

July 26, 2016 – AGENDA SESSION MINUTES

President Schroth 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 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 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

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| ▪ Mr. Baxter – Present | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney |
| ▪ Ms. Steward – Present | Robert Mannix, Township Engineer |
| ▪ Ms. Wollert – Present | Susan Bate, Deputy Municipal Clerk |
| ▪ President Schroth – Present | |

PRESENTATION

1. Presentation on Alterations and Renovations taking place at Hollowbrook Community Center – Laurence Uher, Vice President – Netta Architects

President Schroth introduced Laurence Uher, Vice President at Netta Architects.

Mr. Uher said that, at the request of the Mayor, he will be giving a brief presentation on the ongoing renovation work at the Hollowbrook Community Center. Mr. Uher said that he is happy to say that the asbestos work will be wrapped up this Friday. The roofing work, being done through Remington Vernick, is also underway with little to no issues and should be wrapped up shortly.

Mr. Uher began his presentation by saying that the only work being done on the 1990 addition to the building is an exterior stair from the computer room on the second floor that is being added for emergency egress purposes. The rest of the building is being completely renovated. Mr. Uher then gave a detailed account of some of these renovations. Exterior renovations include: the replacement of all windows, all aluminum exterior doors and frames and hollow metal doors; the “greenhouse” glass enclosure that is the current main entrance is being replaced with a new standard construction design utilizing the existing foundation. Site work is limited to replacing the concrete sidewalks between the two main entrances to make it ADA compliant. There is a lot of work being done on the building interior; a lot of the interior demolition has already been done because of the asbestos work. Interior renovations include: the replacement of all ceilings, lighting, and flooring. There is an alternate bid to replace the food service equipment in both kitchens. Plumbing fixtures are being replaced in four child restrooms and in the second floor public restroom. The double doors out of the computer room are being replaced for code compliant reasons. Mechanical/electrical renovations include: the replacement of the boiler, the three roof top units, the condensing unit, and the two

mechanical units within the building. New duct work is being installed. All emergency exit lighting is being replaced. There will be a new ADA unisex bathroom installed outside the Community Room on the first floor. Four of the classrooms have sinks and cabinets; those are being replaced in kind. All interior doors are being replaced, the wood stairs are being reinstalled outside the stage, and the entire facility is being painted. Mr. Uher then mentioned the three alternate bids: the first alternate bid is to replace the food service equipment in both kitchens. The second alternate bid is to include mini blinds between the window glass and a third is to replace the finish within the elevator cabinet. Mr. Uher then presented photos of the existing condition of the building and further explained some of the renovations.

Councilman Baxter asked if the high windows in the first floor Community Room are staying as they are.

Mr. Uher replied that the windows will be replaced in kind; the new ceiling will be above the new windows.

Councilman Baxter and Mr. Uher then discussed the "greenhouse" entrance which will be made ADA compliant if not already.

Councilman Baxter asked what happens if you are not able to match the high windows that are currently in the first floor Community Room.

Mr. Uher replied that we will not be able to get the same manufacturer but we will get the same profile and the same color.

Councilman Baxter stated that this will only function as one large room as they got rid of the partition.

Mr. Uher said that that is the way it is used now. The partition had to come down because of the asbestos. Rachel said that they would rather have one large space.

In terms of the second alternate bid, Councilman Baxter asked what is the need for mini blinds between the windows along with regular blinds.

Mr. Uher replied that the base bid is to install new windows with normal blinds if the Township wants blinds. There is an alternate bid to put blinds between the glass. It is an additional cost but does have additional functionality - these blinds never have to be cleaned. It will be for every window on the property if that alternate bid is selected. Mr. Uher then explained that alternate bids must now be taken in a specific order; you can not choose which alternate to take. It was agreed that the first alternate bid is the food service equipment as it is most needed, the second is the window blinds and the third is to replace the finish inside the elevator.

Councilman Baxter then asked if the elevator is properly functioning.

Mr. Uher responded that it is not an old elevator, it was installed with the 1990 upgrade. It only needs to be refinished.

Councilman Baxter said that he thought there were signs of asbestos in the library.

Mr. Uher replied that the library is not part of the 1990 addition.

Mr. Uher then stated that the bids are due next week on August 3rd. There are two completion dates. The majority of work must be done by December 16th. There is a long lead time for windows industry wide so the windows must be replaced by February 1st. Windows will be replaced during off hours - one or two rooms will be done per night. The cost for doing this off hours is part of their bid.

