

April 23, 2019 – REGULAR SESSION

President Baxter called the meeting to order at 7:17 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

- | | |
|-------------------------------|-----------------------------------|
| ▪ 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 | |

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

There were no statements and comments from Members of the Public.

BILLS LIST

1. The Clerk read (Resolution #19R-79) 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. 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

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-80/)

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 said that she will be abstaining from the first item 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. Ms. Wollert then moved the Resolution, seconded by Mr. Schroth. The Council President asked for a roll call.

ROLL CALL

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

Ms. Steward voted YES except for Item Number One from which she abstained.

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

CY2019 TOWNSHIP BUDGET

1. The Clerk read (Resolution #19R-81) 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"

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

2. The Clerk read (Resolution #19R-82) A RESOLUTION TO READ THE BUDGET BY TITLE AT PUBLIC HEARING

The Attorney said that this allows the Budget to be read by title as opposed to entering the entire Budget into the record.

Councilwoman Steward added that this can be done because the Budget has been made available in other ways.

The Attorney explained how it had been made available.

Mr. Schroth moved the Resolution, seconded by Ms. Wollert. President Baxter asked for a roll call.

ROLL CALL

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

The Mayor stated that he presented the Budget twenty-eight days ago. Council had the opportunity to talk with all the Department Heads collectively and the President and Vice President sat down with them. The CFO had been made available for any questions. The Mayor said that it is a rather austere Budget. No additional taxes were raised; everything is strictly through the revaluation process. It is a very tight Budget. The Administration did not take it to the maximum under the Cap. The Mayor thanked the Department Heads for holding the line. The largest chunks of the Budget are pension and healthcare obligations along with the contractual raises. The Council President said that this process has been ongoing since March. There were some issues that had to be taken off the table immediately. President Baxter thanked the Mayor for listening to Council's concerns and trying to incorporate some of those into the Budget. The Council President thanked the CFO for her hard work and thanked the Department Heads for their participation and willingness to be at the Budget Hearings which were open to the Public. The Budget is lean. The revaluation helped a lot with that. A lot of Capital was cut. It is a sound Budget and President Baxter said that he stands by it.

Vice President Keyes-Maloney said that the moment the Administration presents the Budget it becomes Council's to consider. Council has the benefit of being able to hear from the Departments as to what they would have wished for; not necessarily what is articulated in the Budget. By and large, the Budget attempts to stay within its means but also provides essential services to the Public. No Budget is perfect, but it is a sound fiscal arrangement that will allow the Township to continue operations and fulfill the expectations of members of the Community. Council became responsible the moment it became Council's Budget. Vice President Keyes-Maloney said that she feels assured that the direction Council is taking, if Council decides to adopt this Budget, is the right one. The Vice President said that she will vote yes because it provides the services the Town has come to expect at a price that the Town can afford.

Councilman Schroth said that he would like to echo his fellow Council members' comments. Councilman Schroth thanked the CFO for her efforts, in this Budget and every year. He also thanked the Departments Heads who worked so hard to pull their information together, spend time with the Administration and the Council President and Vice Present discussing and justifying what they do. They provide the citizens with outstanding service. This Town is gaining recognition in surrounding communities for the way it is being managed and for the services that are provided. Councilman Schroth said that he anticipates voting yes on this Budget. It is lean, it is sound, and it does its job.

Councilwoman Steward said that one thing that struck her with the Department Heads coming forward this year is how many held the line and even made some cutbacks. It is easy to come in every year and ask for five, three or ten percent more and so it was obvious that there was leadership from the top. The Administration and Council expect more. It is not an automatic thing. Going through Department by Department gives Council the chance to see where those changes may be. Councilwoman Steward said that she appreciates the process and the guiding principle that it is not an automatic thing. Councilwoman Steward agreed that the vision was grander in the beginning and had to be scaled back to meet reality; Council and the Administration work with a finite amount of resources that they are entrusted with. Councilwoman Steward said that she intends to support this and added that she appreciates all the hard work that went into it.

Councilwoman Wollert congratulated the CFO on another great Budget. The Mayor and the Administration certainly had input, but at the end of the day, it is the CFO that does the dollars and cents. Councilwoman Wollert added that the CFO has again done a great job. The Budget is reasonable. There is no increase that can be seen. A Budget is a snapshot of a single moment and is subject to change – things do happen. Councilwoman Wollert agrees that the Town's services are superb. Department Heads, in some cases, have made sacrifices to ensure that services are provided while they come in at a level budget. Councilwoman Wollert added that, going forward, the Town will be looking at facilities and equipment. Council heard from the fire companies as to what their needs are going to be in the next year. The Town must keep an eye on the now but also think about what the future is going to bring and work to make sure that the budgets are structured in a way that allows the Town to provide continued good services to its residents in the future. Councilwoman Wollert said that she is happy to support this Budget.

Ms. Steward made a motion to open the Public Hearing on the Budget, seconded by Mr. Schroth. It was agreed by unanimous voice vote.

