

FEBRUARY 26, 2019 – AGENDA SESSION

President Baxter called the meeting to order at 6:33 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 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

- Ms. Keyes-Maloney – 6:41 p.m. Jim McManimon, Administrator
- Mr. Schroth – Present Maeve Cannon, Attorney
- Ms. Steward – 6:42 p.m. Kim J. Macellaro, Municipal Clerk
- Ms. Wollert – Present
- President Baxter – Present

The Clerk stated for the record that Vice President Keyes-Maloney stepped out for a moment and Councilwoman Steward is running late.

PRESENTATION – Chief Stemler – Calendar Year 2018 Report

The Council President introduced Chief John Stemler.

Chief Stemler explained that the UCR has been outsourced and the way it is reported has changed. The Police Department is going to change its internal RMS system to mimic more closely the way the UCR is now being reported. Because of this change, the Chief said that he cannot rely on last year’s statistics for some things. Chief Stemler discussed some of the items on the report he sent to Council. Homicides were down – none in 2018 versus one in 2017. Reported sexual assaults were up but some of this uptick may be the way it is now reported as criminal sexual contacts are now included. Many of the Township’s offenses involved acquaintances where drugs and alcohol were involved. The Chief said that since many of these cases are still pending, he cannot discuss them in greater detail. Robberies were down, from twenty-nine in 2017 to eighteen last year. Aggravated assaults were down, from forty-four in 2017 to thirty-eight in 2018. Simple assaults were up – 190 in 2018 versus 188 in 2017. Burglaries were down, from 150 reported in 2017 to 113 in 2018. Thefts, excluding motor vehicle thefts, were also down, from 544 in 2017 to 511 in 2018. Motor vehicle theft was up – sixty-one in 2018 versus forty-nine in 2017. Arson was also down – no cases in 2018 and two in 2017. Quite a few arrests were made in robberies in 2018. Lack of evidence is the main issue in robbery cases. Some big burglary cases were cleared and arrests were made. This includes cases at the Versailles Apartments where there were ten separate victims and on Carlton Avenue and Lanning Street. There were a few assaults with firearms. One stemmed from a motor vehicle crash and the other, the victim said he was shot in the leg on Terrace Boulevard but the victim was uncooperative with the investigation, no one reported it, and there was no scene. The Police believe it happened someplace else and he was dropped off there to make the report. There were twenty-six Narcan saves and eight overdose deaths in 2018. The Department stepped up its efforts in DWI enforcement; running special details to look for impaired driving. There were seventeen in 2017 and seventy-two in 2018. 2019 is on pace to beat 2018.

President Baxter asked if some of these impaired drivings are related to college parties.

Chief Stemler replied that, surprisingly, most are not related to the College. The College has a good ride sharing program. Most of the DWIs are not Township residents but those just passing through the Township.

Chief Stemler said that, regarding burglaries, the Department just started the rollout of a program called the Community Camera Program where Township residents can register their cameras. Camera footage cannot be taken without permission; it just lets the Police know where cameras are located. The Department is also starting a partnership with Ring which will be announced mid-March which will be a good deal for Township residents. Ring will have a free law enforcement portal where people can upload their video. The Police will not be able to just go in and take video and they cannot view cameras live. Residents will have to upload video themselves. It just lets the Police know there is a camera in the area. It is hoped that through this program, 200 more cameras will be available.

President Baxter said that he imagines Ring is subsidizing part of this.

The Chief replied - yes and added that the Department will be putting up money from its asset forfeiture fund. The County Prosecutor's Office will also be putting up money. This will not cost the Township anything and residents will get a least one-half off a Ring doorbell. President Baxter asked how many law enforcement officers are on the force.

Chief Stemler replied that Monday four were hired and another will be coming on next week. That puts the force at eight-five. The Chief added that he anticipates losing two this year and possibly four or five.

President Baxter asked about the shifts.

Chief Stemler replied that the Pitman Twelve schedule is followed.

President Baxter stated that that puts six officers on the street at any given time.

The Chief replied that five plus one supervisor is the department's minimum.

The Council President mentioned that at the last Zoning Board meeting, a resident applied to put up a fence because of noise from college housing. His complaint is that when the Police respond to a noise complaint, the music is turned down but an hour later the music is back up. President Baxter asked if officers patrol back or does the resident have to lodge another complaint.

The Chief replied that it depends on the call volume. Officers will try to come back. The problem is the officer cannot write a ticket if he does not hear it but a resident can always sign a complaint themselves.

Councilman Schroth asked if the Chief noticed any difference with traffic on Parkway Avenue because of the new configuration for the construction at the old GM site.

