

August 12, 2014 – AGENDA SESSION

President Baxter called the meeting to order at 6:30 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 1st day of July, 2014.

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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| ▪ Ms. Keyes-Maloney – Present | Jim McManimon, Administrator |
| ▪ Mr. Schroth – 6:39 p.m. | Maeve Cannon, Attorney |
| ▪ Ms. Steward – 6:35 p.m. | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Baxter – Present | |

The Clerk stated for the record that Mr. Schroth called and said that he will be about ten minutes late. The Clerk said that she has not heard from Ms. Steward.

President Baxter announced that the Agenda order is going to be switched. Item #2 under Discussion will be first.

DISCUSSION

2. AN ORDINANCE AMENDING THE TOWNSHIP OF EWING ZONING MAP TO REZONE PROPERTY LOCATED AT BLOCK 423.04, LOT 12 FROM OP-1 TO RM/R-TH

Charles Latini (Township Planner) stated that this is part of our clean-up of the Township Land Development Ordinances. Mr. Latini explained that we have looked at this site off Scenic Drive for a number of years. It was “spot” zoned out of what is presently seen along Scenic Drive to be office space. It is a slender piece of property that has no marketability; for the past twenty years it has been marketed as office space with no success. Mr. Latini then said that we thought it should be rezoned as residential multi-family to be consistent with the rest of the properties along Scenic Drive. Mr. Latini then described the property and said that this rezoning would be consistent with the Master Plan.

President Baxter asked if the original use for this site was senior citizen housing.

Mr. Latini replied yes, originally, there was an approval for a senior citizen town house complex but the market dried up for that style of senior housing.

President Baxter asked if the recommendation is for Council to send it to the Planning Board.

Mr. Latini replied yes; to send it to the Planning Board for comment and then move forward from there.

There were no additional questions or comments from Council.

President Baxter then stated that since Mr. Latini is here, the next item to be discussed will be Ordinances for Second Reading, Public Hearing and Final Adoption Item #1.

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

1. AN ORDINANCE AMENDING THE OLDEN AVENUE REDEVELOPMENT PLAN

Mr. Latini (Township Planner) stated that when the Olden Avenue Redevelopment Plan was originally drafted, there were some elements of the Plan that we tried to be pretty strict on as we wanted to take away from the auto dependency of the roadway. Wholesale uses were deleted; particularly, those more geared to the automobile such as drive-thru businesses. Existing businesses with a drive-thru were grandfathered. Mr. Latini then explained that over the past several years a number of developers wanted drive thru services. Because Olden Avenue will never become a quaint main street, rather than wholesale deny these developers, we decided to come up with a way to allow drive thru services without destroying the intent of the Plan which was to make the Avenue safe for pedestrians and bicyclists. Mr. Latini then said that we are going to allow drive-thru services with conditions as a permitted use. Mr. Latini then described these conditions. Mr. Latini then said that this Ordinance also includes a number of housekeeping items and language tweaks. Mr. Latini then described both the housekeeping items and the language tweaks.

There were no questions or comments from Council.

The Attorney stated that the tweaks made by the Planning Board are not considered significant changes and would not necessitate another advertisement and public hearing.

Council then discussed Item #1 under Discussion.

DISCUSSION

1. ORDINANCE REAPPROPRIATING \$35,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE, IN ORDER TO PROVIDE FOR THE PURCHASE OF TWO (2) JEEP PATRIOT SPORT SUV'S FOR USE BY THE HEALTH DEPARTMENT, IN AND FOR THE TOWNSHIP OF EWING, COUNTY OF MERCER, IN THE STATE OF NEW JERSEY

The Administrator explained that in the past the Township bought new vehicles for the Construction Department and then passed down their "old" vehicles to the other departments. At the moment, there are no vehicles to be passed down and the two vehicles currently used by the Health Department have been deemed unsafe. The Administrator then said that the Administration asked the CFO to look at the capital budget and see if there was any unspent money that could be used. The Administrator then described where the money was found in the capital budget to purchase these two vehicles.

The Mayor then clarified a statement made by the Administrator that the two Health Department vehicles were unsafe. The Mayor stated that these vehicles are safe to drive. The issue is that, as these vehicles are older, it is difficult to find parts and maintenance takes longer.