George Steward (30 Gilmore Road) had some questions and comments concerning the Budget. On Sheet 11, it states that this proposed Budget intends to raise \$29,722,419.56. The amount raised by taxes in 2018 (the budgeted amount) was \$27,395,903.00. That is an 8.4% increase. The State would not allow the Township to do that unless it fit with the Cap law. On Sheet 3B, it states that the amount to be raised by municipal taxes is \$29,722,420.00. The maximum allowable by the State is \$29,731,420.49 – a difference of \$9,000.00. For the past six years, the Budget has always stayed within the Cap. But, in fact, Council is recommending a tax to almost the upper limit of what the State is allowing. It appears that the Township is using a Cap Bank from 2017. This is being used legally. It increases the Town's ability to tax Ewing homeowners at a higher rate. This is the reason why the difference between those two numbers is 8.4%. Mr. Steward stated that he does not think that this is a good time to be using this money or to increase the Town's ability to tax the citizens of Ewing. Mr. Steward stated that tonight is the first time that he was able to come before Council and have a dialog. Mr. Steward asked, if this Budget is adopted tonight, what is the tax rate per hundred.

The CFO replied - .91 cents.

Mr. Steward stated that this is after the revaluation.

The CFO replied – correct.

Mr. Steward said that this is a year where he cannot relate this year's tax rate to last year's tax rate. All that he can do, since he cannot compare two dissimilar numbers, is to look at the before and after and know that for this Budget to be balanced, it requires an increase in taxes by 8.4%. This, however, still does not balance the Budget. It is only balanced by using \$1.8 million of surplus. Mr. Steward emphasized that he understands that the Town's ability to tax at 8.4% is legal by the Cap law, but it is almost at the maximum allowed by the State.

Mr. Steward identified a couple of other things in the Budget. First on Page 17 – Salaries & Wages in Cap. Last year, Salaries & Wages was \$19,453,213.00. This Budget expects Salaries & Wages to reach \$(unclear). This is a year over year increase of five percent. Since the Summary Page does not show any new employees, all that Mr. Steward says that he can assume is that the five percent salary increase is contractual. That seems to be a lot. Mr. Steward said that he does not know of many people getting five percent raises today. Some of the needs of the Budget are right there – at least \$1,000,000 – is needed to cover Salary & Wages. Page 25 lists additional Salary & Wages (out of Cap) – \$300,000, an almost 90% increase.

The total Salary & Wages increase is \$1.3 million so the Town needs tax revenue. Mr. Steward said that there are other items, but he is not going to itemize them. If he is correct, Mr. Steward thinks that there is a tax burden which has not been discussed and that he will not know what that is until after he gets his tax bill after the Budget is adopted. Mr. Steward stated that this is Council's Budget and suggested that Council request a trial balance periodically and publicly discuss if everyone agrees on how the Budget is moving throughout the year. Some years ago, under a different form of government, Council members oversaw the operations of the Departments. That is ultimately what Council does in this new form of government. Mr. Steward also suggested that Council hold the Public Hearing on some night other than the night they intend to vote on the Budget. Mr. Steward noted that he cannot change what is going to happen here tonight, thanked Council for listening and wished that more people were interested in what is going on. Mr. Steward stated that he will be watching.

President Baxter thanked Mr. Steward for coming tonight.

There were no additional questions or comments from the Public.

Ms. Steward made a motion to close the Public Hearing, seconded by Ms. Wollert. It was agreed by unanimous voice vote.

3. The Clerk read (Resolution #19R-83) A RESOLUTION ADOPTING THE TOWNSHIP OF EWING CY2019 BUDGET

President Baxter said that Council had this Budget for some time and looked it over. Perhaps, there are ways the process can be a little more efficient. Council does listen to the Public's opinions and does hear their suggestions. Some, Council may be able to implement. Council looked over these Budget numbers and questioned where they could question. Council is not perfect and may have missed something here or there, but; you have been heard. All members of Council work in the interest of the Public and try to do the best that they can for the Public.

Ms. Keyes-Maloney moved the Resolution, 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

4. The Clerk read (Resolution #19R-84) 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 how a Town becomes eligible to self-exam.

President Baxter said that this is validation that Ewing is doing some things right.

Ms. Wollert moved the Resolution, seconded by Mr. Schroth. President Baxter asked for a roll call.

ROLL CALL

Mr. Schroth	YES
Ms. Wollert	YES

Before voting, Vice President Keyes-Maloney took the opportunity to mention that this is not the norm across the State. Self-exam comes with fiscal discipline that is exhibited both in terms of the surplus and is also reflective of minding the store along the way which is a tribute to the CFO, the Administration and this Body who analyses the Budget on a regular basis by way of Bill review, as an example.

Ms. Keyes-Maloney	YES
President Baxter	YES
Ms. Steward	YES

ALCOHOLIC BEVERAGE CONTROL MATTERS

1. The Clerk read (**Resolution #19R-85**) 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

There were no questions or comments from the Public.

Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Schroth. Council 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

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 #19-09**) 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

WHEREAS, the Township of Ewing ("Township") is authorized, pursuant to N.J.S.A. 40:67-16.1, et seq., to establish a system of truck routes providing that all trucks having a total combined gross weight of vehicle plus load, in excess of four tons, shall be excluded from certain streets within the Township; and

WHEREAS, the Township previously enacted §225-14 of the Township Code, which prohibits and excludes trucks having a gross weight of one (1), four (4), ten (10), and fifteen (15) tons from certain streets or parts of streets within the Township; and

WHEREAS, any person or entity found in violation of this section is currently liable for a penalty of not more than \$50.00; and

WHEREAS, despite the ordinance and penalty provisions already in place, trucks having a gross weight over four tons continue to operate on streets within the Township from which they are prohibited; and

WHEREAS, pursuant to N.J.S.A. 40:49-5, the Township may prescribe that for the violation of any particular ordinance at least a minimum penalty shall be imposed, which shall consist of a fine which may be fixed at \$100.00; and

WHEREAS, the Township desires to establish a minimum penalty for violation of §225-14 at \$100.00; and

WHEREAS, the Township finds that a minimum penalty of \$100.00 for violations of §225-14 will better dissuade persons or entities operating trucks over four tons within the Township from violating the trucking routes and weight restrictions, which is in the best interests of the Township; 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

§ 225-14 Truck weight limits.

A. Trucks over one ton. Trucks over one ton of gross weight are hereby prohibited from parking on streets or parts of streets described in Schedule XIII, § 225-60, attached to and made a part of this chapter.

B. Trucks over four tons. Trucks over four tons of gross weight are hereby excluded, except for the pickup and delivery of materials from the streets or parts of streets described in Schedule XIV, § 225-61, attached to and made a part of this chapter.

C. Trucks over 10 tons. Trucks over 10 tons of gross weight are hereby excluded, except for the pickup and delivery of materials from the streets or parts of streets described in Schedule XV, § 225-62, attached to and made a part of this chapter.

D. Trucks over 15 tons. Trucks over 15 tons of gross weight are hereby excluded, except for the pickup and delivery of materials from the streets or parts of streets described in Schedule XVI, § 225-63, attached to and made a part of this chapter.

E. Violations and penalties. Any person or entity found in violation of this section shall be liable for a penalty of not less than \$100, nor more than \$2,000.

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 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.

Ms. Steward made a motion to open the Public Hearing, seconded by Ms. Wollert. It was agreed by unanimous voice vote.

Caroline Steward (30 Gilmore Road) asked if the Township has a truck weighing station to determine if a truck is overweight.

President Baxter replied that it is based on the size of the truck and the number of axels.

Ms. Steward commented that a truck full of balloons and the same size truck full of cinder blocks is a little bit different.

The Attorney replied that it is based on the weight of an unloaded truck.

Ms. Steward said that the Township, then, does not care about what the truck is carrying.

A brief discussion followed. The Vice President pointed out that the number of axels also dictates what the weight load is. Because the vehicle itself has the possibility of carrying a certain amount, that is what you look for regardless whether it is balloons or cinder blocks. It is the potential exposure; above a certain number of axels creates a certain amount of risk. These roads were not built to have that risk on them and so this is a way of trying to mitigate against that risk.

A brief discussion followed regarding the fee schedule and who gets the money from any fine. This Ordinance sets a range and allows for monies collected to go to the Township instead of going to the State under Title 39.

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

ROLL CALL

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

NEW BUSINESS

1. The Clerk read (Resolution #19R-86) A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

The CFO explained this is the ABC grant for Cops in Shops. Cops are placed undercover to catch underage purchases. It covers certain overtime shifts. There is a college initiative and the regular one.

There were no questions or comments from the Public. 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-87) A RESOLUTION APPOINTING RACHEL EVANS AS REGISTRAR OF VITAL STATISTICS (effective April 4, 2019)

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

ROLL CALL

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

3. The Clerk read (Resolution #19R-88) A RESOLUTION CHANGING THE CUSTODIAN OF THE PETTY CASH FUND IN THE OFFICE OF THE REGISTRAR FROM SUSAN BATE TO RACHEL EVANS

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

ROLL CALL

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

4. The Clerk read (Resolution #19R-89) A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

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

ROLL CALL

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

5. The Clerk read (Resolution #19R-90) 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

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

ROLL CALL

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

6. The Clerk read (Resolution #19R-91) A RESOLUTION OF THE TOWNSHIP OF EWING PLEDGING TO CONTINUE TO ENGAGE IN AND SUPPORT APPLICATION OF PRINCIPLES OF SUSTAINABILITY

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

ROLL CALL

Mr. Schroth	YES
Ms. Steward	YES
Ms. Keyes-Maloney	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 8:09 p.m.



Kevin Baxter, President



Kim J. Macellaro, Municipal Clerk