Councilwoman Keyes-Maloney, Councilwoman Wollert and Mr. Uher then discussed the energy efficiency of the windows and the mini blinds if that alternate bid is chosen.

At the request of Councilwoman Keyes-Maloney, Mr. Uher then discussed the extent of the food service equipment alternate bid.

At the request of Councilman Baxter, Mr. Uher further discussed the restroom renovations.

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

DISCUSSION

1. A RESOLUTION AUTHORIZING THE RENEWAL OF THE KIDSBRIDGE, INC. LEASE AT THE EWING SENIOR AND COMMUNITY CENTER

President Schroth explained that this a one year renewal of the contract with Kidsbridge that provides anti-bullying programs. Kidsbridge is required to provide services to at least two hundred Ewing children and then once that number is reached it is open to negotiation.

Councilwoman Keyes-Maloney asked if we have any idea if the School District is consistently using the two hundred.

The Administrator replied that they are not quite at two hundred, but they make good use of it. The program is well received. It is a free service to us and sadly the service is needed.

Councilwoman Keyes-Maloney said that this program also includes character and school climate training. It satisfies the State requirement. It is a nice way to partner with the School District and to provide a shared service.

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

2. **A RESOLUTION AUTHORIZING A CHANGE ORDER TO CONTRACT FOR THE PROVISION OF DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENT, BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES IN CONNECTION WITH THE REMOVAL OF ASBESTOS CONTAINING MATERIAL AND RELATED RENOVATIONS AT THE HOLLOWBROOK COMMUNITY CENTER**

The Attorney explained that this is a fairly small change order in terms of the total contract amount. \$1,500.00 for consumables – masks, gloves and suits - that they have to put on everytime they go into an asbestos contaminated facility. The total contract is for \$298,000.00.

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

3. **A RESOLUTION APPROVING JESSE COLLINS III AS A SENIOR FIREFIGHTING MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY NO. 1**

President Schroth said that this is self-evident. There has been a campaign for the past year or two to encourage new membership in our fire departments. It has been paying dividends.

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

4. **A RESOLUTION APPROVING SUZANNE L. ADAMS AS A SENIOR FIRE POLICE OFFICER MEMBER OF THE WEST TRENTON VOLUNTEER FIRE COMPANY NO. 1**

President Schroth said that this is self-evident and part of our campaign to encourage new membership.

Councilman Baxter asked what are the qualifications to become a Senior Fire Police Officer member and what is their job.

The Administrator listed the necessary qualifications and described the job.

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

President Schroth announced that there is a walk-on item.

5. **A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO RICHARD T. BARRETT PAVING COMPANY FOR THE 2016 EWING TOWNSHIP ROAD IMPROVEMENT PROGRAM IN THE TOTAL AMOUNT OF \$1,549,260.64**

The Attorney said that bids were opened this morning. This is a Resolution to award the contract to Richard T. Barrett Paving Company in the total amount of \$1,549,260.64. That includes the base contract plus two alternates. Included in Council's packet is the breakdown of their pricing as well as the scope of work. Five bids were received, Barrett was the lowest whether or not the alternates were included. The highest bid was from Cardinal Contracting at \$2,336,117.74.

President Schroth said that Barrett Paving is a company the Township has dealt with before and they do excellent work.

The Administrator added that the Township is very happy with their work. We have not had to call them to come back and do repairs.

The Township Engineer added that they are a local company based out of Trenton with a very hands-on owner. We have had nothing but a great experience with them. They did Mountainview Road and last year's Road Improvement Program and came in under budget so we were able to add some work in the parks. They are a good contractor. The Engineer said that he spoke with the owner this afternoon and confirmed with him that he is comfortable with the numbers he submitted.

The Administrator said that in the capital budget approved earlier this year, we asked for two million dollars based on estimates of black top pricing at that time. Whatever the reasons, this came in about \$450,000.00 less so we were able to take all the various projects floated by the Mayor, the Engineer, Council, and others. It will be an aggressive paving project. The sooner we get started, the better - before prices increase.

President Schroth asked how soon can this get started assuming the Resolution is adopted.

The Township Engineer responded that he hopes the project would start mid-August to try to beat some of the school traffic. The focus will be on the main roads most heavily traveled by the buses.

