

Minutes of May 26, 2015 - REGULAR SESSION

President Keyes-Maloney called the meeting to order at 8:12 p.m. and Municipal Clerk Macellaro led the invocation and flag salute.

President Keyes-Maloney 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, 2015

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 THE 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

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

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

George Steward (30 Gilmore Road) said he wanted to convey his ongoing frustration and disappointment with the scheduling policy of this meeting. He continued to say the last four meetings that have occurred by this body have begun anywhere from 7:00 to 10:30 at night. It is those kinds of situations that would warrant and require this body to meet on two different nights. He said it discourages public participation in this process. The public does not know when you are actually going to meet. Two weeks ago, you had a public hearing on the budget. He had something to do and came here at 7:25 and hoped he would be part of that process. At 7:25 the meeting had already been adjourned. He knows the policy states that at the business meeting will begin at 7:30 or immediately following the agenda meeting. It does not work with transparency and trying to get the public to participate and to condition them to know that you will be here at a specific time that they can come in and talk to you. He asked Council to consider re-evaluating the timing of the meetings and go back to agenda meeting one night and the business meeting the next night, or if an agenda meeting goes short, wait until 7:30 to start the business meeting. President Keyes-Maloney thanked him for his comments.

Thomas Tighue (10 Boleyn Court) echoed Mr. Steward's comments. He picked up both agenda's today and wrote a bunch of notes down and suggestions for the budget, only to realize now that it is only to talk about the amendments to the

budget. He said it is frustrating. President Keyes-Maloney stated that we have had a number of public sessions. Two weeks ago, we had a hearing on the introduced budget and we allow the public to speak. She further went on to say that we have had enhanced participation trying to compress the meetings into one evening. President Keyes-Maloney said we would take his comments into consideration. President Keyes-Maloney said to be perfectly clear, the public has the opportunity to make comments on the budget, in terms of anything within it, because the basis of the budget is what was introduced plus what was amended.

BILLS LIST

The Clerk presented the Bills List for approval (Resolution #15R-104)

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$10,800,371.79 and to Pay Supplemental Bills per Resolution #15R-27 in the Amount of \$42,205.70.

There were no questions on the bills list from members of the public or council. President Keyes-Maloney asked for a motion. Councilman Baxter made a motion on the bills list, seconded by Councilwoman Wollert.

ROLL CALL

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

All items listed under Item H, 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 #15R-105/)

1. A Resolution Authorizing the Conduct of a Bingo Sponsored by Prospect Heights Volunteer Fire Co. #1
2. A Resolution authorizing Spring Meadows Home Owners Association to hold a block party/road closing on June 20, 2015
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the Amount of \$830.79 for May 1, 2015 tax qtr., to Heath, Robert H. & Suzanne, 17 Glen Stewart Drive, Ewing, New Jersey 08618, for property owners Heath, Robert H. & Suzanne, for Block: 474 Lot: 17 also known as 17 Glen Stewart Drive.
4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the Amount of \$1,534.75 for May 1, 2015 tax qtr., to Geller, Brian S., 101 Summit Avenue, Ewing, New Jersey 08628, for property owner Geller, Brian S., for Block: 377 Lot: 270 also known as 101 Summit Avenue.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the Amount of \$989.29 for May 1, 2015 tax qtr., to Wooley, Daniel J. & Allette F., 2 Holiday Court, Ewing, New Jersey 08638, for property owners Wooley, Daniel J. & Allette F., for Block: 214 Lot: 44.02 also known as 2 Holiday Court.
6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the Amount of \$1,673.79 for May 1, 2015 tax qtr., to Greco, David &

Cheryl, 24 Wardman Avenue, Ewing, New Jersey 08638, for property owners Greco, David & Cheryl, for Block: 103 Lot: 165 also known as 24 Wardman Avenue.

7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the Amount of \$1,458.66 for May 1, 2015 tax qtr., to Brown, Matthew C., 3 Bradway Avenue, Ewing, New Jersey 08618, for property owner Brown, Matthew C., for Block: 451 Lot: 43 also known as 3 Bradway Avenue.
8. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the Amount of \$763.52 for May 1, 2015 tax qtr., to Giovannetti, Michael, 2201 Columbia Avenue, Ewing, New Jersey 08638, for property owner Giovannetti, Michael, for Block: 52 Lot: 148 also known as 2201 Columbia Avenue.

There were no questions from the public or council.

President Keyes-Maloney asked for a motion. Councilman Schroth made a motion on the consent agenda, seconded by Councilwoman Steward.

