

April 23, 2019 – AGENDA SESSION

President Baxter called the meeting to order at 6:34 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 – Present | Bert Steinmann, Mayor |
| ▪ Mr. Schroth – Present | Joanna Mustafa, CFO |
| ▪ Ms. Steward – Present | Maeve Cannon, Attorney |
| ▪ Ms. Wollert – Present | Kim J. Macellaro, Municipal Clerk |
| ▪ President Baxter – Present | |

DISCUSSION

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

The CFO explained that because the Township was awarded a grant after the Introduction of this Budget, it will go in via Chapter 159 after the adoption of the Budget. This is for Cops in Shops. The CFO requested that it go on the Regular Agenda after the Budget Hearing.

The Clerk said that it will be under New Business which is after the Budget Hearing.

2. A RESOLUTION APPOINTING RACHEL EVANS AS REGISTRAR OF VITAL STATISTICS (effective April 4, 2019)

President Baxter said that there was a change in the Township’s Vital Statistics Department. Ms. Evans went on to become the Registrar replacing Susan Bate who no longer has anything to do with Vital Statistics.

At the request of President Baxter, the Clerk commented that a Deputy Registrar is needed and added that Rachel is doing a fantastic job as the Registrar and she was a great Deputy Registrar.

Vice President added that she is happy to hear that she passed and is moving into this position of responsibility.

President Baxter commented that now the Township has a Registrar, we need to find a Deputy Registrar.

The Mayor added that the Administration is working on that; there are three names that we will have a conversation about.

There were no additional questions or comments from Council.

3. A RESOLUTION CHANGING THE CUSTODIAN OF THE PETTY CASH FUND IN THE OFFICE OF THE REGISTRAR FROM SUSAN BATE TO RACHEL EVANS

President Baxter said that as the position changes, so do some of the duties. Ms. Evans will now be in charge of the petty cash.

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

President Baxter asked the Public if they had any questions or concerns about the new Registrar. There were none.

4. A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

The Attorney said that it is for random fire incidentals.

Councilman Schroth added that the property is from Station 30.

The Attorney said that some of the garden-type hoses can be donated but for the most part the material must be destroyed.

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

5. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND OF HERITAGE COURT PHASE 2 – SYLVIA STREET (BLOCK 341.01, LOTS 3 & 5) – EWING ENGINEER REMINGTON & VERNICK ENGINEERS RVE #1102 I 088

The Council President said that this is pretty standard. As work is completed on various projects, the companies who put up the bond ask for some of their bond money back. Heritage Court is on the other side of Silvia Street closer to Sullivan Way. The goal is to eventually allow traffic to traverse between Sullivan Way and Parkway Avenue using Silvia Street.

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

6. A RESOLUTION OF THE TOWNSHIP OF EWING PLEDGING TO CONTINUE TO ENGAGE IN AND SUPPORT APPLICATION OF PRINCIPLES OF SUSTAINABILITY

President Baxter said that this application comes as a result of efforts of the Green Team

Councilwoman Steward added that this is a reaffirmation of a previously adopted resolution. It plainly states the Township's dedication to sustainability and the Township's intention to recertify as a Sustainable Jersey community.

Joanne Muldowney (20 Alexander Drive) thanked Council for their continued support of the Green Team's recertification efforts.

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

ALCOHOLIC BEVERAGE CONTROL MATTERS

1. A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF TWO WAITERS, LLC t/a REVERE RISTORANTE (1102-32-022-007); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE TO THE REVERE TWO, LLC t/a REVERE RESTAURANT

President Baxter said that this application has been in limbo as these parties have been sorting things out.

The Clerk responded to President Baxter and said that this has been ongoing since August 2018. It was never in-pocket, but still actively being used during this time. The financial part of it had to be worked out.

The Attorney noted that the Police did conduct a background check and confirmed the source of the funds. The new owners are able to hold a license.

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

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$321,665.94 and to Pay Supplemental Bills per Resolution #19R-16 in the Amount of \$1,862.79

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

CONSENT AGENDA

Council President Baxter presented the Consent Agenda for review. President Baxter noted that the Consent Agenda is moved as a block. If any Member has questions or concerns about any one item that item will be pulled and voted on separately.

1. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$1,780.00 to Homes by TLC, Inc., 1880 Princeton Ave., Lawrenceville, NJ 08648 for permit number 18-01542 at 208 Sullivan Way, Ewing, NJ 08628. The permit was not required.
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$244.59 for overpayment of May 1, 2019 2nd Quarter Taxes to Cleary, Frank & Patricia, 66 Upper Ferry Road, Ewing, NJ 08638, for property owner Cleary, Frank & Patricia, for Block: 547 Lot: 21 also known as 66 Upper Ferry Road
3. A Resolution Authorizing Communications Workers Of America-CWA Local 1040 To Hold A Blood Drive/Road Closing On June 8, 2019
4. A Resolution Authorizing Violet Richardson to Hold a Block Party/Road Closing on May 26th, 2019
5. A Resolution Authorizing Violet Richardson to Hold a Block Party/Road Closing on June 8th, 2019

Councilwoman Steward noted that she will be abstaining from item number one. It is a non-profit that works closely with her employer so she wants to avoid any appearance of a conflict of interest.

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

CY2019 TOWNSHIP BUDGET

1. A RESOLUTION OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

President Baxter stated that Council had a lengthy discussion on the Township's hiring practices. This Body felt comfortable with it.

Councilwoman Steward added that it is an annual thing that Council has to do along with the Budget.

President Baxter asked the Township Attorney, regarding point four of the affidavit, how can Council certify that the local unit's hiring practices comply with the above referenced enforcement guidance as Council really does not have any say in hiring.

The Attorney responded that Council is certifying that the practice is in place.

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

The Council President read Items Two, Three and Four together.

2. A RESOLUTION TO READ THE BUDGET BY TITLE AT PUBLIC HEARING
3. A RESOLUTION ADOPTING THE TOWNSHIP OF EWING CY2019 BUDGET
4. A RESOLUTION AUTHORIZING PARTICIPATION IN SELF-EXAMINATION PROGRAM OF THE MUNICIPAL BUDGET FOR THE 2019 BUDGET YEAR

At the request of the Council President, the CFO explained that municipalities qualify for a self-examination of the budget by being fiscally sound for two years prior. Fiscally sound includes such things as the debt service, whether a Town collects more than a certain percentage of its tax levy, if everything is filed on time and if the audits are done. Once every three years a budget is reviewed by the State. For the

other two years, a Town can self-exam. Council certifies that the debt service is in there and that every payment obligation is in the Budget.

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

The Mayor commended the CFO and her staff on always having the Budget prepared and for following the State's guidelines. The Township would not be in this position if the Town was not following these guidelines. This Administration has made sure that this is done correctly every time.

President Baxter announced that the Public Hearing on the Budget will be done at the Regular Meeting which will follow shortly. At that time, the CFO will speak to a typographical error in the budget statement.

The CFO said that it was a date error that has been corrected. It is an informational summary page of the cash and did not effect any of the appropriations within the Budget document.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225: VEHICLES AND TRAFFIC, ARTICLE III: TRAFFIC REGULATIONS, §225-14(E) TRUCK WEIGHT LIMITS, VIOLATIONS AND PENALTIES

Council President Baxter said that this was on two weeks ago for First Reading. Very overweight vehicles are using various side streets. A resident even saw one vehicle go down a street they cannot get out of so they had to back all the way out. Hopefully, there will be enforcement. At least, the penalty was increased to \$100 which is the maximum that Council can do. But, the Judge has discretion to go higher when these tickets come before him.

The Attorney explained that currently the fine is \$50. This will create a range. \$100 is the bottom end of that range. A fixed fine higher than \$50 cannot be established but there can be a range. The range is \$100 to \$1,500 and will allow the Judge to exercise his discretion in imposing the appropriate penalty given the circumstances of a specific case.

President Baxter said that this gives law enforcement another tool and added that the \$50 was just the price of doing business. Hopefully, people will rethink that.

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

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilman Schroth said that last week he was here, at the Council Meeting, while the Alcohol Alliance met so he does not have anything to report.

Vice President Keyes-Maloney said that Opening Day is this Saturday at 10:00 a.m. at Moody Park. On April 28th, the Arts Commission is doing an Arts Show at the Elks. Ms. Amy (tape unclear) will be playing. The School District will also be providing some music and there will be crafts for kids that attend. It is a chance to check out students' art from the parochial, public and private schools in the area. If you are a resident of Ewing you can participate. It will be from 1:00-4:00 p.m. Mercer Arc and Homefront will be doing a joint art show here at the Municipal Building. Their opening night reception will be on May 16th from 6:00-8:00 p.m.

Councilwoman Steward said that the Green Team meets tomorrow evening. The Green Team is continuing to work on the recertification process. This Saturday, 9:00 a.m. at the Benjamin Temple House, is the Township's Arbor Day tree planting. The one from last year is going strong. This Saturday is also the National Drug Take Back Day. There is always a box down at the Police Department for people to drop off expired or no longer needed medicines.