The Administrator added that Greenland Avenue was removed from the list as PSE&G will be replacing gas lines. We are not going to pave and then have it dug up.

Councilman Baxter asked the Administrator if he had a chance to look at the walkways at Moody Park.

The Administrator replied that there is a separate Public Works budget for that. It will be looked at as well now that we know the price for paving the roads.

The Township Engineer, the Administrator and Councilman Baxter then discussed some of the other areas in need of paving and others that have recently been paved or patched.

Vice President Steward said that some of the frequently requested speed humps are included.

The Administrator said that the neighbors have requested the speed humps many times to protect children in the area and Public Safety personnel have opposed it as speed humps slow response time. We will try to reach a balance.

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

All items were approved for action.

ALCOHOLIC BEVERAGE CONTROL MATTERS

- 1. A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PONTORIERO MICHAEL J. PONTORIERO GEORGE L. T/A WEST TRENTON FINE WINES AND LIQUORS (1102-32-023-006); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO WEST TRENTON FINE WINES AND LIQUORS, INC.**

The Attorney said that this is a fairly routine person-to-person transfer within that particular establishment.

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

- 2. A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF BIG E. LIQUORS, INC. T/A BIG E. LIQUORS (1102-44-003-006); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO BIG E. LIQUORS TWO, LLC**

The Attorney said that this is the same type of transaction as the previous item.

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

Both items were approved for action.

BILLS LIST

The Council President presented the Bills List for review.

1. **A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,285,845.14 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$8,483.03**

Councilwoman Keyes-Maloney thanked the CFO and her staff for the descriptors.

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

The Bills List was approved for action.

CONSENT AGENDA

Council President Schroth presented the Consent Agenda for review.

1. **Approval of Special Session Minutes for April 19, 2016; Approval of Closed Session Minutes for May 12, 2015, June 9, 2015, October 13, 2015, October 27, 2015, February 9, 2016, February 23, 2016, April 12, 2016, May 24, 2016**
2. **A Resolution Authorizing the Conduct of an On-Premise 50-50 Cash Raffle Sponsored by Central and south Jersey Affiliate of Susan G. Komen for the Cure**
3. **A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by Central and South Jersey Affiliate of Susan G. Komen for the Cure**
4. **A Resolution Authorizing the Conduct of an On-Premise 50-50 Cash Raffle Sponsored by Central and South Jersey Affiliate of Susan G. Komen for the Cure**
5. **A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by Central and South Jersey Affiliate of Susan G. Komen for the Cure**
6. **A Resolution Authorizing the Conduct of an Off-Premise 50-50 Cash Raffle Sponsored by Prospect Heights Vol. Fire Co. #1**
7. **A Resolution Authorizing the Islamic Center of Ewing to Hold a Block Party/Road Closing on August 27, 2016**
8. **A Resolution Authorizing the Teal Tea Foundation, Inc. to Hold its Annual 5K Run on September 18, 2016**

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

The Consent Agenda was approved for action.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

(None for this Meeting)

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney said that there is good news from the Arts Commission. The Elks have been awarded a \$2,500.00 grant for the art show they do in coordination with the Arts Commission twice a year. Councilwoman Keyes-Maloney remarked that she had the opportunity to host a Green Team energy discussion last evening.

A number of folks from the Glendale Civic Association attended; both those who had energy improvements done in their homes and those that are looking to do it. It was a robust discussion.

Councilman Baxter said that the Recreation Advisory Board is on hiatus for the summer and added that the Moody Park Basketball League playoffs have started. Tomorrow is the semi-final games and Thursday will be the Championship. The Ewing High team is in the semi-finals. The games will be tomorrow at 7:00 and 8:00 at Moody Park unless it rains; then it will be at Ewing High School.

Vice President Steward said that the Green Team met last week to review their Sustainable New Jersey submission. The Green Team submits to Sustainable New Jersey actions that the Township has taken to become a more sustainable and environmentally friendly community. The Green Team submitted forty-five actions; thirty-four were approved outright; eleven we will have the chance to revise and earn more points. We earned 340 of the 350 points needed for Silver Certification. We are well on our way to Silver Certification. It is a great credit to the Mayor, the Administration and to all those who have worked so hard.

President Schroth asked what is Silver Certification.