ROLL CALL

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

CY2015 BUDGET

1. PUBLIC HEARING ON THE CY2015 AMENDED BUDGET

President Keyes-Maloney asked for a motion to open the public hearing on the amended CY2015 budget. Councilwoman Steward moved to open the public hearing, seconded by Councilwoman Wollert. It was agreed by a unanimous voice vote.

Ron Prykanowski (16 Thurston Avenue) asked Council to go over the amendments for the public's edification. President Keyes-Maloney deferred to CFO Mustafa who explained the amendments. The budget was amended to include Clean Communities Grant, Click It or Ticket Grant, Recycling Tonnage Grant, Cops and Shops Grant, adjustment to police and fire timing system for a judgement for a delayed involvement, there were some increases to operating accounts for our first responders, one being police for e-ticketing, the EMS for per diem salaries for a second ambulance and then there was additional expense for the volunteer fire fighters incentive program. There were some changes to the State Aid, it was reclassifying the numbers for 2015, offsetting some of those expenses were additional increase in surplus and a bump in our hotel tax and anticipated revenue by \$20,000. The amount to be raised by taxes stayed the same. There were some minor adjustments in the budget, but nothing impacting the taxpayers that they weren't already aware of.

George Steward (30 Gilmore Road) started by thanking the Clerk's Office. He went to the website looking for the budget amendment resolution and the amended budget and could not find it. He went to the Clerk's office and the Clerk provided him with both documents. He feels like he should be allowed to talk about anything within the budget, not just the amended budget. President Keyes-Maloney said that because the underlying budget is part of the discussion, you have the right to express your thoughts and feelings about the budget as a whole. Mr. Steward spoke about the surplus and the balancing of the in-cap budget. He said for the last four years, you have used anywhere from 1.8 million to almost 3 million dollars every year to balance your in-cap budget. He said Council is the one responsible for the document. President Keyes-Maloney said that she thought the CFO gave him the opportunity to answer any of his

questions. Mr. Steward responded that she in fact did answer his questions, but he doesn't want to talk to the person who constructed the budget, he wants to talk to the legislative body of this township that has the checks and balances to oversee what they (Administration) are introducing to you (Council) and then you have the ultimate responsibility to make sure that this spending plan is what Ewing needs. Mr. Steward said this year's surplus is going to be \$2,250,000.00 which is very close to the number you have had to use over the last four years to balance the budget. President Keyes-Maloney said that we have been significantly below cap for the last several years and in fact will continue to do so with this budget. Mr. Steward said that we are one of the few municipalities that are raising taxes this year. He said he would have hoped that they would have come together as a body and had a philosophy that said it stops here. He said he believes that there is a lot of "fluff" in the budget and long term debt. He stated that they can't do this same scenario next year and he hopes that his words will help them reconsider the budget.

Thomas Tighue (10 Boleyn Court) said he did see part of the budget, without the vehicles. But, he said he heard about the vehicles and asked why we can't motor pool. President Keyes-Maloney responded that as much as we have vehicles designated to individual departments, they do form a basis of a pool. As an example she said that the CFO may need a vehicle and may in fact borrow from the Health Department or Construction. Mr. Tighue stated that he knows that the police have certain requirements but he has seen in other municipalities that they don't have Tahoes to drive around in. President Keyes-Maloney said that her understanding is that the onboard requirements have increased substantially and at the same time the Old Crown Victoria they don't even make anymore. Some of the smaller cars would be too small to do all the things we want to do onboard and she used the e-ticketing system as an example. She thanked Mr. Tighue for his comments.

President Keyes-Maloney asked for a motion to close the public hearing on the amended CY2015 budget. Councilwoman Wollert moved to close the public hearing, seconded by Councilman Baxter. It was agreed by a unanimous voice vote.

2. The Clerk read (Resolution 15R-106) A RESOLUTION TO ADOPT THE CY2015 BUDGET, AS AMENDED

Councilwoman Wollert moved the resolution, seconded by Councilman Baxter. President Keyes-Maloney asked the Council if they had any questions. President Keyes-Maloney asked for a roll call.