Councilwoman Wollert did not have anything to report.

President Baxter said that he also does not have anything to report as both Planning and Zoning did not meet. Site Review has been postponed until next Wednesday as there are no applications at this point.

Vice President Keyes-Maloney thanked the Mayor and the Council President for attending the Ewing Girls Softball Opening Evening celebration.

President Baxter added that the program seems to be growing – a lot of youngsters. So, for years to come it looks as if the program will thrive as long as families stay in Ewing.

Vice President Keyes-Maloney said that the fields will be in use throughout the spring which is a testament to how good the fields and facilities are and then thanked Public Works for their efforts.

President Baxter asked the Clerk to move all Discussion items over to New Business.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Joanne Mullowney (20 Alexander Drive) said that she received the final totals for the clean-up at the Home Depot stream from the Watershed Institute: thirty-nine volunteers, 3,413 pounds of trash and sixty pounds of recycling for a total of 3,473 pounds removed from the stream. Thanks to Public Works, who were on the scene almost immediately, that was removed right away. Unfortunately, the area did not stay clean. Ms. Mullowney said that she and others have been over to the site and it is already starting to be trashed. It is not overwhelming at this time, but Ms. Mullowney said that she is really concerned about where this is going. Actually, she is embarrassed and would not want to tell the Watershed Institute what the site is looking like right now. Ms. Mullowney then gave a description of the site and said that she would like to see something happen. A lot of effort was put into helping a commercial entity in the Town do right by that stream and they did not even come out for the day to help and she does not know if they even valued the effort.

President Baxter asked how this particular area was picked to be cleaned.

Ms. Mullowney replied that a number of areas were suggested to the Watershed Institute and that was one of them. Ms. Mullowney said that she mentioned it to Mr. McManimon after seeing posts on facebook from a number of people complaining how that particular area was really a mess. Three or four areas were under consideration and the Watershed Institute went and looked and made the decision. They do stream monitoring downstream, so it was an area of interest to them. The Watershed Institute made the initial contact with Home Depot.

President Baxter asked if there was any participation from Home Depot.

Ms. Mullowney replied – not at the event itself – but, they did go out and clean-up the parking lot a little bit beforehand. The manager did come out during the event and spoke to them. The manager was not available to take the final totals so Ms. Mullowney said that she thought that his interest in what the group was doing was less than optimal.

Vice President Keyes-Maloney said, to be fair, Home Depot did donate bags for the event because the group did not have as many bags as was needed. They might not be the perfect steward but to their credit they did donate bags.

Ms. Mullowney replied that she is just concerned. It was wonderful that they were willing to do that because what would we have done with all the trash we were bringing out. But, on the other hand, (Ms. Mullowney said that she is not saying that Home Depot is doing this; why would they do this to their own site) they are not overseeing it to the extent that would be helpful to prevent this in the future.

Councilwoman Steward said that Council, in this Budget, is considering mobile cameras for the Police Department and perhaps those could be used here.

Ms. Mullowney asked if this is the Township's responsibility or is it Home Depot's.

The Vice President stated that it shares a boundary with another institution across the creek who, the Vice President believes, equally contributes to the trash. Both are responsible. This can be referred to the Administration to ask Code Enforcement as to any options the Township may have here. Ms. Keyes-Maloney believes that there might be involvement from the other side of the creek based on the type of some of the trash collected.

Ms. Mullowney said that she brought it before Council so they would know what was done, what we tried to accomplish and where it stands now.

President Baxter mentioned that the totals are a little different from when this was discussed at an earlier meeting.

Ms. Mullowney replied that these totals come from the Watershed Institute.

Vice President Keyes-Maloney added that she heard from community groups that would like to do something in the fall. Her hope is that this becomes more than just an annual occurrence.

President Baxter mentioned the maintenance agreements that are put in place. They have to keep the site up to a certain extent.

The Mayor said that Code Enforcement can do something with the parking lot but cannot enforce the creek bed because there are too many business on that creek that contribute. You cannot pinpoint what business did what. The Town can enforce the retention basin which is their responsibility. It is not clean clean but it is not bad. The Mayor does agree that the parking lot needs more attention and he can send Code Enforcement over there.

President Baxter thanked Ms. Mullooney and said that her concerns have been heard. At least, we are on the road to try to get a solution.

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

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Baxter asked for a motion to adjourn. Mr. Schroth so moved seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. The meeting was adjourned at 7:08 p.m.



Kevin Baxter, President



Kim J. Macellaro, Municipal Clerk