President Baxter asked if one of these vehicles is for Animal Control.

The Administrator replied no, the Animal Control vehicle has already been ordered.

There were no additional questions or comments from Council.

3. AN ORDINANCE AMENDING THE EWING TOWNSHIP SALARY ORDINANCE ESTABLISHING THE SALARY AND POSITION OF MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR

The Attorney explained that this position already exists in the Township ordinances and is required by State statute. It is appointed by the Mayor for a three year term. The Attorney then explained that the job had been done internally but now the Administration has decided to create the position. As it is in the unclassified civil service, the position has to be added to our salary ordinance.

President Baxter asked if the position already exists.

The Attorney answered that the position is listed in the Township ordinances.

President Baxter then asked about the qualifications for the position and what does it entail.

The Attorney replied that the person has to take and pass a number of classes within their first year. The Attorney then read from the job description of the emergency management coordinator as listed in the Township ordinance. The Attorney added that this person will coordinate the emergency response with all levels of government.

The Mayor stated that the need for this was brought to light during the gas explosion; three individuals shared responsibility during that emergency response and even though everyone did a magnificent job and everything was under control, it was clear that these three individuals were starting to go in different directions. It would have been better for one person to coordinate the response. The Mayor added that we also need better coordination with our bigger corporations as well as with the various transportation services especially given the new Town Center which will have a higher density than we have had before.

President Baxter asked if this person will have a staff.

The Mayor replied that the staff will be whoever is on the emergency management team – police, fire, EMS, health etc.; but there will not be any clerical support for this position.

President Baxter added that this person will be on call twenty-four seven.

Councilwoman Wollert stated that she thought that the Police Chief was appointed as the Emergency Management Coordinator. Councilwoman Wollert then stated that she understood why this position is needed. Councilwoman Wollert asked if this position is at the pleasure of the Mayor and can this position be abolished at any time.

The Attorney replied that it is a three year term. Once appointed, the person can only be removed for the following reasons: failure to keep up with the required classes, no longer live in the Township or replaced by a shared services agreement. Otherwise, the person can only be removed for cause by the Governor. The Attorney explained that because this position coordinates with state, county and local governments the position shall not be at the pleasure of the Mayor; it should be free of any politics.

Councilwoman Wollert then asked if this position only exists during a stated emergency in the Township or is it an ongoing position participating in educational efforts.

The Mayor replied that it is a full time position; the emergency management coordinator will provide education and go to state and/or county emergency meetings. The Mayor added that in the past the Police Chief was the emergency coordinator, but due to the duties of the Police Chief running the Police Department, meetings were missed; things were not done that should have been done. The Mayor stated that he then split this duty between three people but that did not work very well.

Vice President Keyes-Maloney asked who provides the training and what does this training entail.

The Attorney replied that the training is provided by the State and said that she believes that it is provided by the Department of Community Affairs.

Vice President Keyes-Maloney asked how long does the appointee have to pass all the required training.

The Attorney replied one year.

The Mayor added that the person that is being looked at is well qualified and has been in this type of role for over twenty years on the private industry side.

President Baxter asked if this person is versed in all areas – police, fire, EMS, health.

The Mayor replied, yes.

Vice President Keyes-Maloney asked if the required training will fill the gaps between how the job is different between government and private industry.

The Mayor replied yes, but the job is basically the same whether in the private or the public sector.

Vice President Keyes-Maloney asked if there will still be an emergency council.

The Mayor answered that this individual will not be working alone; other departments such as Police, Fire, EMS, Animal Control, Construction and even the schools will be involved. This person formulates the plan and then everyone will have a say in finalizing the plan.

There were no additional questions or comments from Council.

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

The Administrator explained that this is an annual grant that the Township receives for bullet proof vests.

There were no questions or comments from Council.

5. A RESOLUTION TO ADOPT THE PROVISIONS OF CHAPTER 48 (N.J.S.A. 52:14-17.38) UNDER WHICH A PUBLIC EMPLOYER MAY AGREE TO PAY FOR THE STATE HEALTH BENEFITS PROGRAM (SHBP) AND/OR SCHOOL EMPLOYEES' HEALTH BENEFITS PROGRAM (SEHBP) COVERAGE OF CERTAIN RETIREES

The Attorney explained that this Resolution pertains to employees hired after September 1, 2014. These employees will have to be employed by the Township for a minimum of fifteen years to be eligible to retire under the Township's retirement. Someone will not be able to be employed in another municipality for twenty-four years, leave and then be here for only a year and then retire.

