

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

5. The Clerk read (Resolution #19R-48) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND(S) OF TJC AT EWING – 60 EWINGVILLE ROAD – (BLOCK 105, LOTS 1) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 078

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

ROLL CALL

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

6. The Clerk read (Resolution #19R-49) A RESOLUTION APPOINTING/REAPPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENT

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

ROLL CALL

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

7. The Clerk read (Resolution #19R-50) A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, NEW JERSEY, IN SUPPORT OF THE TOWNSHIP'S PARTICIPATION IN THE NATIONAL WILDLIFE FEDERATION'S COMMUNITY WILDLIFE HABITAT CERTIFICATION PROGRAM

Councilwoman Steward said that this is encouraging and supporting Ewing's participation in this National Wildlife Federation program. The Town is encouraging homeowners, businesses, and public places to create habitats for wildlife in the community. It will also contribute to the Town's Sustainable Jersey recertification.

There were no questions or comments from Council. No members of the Public were present. Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Schroth. President Baxter called for a roll call.

ROLL CALL

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

The above referenced New Business Resolutions are available in the Clerk's Office in the 2019 Resolution Book Number One.

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business President Baxter called for a motion to adjourn. Ms. Steward so moved seconded by Ms. Wollert. It was agreed by unanimous voice vote. The meeting was adjourned at 8:11 p.m.



Kevin Baxter, President



Kim J. Macellaro, Municipal Clerk