

September 13, 2016 – REGULAR SESSION

President Schroth called the meeting to order at 9:02 p.m. and read the Open Public Meetings Statement:

Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

Flag Salute

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 4th day of January, 2016.

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 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

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

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

There were no questions or comments from members of the Public.

BILLS LIST

1. The Clerk read (**Resolution #16R-164**) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$3,358,980.73 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$1,000,648.93

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

ROLL CALL

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

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 #16R-165/**)

1. Approval of Agenda Session Minutes for May 10, 2016, June 14, 2016, June 28, 2016 and July 12, 2016; Approval of Regular Session Minutes for May 10, 2016, June 14, 2016, June 28, 2016 and July 12, 2016
2. A Resolution authorizing Ewing Township Green Team & Ewing Recreation Department to Hold a Bike Ride on September 24, 2016
3. A Resolution authorizing the Conduct of an On-Premise 50-50 Cash Raffle Sponsored by PTO Anthiel Elementary School, Inc.
4. A Resolution authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by PTO Anthiel Elementary School, Inc.
5. A Resolution authorizing the Conduct of an Off-Premise 50-50 Cash Raffle Sponsored by the Victorians of Villa Victoria Academy
6. A Resolution authorizing the Conduct of an Off-Premise Cash Raffle Sponsored by West Trenton Volunteer Fire Company
7. A Resolution authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$179.00 to Vivint Solar, 370 Sullivan Way, Ewing, NJ 08628 for permit at the following address in Ewing, NJ: 49 Harrop Place. The homeowner decided not to have the work completed.
8. A Resolution authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$50.00 to Vivint Solar, 370 Sullivan Way, Ewing, NJ 08628 for permit at the following address in Ewing, NJ: 51 Oregon Ave. The homeowner decided not to have the work completed.
9. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1323.74 for overpayment of August 1, 2016 3rd qtr. taxes, to Nassau Abstract LLC, 110 Main Street, Flemington, NJ 08822, for property owner Alexander, Anne-Marie for Block: 261 Lot: 65 also known as 20 Carolina Ave.
10. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1516.48 for overpayment of August 1, 2016, 3rd qtr. taxes, to Mid-State Abstract Company, 207 Hooper Avenue, P.O. Box 413, Toms River, NJ 08754, for property owner Hartman, Philip J & Levy, Lorell M. for Block: 491: Lot: 46 also known as 10 Darby Ct.
11. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$642.75 for overpayment of August 1, 2016, 3rd qtr. taxes, to Shinn, David, 16 Crown Road, Ewing, NJ 08638, for property owner Shinn, David for Block: 479 Lot: 54 also known as 24 Dunmore Ave due to 2016 County tax appeal. The breakdown of the refund is as follows: Principal = \$639.02, Statutory Interest (NJSA 54:3-27.2) = \$3.73, Total Refund = \$642.75.
12. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1044.31 for overpayment of August 1, 2016, 3rd qtr. taxes, to Louis, Bernard, 169 Greenland Avenue, Ewing, NJ 08638, for property owner Louis, Bernard for Block: 63 Lot: 77 also known as 169 Greenland Ave.

13. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$668.72 for overpayment of August 1, 2016, 3rd qtr. taxes, to Martinez, Blanca, 108 Homecrest Ave., Ewing, NJ 08638, for property owner Martinez, Blanca for Block: 69 Lot: 5 also known as 108 Homecrest Ave.
14. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$376.48 for August 1, 2016, 3rd qtr. taxes, to Stokes, Shawn, 147 Louisiana Ave, Ewing, NJ 08638, for property owner Stokes, Shawn for Block: 160 Lot: 32 also known as 147 Louisiana Ave due to Homestead Benefit credit.
15. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1819.46 for overpayment of August 1, 2016, 3rd qtr. taxes, to e-Title Solutions, 466 Church Street, Hamilton, NJ 08620, for property owner Garon, Hans C. & Kluck, Jessica C. for Block: 214.01 Lot: 44 also known as 107 Nancy Lane.
16. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$561.88 for overpayment of August 1, 2016, 3rd qtr. taxes, to Desouza, Lorraine, 8 Pioneer Ct., Ewing, NJ 08628, for property owner Desouza, Lorraine for Block: 552 Lot: 87 also known as 8 Pioneer Ct.
17. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1654.00 for overpayment of August 1, 2016, 3rd qtr. taxes, to Ubaldo, Prudencio & Carmencita E., 6 Sunglow Drive, Ewing, NJ 08638, for property owner Ubaldo, Prudencio & Carmencita E. for Block: 193.03 Lot: 9 also known as 6 Sunglow Drive.
18. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1241.94 for overpayment of August 1, 2016, 3rd qtr. taxes, to Venditto, David/Ceci, Allegra, 104 Tulip Lane, Ewing, NJ 08638, for property owner Venditto, David/Ceci, Allegra for Block: 193.01 Lot: 128 also known as 104 Tulip Lane.
19. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$250.03 for August 1, 2016, 3rd qtr. taxes, to Melle Kaper, Karel, 72 Upper Ferry Road, Ewing, NJ 08628, for property owner Melle Kaper, Karel for Block: 547 Lot: 23 also known as 72 Upper Ferry Road, due to Homestead Benefit credit.
20. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2184.16 for overpayment of August 1, 2016, 3rd qtr. taxes, to James M. Curran, 86 Washington Avenue, Milltown, NJ 08850, for property owner Guze, John S. & Maria C. for Block: 229.01 Lot: 10 also known as 119 Upper Ferry Road.
21. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1343.71 for overpayment of August 1, 2016, 3rd qtr. taxes, to Prettyman, Thomas III & Stefanie, 28 Van Duyn Drive, Ewing, NJ 08618, for property owner Prettyman, Thomas III & Stefanie for Block: 231 Lot: 41 also known as 28 Van Duyn Drive.
22. A Resolution authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$1264.30 for overpayment of August 1, 2016, 3rd qtr. taxes, to Victoria Abstract Settlement Services, LTD, 1 Howell Road, Freehold, NJ 07728, for property owner Adams, Tariq for Block: 69 Lot: 61 also known as 175 Weber Ave.

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

ROLL CALL

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #16-14) AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING ZONING WITHIN THE TOWNSHIP

President Schroth said that this is an amendment adjusting the zoning plan of the Township in the area around the GM site.

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

The Attorney further explained that this is a Zoning Ordinance that will expand the scope of the existing Town Center area surrounding the GM site and as well as make some tweaks to existing provisions. Once Council introduces this on First Reading, Council will need to direct the Clerk to refer it to the Planning Board so it can then undertake their Master Plan consistency review which must be done for every Zoning Ordinance.

Given the additional explanation from the Township Attorney, there were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Ordinance, seconded by Ms. Steward. President Schroth asked for a roll call.

ROLL CALL

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

2. The Clerk read (Ordinance #16-15) AN ORDINANCE AUTHORIZING THE EWING TOWNSHIP REDEVELOPMENT AGENCY TO ENTER INTO AN AGREEMENT WITH SRI REAL ESTATE PROPERTIES, LLC (SRI) A/K/A SONIC IN WHICH SRI WILL PAY EWING TOWNSHIP, IN LIEU OF FULL PROPERTY TAXES, AN AMOUNT EQUAL TO A PERCENTAGE OF TAXES OTHERWISE DUE UNDER THE FIVE YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ON THE VALUE OF PHYSICAL IMPROVEMENTS MADE

The Attorney explained that this is under the five year abatement law. Sonic, which is situated within the Olden Avenue Redevelopment Area, under the Redevelopment Plan, is entitled to petition Council for a five year abatement on the value of the improvements above and beyond the existing assessment on the property. The newly assessed value will be phased in over a period of five years in twenty percent increments – twenty, forty, sixty, eighty - with one hundred percent being due in the sixth year. This is a fairly standard application from applicants within the Redevelopment Area. Council has approved a number of these. It has to be done by Ordinance.

Councilman Baxter said that it was mentioned earlier that Sonic did request the abatement in a timely fashion.