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #15-15) AN ORDINANCE AMENDING ORDINANCE 15-10 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO CLARIFY THE ADDITION OF BUS STOPS ALONG STATE, NOT MUNICIPAL, ROADWAYS PURSUANT TO N.J.S.A. 39:4-8(e) AND ADDING APPROPRIATE CLARIFYING DESIGNATION OF EXISTING STOPS IN THE ORDINANCE

President Keyes-Maloney stated that we had a robust discussion on this during the agenda session. It specifies that these particular bus stops are located along State, not Municipal highways and also adds appropriate titling and indexing to the actual provision to make it easier to navigate. She asked for a motion to introduce the Ordinance. Councilman Schroth moved the Ordinance, seconded by Councilwoman Steward

ROLL CALL

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

- The Clerk read (Ordinance #15-16) A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$4,204,802 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,994,562 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

President Keyes-Maloney stated that we had a discussion at the agenda session. Amongst the items located within this bond ordinance are everything from an upgrade to our dispatch/radio room, significant amount of road improvements, a number of vehicles that are due to replace old vehicles. In addition there is a large improvement at the Community Center, the roof in particular. For all three fire houses there will be self-contained breathing apparatus bottles as they can't be used past this year if we don't replace them. We have a number of significant items including a tig welder in the department of public works that will allow us to do repairs to the bleachers, also a specific track that we had a brief discussion about associated with green acres at 146 Scotch Road that will allow us to acquire additional green acres funding and more importantly solves some individual problems that we need to associated with open space. President Keyes-Maloney asked if Council had any questions. There were none. She asked if the public had any questions on the Ordinance. Ron Prykanowski (16 Thurston Avenue) asked about some of the vehicles that need replacement, he urged Council and Administration to get green vehicles. He doesn't think that Construction needs a Tahoe. He said that other towns don't have these big vehicles and that we want to be a sustainable and green township. President Keyes-Maloney said that in the past we have specifically focused them on something smaller like a Jeep Liberty as an example. He said these vehicles are a little bit ostentatious.

President Keyes-Maloney asked for a motion to introduce the Ordinance. Councilman Schroth moved the Ordinance, seconded by Councilwoman Wollert

ROLL CALL

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

The Clerk asked for a motion to walk on the following Ordinance:

- The Clerk read (Ordinance #15-17) AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING ZONING WITHIN THE TOWNSHIP

President Keyes-Maloney said that this would allow us to refer the item to Planning Board, specifically associated with zoning changes in the Town Center area, to make sure it is consistent with the Master Plan. The Planning Board would be required to review it and then send it to the Redevelopment Agency, if appropriate before coming back before Council. Councilwoman Steward made a motion to walk on this Ordinance, seconded by Councilman Schroth. It was agreed by a unanimous voice vote. President Keyes-Maloney asked for a motion to introduce the Ordinance for first reading and refer it to the Planning Board. Councilwoman Wollert made a motion to introduce, seconded by Councilman Schroth.

ROLL CALL

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

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

1. The Clerk read (Ordinance #15-14) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, ADDING ADDITIONAL BUS STOPS ALONG ~~MUNICIPAL~~ COUNTY ROADWAYS PURSUANT TO N.J.S.A. 39:4-8(e)

BE IT ORDAINED by the Township Council of the Township of Ewing that **Chapter 225, VEHICLES AND TRAFFIC, § 225-64. Schedule XVII: Bus Stops** of the Code of the Township of Ewing is hereby amended as follows:

Section 1: **Chapter 225, VEHICLES AND TRAFFIC, § 225-64. Schedule XVII: Bus Stops** of the Code of the Township of Ewing is hereby amended that, pursuant to N.J.S.A. 39:4-8(e), the following described locations are designated as bus stops:

§ 225-64. Schedule XVII: Bus Stops

Along ~~Municipal~~ County Roadways

1. Along Parkside Avenue (County Road 634), southbound, on the westerly side thereof at:

- A. Buttonwood Drive – (Far Side)
Beginning at the southerly curb line of Buttonwood Drive and extending 100 feet southerly therefrom.

BE IT FURTHER RESOLVED that the Mayor and Council of the Township of Ewing will enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

Section 2. The Municipal Clerk is hereby instructed to forward a certified adopted copy of this Ordinance to NJ TRANSIT, One Penn Plaza East, Newark, New Jersey 07105-2246; Attn: Joe De Mauro and also to the Mercer County Board of Chosen Freeholders for a concurring Ordinance since Parkside Avenue is a County Roadway.

~~Section 3. This Ordinance shall take effect upon approval of the Commissioner of Transportation as provided by law.~~

STATEMENT

This Ordinance amends the Revised General Municipal Ordinances of the Township of Ewing to add additional bus stops along ~~municipal~~ county roadways pursuant to N.J.S.A. 39:4-8(e).