Vice President Steward replied that, if obtained, the Township will be honored at the League of Municipalities Conference and awarded Silver Certification in November. It is a great credit to our town - competing with towns that have many more resources as ours is mostly a volunteer operation. It is a great credit to be able to submit so many points so quickly and on our first submission.

Vice President Steward then mentioned that the Ewing Fall Spin, a bike tour, will be held on Saturday September 24th. Registration forms are on the Green Team website. This year it will start and end at John Watson Park.

Councilwoman Wollert reported that the senior clubs are on hiatus for the summer. However, there are plenty of activities available during the summer at the Senior Center.

President Schroth announced that National Night Out will be on August 2nd at 6 p.m. at the Ewing Senior and Community Center.

Councilwoman Keyes-Maloney added that it is an opportunity for community groups to expose the Community to everything that is going on. The idea is that, for a least one night, we are all out of our homes sharing a sense of community for the purpose of fighting back against crime.

Councilman Baxter stated, in terms of Sustainable New Jersey, there is bronze, there is silver and there is gold certification.

Vice President Steward replied that there is no gold certification. Silver is the highest.

The Mayor said that he will not be attending National Night Out as he will be on vacation. The Administrator will be at the event.

There were no additional Commission and Committee reports from members of Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Judith Peoples (295 West Upper Ferry Road) stated that she is happy to see that the minutes are more current and then said that with today's technology there has to be a better way for minutes to be implemented.

Ms. Peoples then asked if the Hollowbrook report that Council heard earlier tonight will be made available so the Public can view it.

President Schroth responded that it is a brand new report and said that he is not sure it is something that has been put in paper form and publicized.

Ms. Peoples commented that the report is not secret.

President Schroth responded that it is not secret which is why we had a presentation tonight.

Ms. Peoples then commented that there were not many people present tonight to hear the presentation.

The Council President said that it is always unfortunate; we wish the Council Room was full for every Council meeting.

Ms. Peoples mentioned the Benjamin Temple House and asked Council to consider implementing some handicapped access to the historic building.

Maureen Makin said that two weeks ago, at the Council meeting, she spoke about an incident at Dollar General. Ms. Makin said that she has not yet heard back from the Officer but she did speak with the District Manager.

President Schroth asked Ms. Makin if that was something new since the meeting two weeks ago.

Ms. Makin replied that she spoke with the District Manager for Dollar General who said that he saw the video and did not see anything on the footage. Ms. Makin then asked if that Dollar General is only for Ewing residents; you do not want anyone else to go there.

President Schroth replied that it is a public store; anyone can shop there.

Ms. Makin said that the reason she is here this evening is the way she was treated. Ms. Makin said that she had not heard back from the Officer regarding the video footage from Dollar General. Ms. Makin then said that if anyone can go to that store, then everyone has to be treated with the same rights. And, if that does not happen, someone has to say something about it. Ms. Makin said that she sees a pattern. Ms. Makin said that it would help to have a Community Center for rape and domestic violence survivors.

President Schroth thanked Ms. Makin for her comments and said that Council is deeply sorry for what she experienced and added that there are numerous support groups for people who have gone through what she has experienced. Council will explore our options with regard to her suggestion although anytime you have to build something new it is costly to the taxpayer.

Mr. Makin responded that she does not believe that a new store would cost that much money. And, the Public can be reached in multiple ways and that does not have to cost much money. Also, those resources you mentioned for survivors are not always available to everybody.

Arthur Muckerson (Commander, VFW Post 7298 - 293 Green Lane) stated that he was not at the last Council meeting because he had not been notified. The Quartermaster, Robert McNeil, came to that Meeting and agreed to stipulations on our license. He was not authorized to do so. The Commander stated that he was not even aware of these stipulations. Commander Muckerson said that the Post had been closing at 11:00 p.m. and the Quartermaster agreed to closing at 10:00 p.m. 10:00 p.m. is something that we really cannot do – by closing at 11:00 p.m, we were trying to keep the young people out of trouble. With some of the conditions that were imposed on us, we are about ready to close the door. We use proceeds from the Hall to make donations to organizations that help disabled veterans. Commander Muckerson said that he wants to sit down with Council and the Police Chief to work this out; to have a framework set-up so the Post can operate. These conditions are not “right” because the Quartermaster did this without the Commander’s knowledge. The Commander added that he has been to other Posts in the Township and they do not have these stipulations. The Commander said that there is nothing that the Township has requested from the Post that the Post has not done for the Township. The Commander emphasized that the Post just wants to work this out. The Post does not want to be a nuisance to the Community, but rather a help to a lot of people who are in need.