Chief Stemler replied that they are seeing some accidents but it is not as bad as they thought it would be. Traffic has slowed down on Parkway Avenue with the construction and also by the High School where the road was realigned. There were issues last year in front of the High School but putting a crossing guard/traffic director out in front moved traffic along. There were a lot of accidents, but you have to also remember that there are a lot of new drivers right there as well.

Councilman Schroth asked how long are these Ring videos preserved.

The Chief replied that it would be hard to get a subpoena or search warrant for that. Ring, depending on the program the resident signed up for, will keep the video for sixty days. The Chief added that he is not sure of the retention period for other providers. For the app Ring is going to provide, you do not have to have a Ring product; you can upload from any manufacturer. As of this morning, forty-two residents have registered their cameras. The Department is going to put out spreadsheets for the patrol officers and is working with the IT Department to create a layer for ThinkMap to plot out where the cameras are. Chief Stemler then described how the Ring app is going to work.

President Baxter asked if commercial businesses will be encouraged to take part in this program.

Chief Stemler replied that we can speak to them about it but Ring does not really offer anything for commercial, it is all geared toward residential.

There were no additional questions or comments for Chief Stemler. President Baxter thanked him for coming tonight.

DISCUSSION

1. A RESOLUTION AUTHORIZING CY2019 RESERVE BUDGET TRANSFERS

President Baxter said that this is a standard thing Council does each year. President Baxter then listed the transfers for a grand total of \$106,860.

The Administrator added that the Budget will be Introduced at the second meeting in March. The CFO would have had it for the first meeting, but she will be away. Council still has to meet with the Department Heads. After the Budget is Introduced, the State has to approve it. The Budget Hearing will be, at the earliest, twenty-eight

days after Introduction. There might be the need for a month-to-month Temporary Budget as transfers can only happen during the first three months.

The Attorney added that transfers really are sorting out last year's budget; moving things from one line item to another.

Councilwoman Steward commented about the Park Maintenance transfer. It does not indicate what account the money is being taken from.

Vice President Keyes-Maloney clarified for the record that the money is coming from Park Maintenance Salary & Wages and is going to Park Maintenance Operating Expenses.

President Baxter asked the Clerk to add that to the Resolution.

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

2. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A JOINT PURCHASING SYSTEM WITH KEYSTONE PURCHASING NETWORK

The Attorney stated that Discussion Items Two and Three are similar. Both are Resolutions authorizing the Town to enter into an agreement with a joint purchasing system otherwise known as a co-op. The Attorney then explained how these work.

Vice President Keyes-Maloney asked if this means that the Town must purchase from them.

The Attorney replied that there is no obligation to purchase anything. It just puts the Town in a position to be able to shop in these co-ops and perhaps find better pricing. The Township is always free to do its own procurement or use a State contract. Any purchase would come before Council for approval.

Councilwoman Steward said that there is no cost to join.

The Attorney replied - no. The two percent fee charged is paid by the vendor; typically incorporated in their bid price upfront.

Councilwoman Wollert asked if either of these two particular networks specialize in certain types of products.

The Attorney replied - no.

Councilwoman Wollert asked about how many participants are in the Educational Service Commission and the Keystone Purchasing Network.

The Attorney replied – over 1,000 in the Educational and said that she does not know about the other one. The Attorney then said that there are national co-ops and the purchasing trend is to try to aggregate purchasing power to get the best price. The Attorney then listed the advantages of using of co-op and mentioned that only that specific item offered by the co-op can be purchased just as with the State contract. The decision to use a co-op, State contract or doing your own procurement depends on the type of item. A co-op might be great to purchase tires but not necessarily to purchase computer software.

Councilwoman Wollert mentioned that co-ops do not necessarily have the best prices.

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

3. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE EDUCATIONAL SERVICE COMMISSION OF NEW JERSEY

President Baxter said that this was discussed with Item Two.

4. A RESOLUTION AUTHORIZING THE AWARD OF A TEMPORARY EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A:11-6 TO MUNICIPAL CODE ENFORCEMENT FOR THE PROVISION OF FULL-TIME AND/OR PART-TIME PLUMBING AND MECHANICAL INSPECTOR SERVICES

The Administrator said that the Township's Plumbing Official left to work for another Town; his last day is this Thursday. It is about a six month process to hire a sub-code. The Administration met with Civil Service yesterday. Until the process can be completed, the Town needs to have a third party company come in and do the work for the Township.