President Keyes-Maloney stated that this came to us by way of the County Planner who had some specific recommendations that we specify that in fact this roadway is a County Roadway, not Municipal. This is a ministerial change. President Keyes-Maloney asked Council if they had any questions on the Ordinance. There were none. She asked for a motion to open the public hearing. Councilman Schroth moved to open the public hearing, seconded by Councilwoman Steward. It was agreed by a unanimous voice vote. President Keyes-Maloney asked if there were any questions from members of the public. Seeing none, she asked for a motion to close the public hearing. Councilwoman Wollert made a motion to close the public hearing, seconded by Councilman Baxter. It was agreed by a unanimous voice vote.

President Keyes-Maloney asked for a motion to adopt the Ordinance. Councilman Baxter made a motion to adopt the Ordinance, seconded by Councilman Ms. Steward.

ROLL CALL

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

NEW BUSINESS

1. The Clerk read **(Resolution #15R-107)** A RESOLUTION CONSENTING TO THE APPOINTMENT OF JENNIFER J. WINN TO THE EWING TOWNSHIP ARTS COMMISSION

President Keyes-Maloney stated that Ms. Winn is a member of the Glendale Civic Association and an account executive with an area company, but more importantly is a voice major and in addition to that, gigs regularly in the Tri-State area providing operatic backup to a number of different venues. President Keyes-Maloney said that she is eminently qualified to serve on the Ewing Township Arts Commission. She asked for questions from Council or the public. There were none. President Keyes-Maloney asked for a motion to adopt the Resolution. Councilwoman Wollert made a motion to adopt the Resolution, seconded by Councilman Baxter.

ROLL CALL

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

2. The Clerk read **(Resolution #15R-108)** A RESOLUTION OF EWING TOWNSHIP AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

President Keyes-Maloney stated that this is something we did two years ago and it allows us to utilize an online auction process to secure a significantly more aggressive electric rate. She further said that members of the Environmental Commission, Green Team, members of the Governing Body and Administration can view the auction as it ensues. She asked for questions from Council. There were none. She asked for questions from the public. George Steward (30 Gilmore Rd) asked if we are purchasing this for our own use, not something that will be offered to the public. President Keyes-Maloney said that there are programs that would offer that, but we are not going with that process. President Keyes-Maloney asked for a motion to adopt the Resolution. Councilman Baxter made a motion to adopt the Resolution, seconded by Councilwoman Wollert.

ROLL CALL

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

3. The Clerk read **(Resolution #15R-109)** A RESOLUTION AUTHORIZING EXECUTION OF A RECYCLING TONNAGE GRANT APPLICATION.

President Keyes-Maloney explained that we have done this in years past and is a customary grant application process. There were no questions from Council. President Keyes-Maloney asked for questions from the public. Caroline Steward (30 Gilmore Rd) asked about the difference between the recycling tonnage and the regular trash taken by Central Jersey Waste. Administrator McManimon explained that the recycling is weighed and we get credit in terms of the grant back to the Township for our efforts. President Keyes-Maloney asked for a motion to adopt the Resolution. Councilwoman Steward made a motion to adopt the Resolution, seconded by Councilwoman Wollert.

ROLL CALL

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

The Clerk stated that there would be a walk on item and read the item as #4 A Resolution authorizing the Township of Ewing to enter a settlement in the matter of Ed Stier v. Township of Ewing. Attorney Cannon explained that this is a settlement of a lawsuit instituted by the Trustee (Stier) in the bankruptcy court for the bankruptcy of Birdsall Engineering. Birdsall Engineering bought the unpaid receivables of CMX, which was the township's previous engineering company, which went bankrupt. When CMX went bankrupt, Birdsall bought all of their account receivables and then they went bankrupt. The Trustee sued everyone on the accounts receivable list, including the township. This is the settlement of that amount at about 29 cents on the base dollar.

4. The Clerk read (Resolution #15R-110) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER A SETTLEMENT IN THE MATTER OF ED STIER V. TOWNSHIP OF EWING.

Councilwoman Steward moved to walk on the item seconded by Councilwoman Wollert. It was agreed by a unanimous voice vote. President Keyes-Maloney asked Council and the public if they had any questions. Caroline Steward (30 Gilmore Rd) asked for clarification on this resolution and she asked what accounts receivables meant. President Keyes-Maloney explained that it means that someone owes them money. Attorney Cannon explained in further detail. There being no other questions, Councilwoman Wollert then moved the Resolution seconded by Councilman Schroth.

ROLL CALL

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

ADJOURNMENT

There being no further business President Keyes-Maloney called for a motion to adjourn. Councilman Baxter so moved seconded by Councilman Schroth. The meeting was adjourned at 9:17 p.m.

Jennifer Keyes-Maloney, President

Kim Macellaro, Municipal Clerk