President Schroth said that the Township is willing to listen to and to talk with the VFW just as the Township is willing to listen to and talk with any resident or organization within the Township. The VFW is an important member of the Township; we value your service to our country and to our Community. Council President Schroth mentioned that, generally, as part of the public record, the VFW has been subject of many many complaints. The VFW has a club license, and must abide by those requirements. President Schroth then mentioned an advertisement for an event to be held at the VFW Hall that indicated a 2:00 a.m. closing time and then asked why is this given the agreement just entered into with the Township and the fact that the Commander just mentioned that he would be happy with the before agreement 11:00 p.m. closing time. President Schroth stated that we are happy to entertain anything that the Post wants to address with the Township. But, this is a two-way street. We have to operate within the law. The Township and the VFW each have to honor the community that honors them. We are happy to revisit this, but for the time being, this is the status quo.

The VFW Commander responded that the canteen and the hall are two separate things. The canteen closes at 11:00 p.m.; the canteen is where we serve our alcohol. Regarding the Hall, we have revisited our procedures. There is a committee now. Any time there is an event in the Hall, someone from the Post is there while the Hall event is going on.

President Schroth asked the Commander if he proposes that the Hall can stay open until 2:00 a.m.

The Commander responded that he proposes to meet with the Township and settle on a reasonable time which will then be put into the hall contract.

President Schroth asked how it is that the Post is holding an event advertised to close at 2:00 a.m.

The Commander discussed the amount of money the Post has lost because of this and again mentioned that because the Quartermaster did not tell us, we did not know of these stipulations. 11:00 p.m. is a reasonable time for the canteen to shut down, it is the Hall closing time that needs to be discussed.

The Administrator said that he will have a meeting set-up as soon as possible and then added that he assumes the VFW is addressing, internally, the issue of a member coming before Council without permission and said that he does not know how this happened with everything that goes into a license renewal.

Commander Muckerson stated that he addressed it and has also spoken with the Township Clerk who said that she made a mistake by addressing the letter to the Quartermaster instead of the Commander. Even so, after the meeting, the Quartermaster should have come back to the Post and told us what happened.

President Schroth said that this is unfortunate.

Vice President Steward added that we pulled the minutes from that meeting; we asked repeatedly that the Post was on board.

President Schroth said that we were under the distinct impression that this was something that everyone agreed to.

Senior Vice Commander Julius Nelson said that we only found out about these stipulations last Thursday. The Body does not even know about it yet. Our concern is that we must tell the Body. We do not want to be “punished” because we do not have the information in order to notify the Body.

Councilwoman Wollert asked what prompted Mr. McNeil to be the contact person with our Clerk.

The Commander responded that Mr. McNeil is the Quartermaster; he pays the bills. The Clerk knew him in that respect and she inadvertently addressed the letter to him instead of me. It is not entirely her fault as Mr. McNeil should have notified me; which he did not.

Councilwoman Wollert stated that Mr. McNeil would have paid the license fee.

The Attorney said that the Clerk was advised by Mr. McNeil to direct the letter to him. The Clerk responded correctly – she did reach out and asked to whom the letter should be addressed.

The Commander thanked the police officers for the courtesy call; adding that they could have just shut us down.

The Attorney said that she just wanted to remind Council that this is a club license. It has very specific and unique requirements imposed on it by the State ABC. It is unlike any other type of license. You have a lot of flexibility because you are a club. By the same token, you are not really open to the Public for purposes of serving alcohol and holding events. This was all triggered because the Police went out and found a number of violations related to the Club license itself. The proposed conditions came to the Clerk as recommendations from the Police Department. It is important for Council to remember that all of this came about because there were problems with the club license itself. Any dialog between the VFW and the Township needs to get back to the fact that as a Club licensee there are very specific requirements that must be followed. A lot of the conditions imposed on this licensee are actually ABC regulations. Other conditions are based on recommendations that came about from complaints received by the Police Department.

President Schroth said that we want to resolve all of these issues.

Councilwoman Keyes-Maloney said that the baseline does come down to the requirements of the club license.