The Attorney explained that the contract is for an initial ninety day period with thirty day renewal periods. The not-to-exceed amount is for a four month period but it may

require additional extensions depending on how long it takes to bring someone on board. Under DCA regulations, a Town must have a plumbing sub-code official. A plumbing inspector can do mechanical inspections as well so it is not two people but one who can do both types of inspections. This was not a planned departure.

The Administrator explained that the Town had a double whammy. There was another - a planned retirement. Someone was hired to become a full-time sub-code official as of March first but that person ran out of patience and went to work for a non-civil service Town. Both jobs end on the same day this week. There are inspections that need to be done. This third party will help. Outside Towns will help a little bit, but they are busy as well. There can be eight to sixteen inspections per day and there will not be any less with all of the projects.

The Attorney added that the first thought was to do a Shared Service as a short term stop gap but that was not going to cover the volume. This provides for full-time and/or part-time. The hope is that full-time will not be needed; but this gives flexibility.

President Baxter asked if the term of the contract is for three months.

The Attorney replied that the initial term is for ninety days and it provides for month-to-month extension. However, the not-to-exceed dollar amount is at \$32,000 which is a four month contract.

President Baxter and the Administrator then discussed the workload in that Office.

The Attorney responded to Councilwoman Wollert, saying that she misspoke, this is about inspectors, not sub-code officials.

Councilwoman Wollert stated that the fee will be \$2,000 per week for full-time and \$80 for part-time and then asked if that is the standard Township fee for part-time.

The Administrator replied – no, it is less than that. At the moment, the Township does not have a choice.

Councilwoman Wollert commented that she is surprised that the Civil Service will not allow the Town to hire someone provisionally.

The Attorney explained that someone can be hired provisionally, but the problem is that the provisional is subject to the test. Being a tight job market, it is difficult to find someone willing to be hired provisionally and face the possibility of being displaced by a test.

Councilwoman Wollert asked if it is a maximum \$2,000 per week for full-time or is the Township considering hiring part-time as well.

The Attorney said that it was anticipated that it will be either / or.

Councilwoman Steward commented that full-time is not defined in the contract.

The Attorney said that she will make sure that the agreement is modified to include full-time as thirty-five hours.

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

BILLS LIST

(None for this Meeting)

CONSENT AGENDA

Council President Baxter presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for January 22, 2019; Approval of Regular Session Minutes for January 22, 2019
2. A Resolution Authorizing a Refund, as Recommended by the Director of EMS for Overpayment in the amount of \$307.99 for overpayment of transport service on July 3, 2018 for patient Rivera, Orlando to Rivera, Orlando, 818 Lower Ferry Road, Ewing, NJ 08628
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,296.35 for overpayment of February 1, 2019 1st Quarter Taxes to Robinson, Nicole, 42 Lopatcong Drive, Ewing, NJ 08638, for property owner Robinson, Nicole for Block: 512 Lot: 20 also known as 42 Lopatcong Drive.

4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$226.87 for overpayment of February 1, 2019 1st Quarter Taxes to Qian, Tony Wen, 233 Timberlake Drive, Ewing, NJ 08618, for property owner Qian, Tony Wen for Block: 225.01 Lot: 2.01 Qualifier: C0233 also known as 233 Timberlake Drive.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$42.37 for overpayment of February 1, 2019 1st Quarter Taxes to Kalwa, Dylan & Savannah, 428 Timberlake Drive, Ewing, NJ 08618, for property owner Kalwa, Dylan & Savannah for Block: 225.01 Lot: 2.05 Qualifier: C0428 also known as 428 Timberlake Drive.
6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,280.08 for overpayment of February 1, 2019 1st Quarter Taxes to Upshur, Terence & Cheri, 53 Willis Drive, Ewing, NJ 08628, for property owner Upshur, Terence & Cheri, for Block: 423.03 Lot: 281 also known as 53 Willis Drive.

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

1. 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

The Administrator explained that the work for the splash pad at the ESCC was bid out. Three bids were received and the low bid was awarded. There is money left over from the Mercer at Play grant. That and this re-allocation will be used to pay for it. The goal is to have it ready by July.

President Baxter said that although this is not the same company who put in the splash pad at Hollowbrook, the design is similar.

The Administrator said that it is the same design, just a little bigger. The company who put in the splash pad at Hollowbrook came in second. The highest bid was over \$900,000. The middle bid was in the \$700,000s and this was in the \$600,000s.

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

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Steward said that registration for community gardens begins March 1st. The Administrator added that the Green Annual Fair meets March 16th at Rider University.