The Attorney responded that the request had to come in to the Assessor's Office within thirty days after the completion of construction. Sonic did that. They applied last November 2015. But, during the ensuing months, they were negotiating with the Redevelopment Agency various other aspects of their redeveloper's agreement. The Agency did not approve the abatement so that it could be forwarded to Council until they concluded those negotiations. It was not until late July the Agency passed a Resolution approving the abatement and asking Council to adopt an Ordinance.

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

ROLL CALL

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

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

(None for this Meeting)

NEW BUSINESS

1. The Clerk read (**Resolution #16R-166**) **A RESOLUTION ADOPTING THE MERCER COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

The Attorney explained that this is the hazard mitigation plan that has been worked in conjunction with the County through the Office of Emergency Management. Every town is required to have one to be eligible to petition FEMA for reimbursement in the event one of these hazards occurs.

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

ROLL CALL

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

2. The Clerk read (**Resolution #16R-167**) **A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. (“CB&I”) TO SERVE AS THE TOWNSHIP LICENSED SITE REMEDIATION PROFESSIONAL IN ACCORDANCE WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS**

The Attorney explained that Crystal Leavy was the LSRP the Town had engaged through her prior firm; she has moved to CB&I. Council has already approved one engagement with her for the 4th Street Garage site. This is for the incinerator site. Both sites are under DEP oversight and as a result the Township is required by law to have a LSRP to oversee monitoring of the site. The 4th Street Garage is almost concluded and will soon be released from DEP oversight. However, the incinerator site is more complicated. This is a one year professional services contract, not to exceed \$75,000. It is anticipated that in the coming year, the Administration will have to come back before Council to amend this contract to include additional expenditures for other services. This will cover the initial reports that the LSRP will have to file with the DEP.

President Schroth clarified that this contract amount is for \$5,000 not \$75,000.

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 Ms. Steward. President Schroth asked for a roll call.

ROLL CALL

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

3. The Clerk read (Resolution #16R-168) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO AN AGREEMENT WITH THE EWING-LAWRENCE SEWERAGE AUTHORITY, RICHARD SFERRA & ROBERTA SFERRA AND THE TOWNSHIP OF HOPEWELL FOR THE PROVISION OF SEWER SERVICES FOR 24 BRANDON ROAD EAST

The Attorney said that these are fairly standard. Whenever a site in Hopewell seeks to use Ewing's pipe and infrastructure for sewer, it requires Ewing's authorization because it will come out of Ewing's allotment and goes through Ewing's pumping station and infrastructure to get to ELSA.

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

ROLL CALL

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

4. The Clerk read (Resolution #16R-169) A RESOLUTION APPROVING CHANGEORDER NO. 2 FINAL TO RICHARD T. BARRETT PAVING COMPANY FOR THE 2015 ROAD IMPROVEMENT PROGRAM

The Administrator said that this is an additional contract based on low black top prices last year. We had money left over to reallocate and repaved Watson Park's parking lot, Banchoff Park's parking lot, and LiMato Field's parking lot.

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

ROLL CALL

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

5. The Clerk read (Resolution #16R-170) A RESOLUTION GRANTING PATRICK WESNER PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA949) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT NOVEMBER 1, 2016

President Schroth said that this is fairly routine. It authorizes a retiring officer to retain his service firearm.

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

ROLL CALL

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

- 6. The Clerk read (Resolution #16R-171) A RESOLUTION AUTHORIZING THE PURCHASE OF PORTABLE RADIOS FOR USE BY WEST TRENTON FIRE COMPANY FOR THE TOWNSHIP OF EWING FROM MOTOROLA SOLUTIONS #83909 THROUGH STATE CONTRACT T-0109(expires 04/30/2018)

The Council President said that this is something that has already been provided for as part of the Capital Budget. The other two firehouses already purchased these radios; it is West Trenton’s time to get theirs.

The Administrator added that these had to be purchased in order to work with the County’s new central communication system and to comply with new FCC rules. We had to upgrade or update them; most of them could not be so we had to purchase new radios.

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

ROLL CALL

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

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business President Schroth called for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Ms. Steward. The meeting was adjourned at 9:19 p.m.

David P. Schroth, President

Kim Macellaro, Municipal Clerk