The Mayor said that the Commander knows that he is one of the VFW’s biggest fans and appreciates all that the VFW does for the Township. The Mayor then added that he does not want anyone to infer that the other Clubs in Town do not have to follow the rules. The Mayor said that, speaking only for himself, every time he visits another Club, he has to be invited and has to sign the book.

The Commander apologized. He did not mean to imply that other organizations in Town did not follow the rules and then said that he sees now that there are some things that the VFW has to correct.

Mark Elliot (1048 Terrace Boulevard) stated that on June 22nd he heard screaming and saw three women and their dogs being attacked by a pitbull. One dog was completely mauled. It was a bad situation. Two weeks later another woman was attacked by a pitbull on Hamilton Avenue. This happens more than you think. It is a problem. Mr. Elliot said that there are many pitbulls in his neighborhood; people are afraid to take walks since this happened. Mr. Elliot said that he is not against animals. He knows pitbulls can be good dogs; they just require special attention. You just do not know if the owners are capable of handling them. Mr. Elliot said that with so many pitbulls in the area, it is going to happen – someone is going to get killed. Mr. Elliot stated that he wants Council to consider some sort of limitation on the ownership of pitbulls as well as mandatory neutering so we do not keep

breeding these dogs. Mr. Elliot suggested a special license that shows the owner has the proper fencing for one of these dogs and then mentioned the special license required in Aurora, Colorado.

President Schroth thanked Mr. Elliot for coming tonight and sharing this and said that we are sorry that you had this traumatic experience. We will speak with Counsel and explore this.

Mr. Elliot asked what does that mean.

President Schroth explained that whenever an Ordinance is adopted, restrictions are placed on certain people. We have to balance these things and make sure that what is being done is permissible under the law. Any law has to withstand judicial scrutiny. All laws have their limits. We need to discuss this with Counsel and evaluate it to see what has happened in other communities. To see which laws were challenged, which laws were upheld and then see if it is appropriate for Ewing Township.

Mrs. Elliot (1048 Terrace Boulevard) said that her husband forgets to mention how heroic he was and stated that we are afraid – we only go to the car and do not use our front lawn. That owner was not at home and had not secured the fence. The dog was left outside by himself and jumped the fence. Mrs. Elliot said that her husband decided to come tonight because the very next day, there was a pitbull roaming the street in front of their house. Two doors down, there is another pit that jumps the fence. It is an issue in their neighborhood.

President Schroth said that we will explore this, but you can use your discretion and report that owner to the Police or Animal Control. There is a leash law.

Mr. Elliot handed the Township Attorney information on Aurora, Colorado and then asked how can he follow up on this process to make sure that it does not just die.

President Schroth said that you can follow up with the Township Clerk to see if there is anything on the Agenda or you can follow up with Administration.

Councilwoman Keyes-Maloney added that you can also reach out to any of us – we all have email addresses. It does require a bit of research. State law also applies. There are also examples from other jurisdictions that have pursued this. You are speaking about two different things: One is the regulation of a breed and the other is training - to make sure owners have the resources to manage that breed. Education is a much larger issue and may be better handled through partnerships instead of legislation. There are things we can do and things we cannot do – part of it is learning the landscape.

President Schroth said that the reason we have to do a legal analysis is that the Township could be sued if we were to implement an Ordinance that was found to be unconstitutional. The taxpayers would then have to foot the legal bill. It is always a balancing act.

Mr. Elliot responded that the safety of the Public is important and said that he wants to keep following up on this.

Councilwoman Keyes-Maloney responded with an example of the process involved – the recent Ordinance concerning the proper care of dogs in extreme temperatures - and then said that we will work through this.

President Schroth asked Mr. Elliot to stay involved; we want Ewing to be a better place.

There were no additional questions or comments from the Public.

Councilman Baxter pointed out that two police officers involved with ABC issues are in attendance.

President Schroth asked the Officers if they had anything to add regarding the VFW matter.

One of the Officers asked what is going to happen.

President Schroth responded that we will schedule a meeting and figure it all out.

Mr. Papp responded to Councilman Baxter's questions regarding who he spoke with at the VFW regarding the sanctions and also who in the Police Department put forward the initial recommendations for sanctions.

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Schroth asked for a motion to adjourn. Ms. Wollert so moved seconded by Ms. Keyes-Maloney. The meeting was adjourned at 8:23 p.m.

David P. Schroth, President

Susan Bate, Deputy Municipal Clerk