President Baxter said that he attended the last Zoning Board meeting. There was one applicant who wanted to put up a stockade fence but they had to put up almost \$500 in escrow in order to get the variance. Perhaps, this is something Council needs to look into - escrow fees - for residents putting up stuff on their own property.

The Administrator replied that he will take President Baxter's comments back to the Mayor and then added that the Township, many times, has been left covering the professionals' fees so that is why it is done.

There were no additional Commission and Committee Reports.
There were no additional announcements.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Peter Boughton (133 West Farrell Aveune) asked Council and the Administration to include funds in the Police budget for motion cameras in order to catch people who are illegally dumping. Mr. Boughton suggested that a camera be placed at the entrance to the Johnson Trolley Line Trail on Whitehead Road Extension and anywhere else the Chief believes such cameras will be useful. Mr. Boughton said that many are pleased that there is a two-year energy sharing bidding process and commented that it would be great if the company winning the bid could provide statistics showing that some sort of renewable energy goes into their fuel. Mr. Boughton added that we would not want residents to pay more.

The Administrator responded that there are two motion cameras on the administrative side. One is already allocated and in place at the community bulk drop off site. The other one is going to be installed at the bottom of Whitehead Road Extension at the entrance to the Johnson Trolley Trail.

Raymond Daikeler (10 Edwards Place) commented that it was difficult to hear anyone on the dais and asked that they speak into the microphones.

Councilwoman Steward said feel free to let us know that while we are talking as we cannot tell from up here.

Mr. Diakeler asked if it is possible for something to be published regarding what items can and cannot be recycled.

Councilwoman Steward resoned that only plastics marked with a one or a two can be recycled in Mercer County. There is a flier from the Mercer County Improvement Authority and also the Ewing Green Team has been working on putting something out for the Public. Vice President Keyes-Maloney said that there is a website – ewingrecycles.org - which gives additional information and added that pizza boxes cannot be recycled.

Mr. Daikeler said that he does not understand the process for the approval of a group home in the Township.

The Administrator responded that any non-profit or for-profit business can buy and establish a group home. It is a State law that they do not have to get approval from the Township. The Township cannot discriminate who buys and who chooses to live in a residence. The brand new one near Mr. Daikeler was sold to a for-profit out-of-state agency. There is also another one – a non-profit - around the corner on Delaware Avenue.

Mr. Daikeler commented that a non-profit does not pay taxes.

The Administrator replied that the Township can negotiate a PILOT and that is what the Town has started to do with a number of the non-profits that have group homes in the Township. The Administration generally becomes aware of them from residents in the neighborhood because they do not have to inform the Township. These non-profits, after a year, can file to not pay taxes even if they still take advantage of Township services – including the school. This is why the Administration has started to meet with them to see if they will enter into a voluntary PILOT agreement so the Township will at least get something.

Mr. Daikeler asked how many group homes are in the Township now.

The Administrator replied – thirty-two.

Mr. Daikeler then asked how many are in Lawrence Township.

The Administrator replied that he does not know but every community in Mercer has them. Hamilton has about the same number as Ewing but they are also two and one half times the size of Ewing. There can be no legislation that says that a Town has maxed out on the number of group homes.

A lengthy discussion followed between Mr. Daikeler, the Administrator and the Attorney.

Mr. Daikeler commented that he does not disagree with a group home and what they do – they are important; but he does disagree with it happening and not knowing what kind of home it is. That seems unfair.

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

CLOSED SESSION – The Attorney read (Resolution #19R-51) A Resolution Excluding the Public from a Public Meeting for the Purpose of 1) Personnel Matter – Discussion of Fire Director Appointment

At 7:34 p.m., the Attorney read the Resolution to enter into Closed Executive Session under the Open Public Meetings Act, specifically Section 10:4-12 to exclude the Public based on the subject matter of the discussion. In this case, the discussion will be related to personnel matters specifically, the newly created Fire Director position and to receive the advice of Council.

At 7:34 p.m., Councilwoman Steward made a motion to enter into Closed Executive Session, seconded by Councilwoman Keyes-Maloney. It was agreed by unanimous voice vote.

At 8:44 p.m., Councilwoman Keyes-Maloney made a motion to close the Closed Executive Session, seconded by Councilwoman Wollert. It was agreed by unanimous voice vote.

At 8:45 p.m., Councilwoman Steward made a motion to enter back into Open Session, seconded by Councilwoman Wollert. It was agreed by unanimous voice vote.

ADJOURNMENT

President Baxter said that Council will meet in a few minutes for the Regular Session.



Kevin Baxter, President



Kim J. Macellaro, Municipal Clerk