The Mayor added that the Township has this situation now. We have employees that have the bulk of their service in another Town. We are responsible for all those previous years. This says that if you work less than fifteen years for the Township, the Township will not be responsible for the reimbursement of Medicare Part B, prescription drugs and other health programs. The Mayor said that calculations show that the Township will save \$21 million dollars over twenty years by making this change.

There were no questions or comments from Council.

6. RESOLUTION AUTHORIZING A REVIEW OF COMPLIANCE WITH PRIOR ANNUAL CONTINUING DISCLOSURE OBLIGATIONS AND PARTICIPATION IN THE SECURITIES AND EXCHANGE COMMISSION'S MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE

The Attorney explained that this is an informational audit completed by the Township to the SEC for all the Township's bond offerings. The Township can correct any issues, if found.

President Baxter asked if this is in conjunction with our audit.

The Attorney replied that this is separate from the municipal audit. It is an audit of the Township's bonds and financing with the SEC. It is voluntary. The Township has never had a problem.

Vice President Keyes-Maloney stated that it is considered "best practices" by the SEC.

Vice President Keyes-Maloney then stated that by doing this we will have better access to the capital markets.

There were no additional questions or comments from Council.

7. A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF EWING AND THE CITY OF TRENTON FOR THE PROVISION OF NURSING SERVICES FOR LEAD-BURDENED CHILDREN

The Administrator explained that this is an annual resolution. Trenton has the resources to handle these cases. The Administrator added that we had no lead cases in the past year. However, the year prior there were two.

There were no questions or comments from Council.

8. A RESOLUTION REAPPOINTING KIM MACELLARO, R.M.C. AS MUNICIPAL CLERK FOR THE TOWNSHIP OF EWING TO A THREE-YEAR TERM

The Attorney explained that this is the reappointment of the Clerk who is completing her first three year term.

There were no questions or comments from Council.

9. A RESOLUTION APPROVING CHANGE ORDER #2 TO GOLDEN CROWN CONTRACTORS, INC. FOR THE EWING MUNICIPAL BUILDING INTERIOR RENOVATIONS

The Administrator explained that this is for waterproofing.

The Mayor added that during building renovations we discovered that during the original construction of the building in 1991, there were defects in how the windows were put in. The windows were put on a base that did not deter water. We have taken measures to remedy this for a while; however, there will be continual issues. We have hired an architect to help us with permanent solutions.

President Baxter said that this change order is for a \$8600 increase which is still under budget for what we appropriated for this project.

There were no additional questions or comments from Council.

10. A RESOLUTION CHANGING THE CUSTODIAN OF THE PETTY CASH FUND IN THE POLICE DEPARTMENT FROM OFFICER IN CHARGE LIEUTENANT RONALD LUNETTA TO OFFICER IN CHARGE LIEUTENANT JOHN STEMLER, III

The Mayor explained that the Police Department handles their own petty cash. The petty cash fund custodian has to change when the head of the department changes.

There were no questions or comments from Council.

11. A RESOLUTION SUPPORTING NEW JERSEY'S CONTINUED PARTICIPATION IN RGGI

Vice President Keyes-Maloney deferred to Lee Farnham, Chair of the Environmental Commission.

Mr. Farnham stated that he spoke at the last Agenda Session. Mr. Farnham explained that New Jersey joined the Regional Greenhouse Gas Initiative in 2008. In 2011, the Governor unilaterally withdrew the State from RGGI and because of the lack of due process, several environmental organizations sued to have a public comment period. The Court ruled that that should be done and we are in the middle of this comment period which will expire on September 5th. Mr. Farnham said that the Environmental Commission is asking Council for a Resolution supporting New Jersey's continued participation in the Regional Greenhouse Gas Initiative. Mr. Farnham then asked Council if there are any further questions.

President Baxter thanked Mr. Farnham for everything the Environmental Commission does for the environment and for keeping Council informed on this issue and hoped that this Resolution will carry a little weight.

Mr. Farnham then stated that there was a public hearing at DEP last Friday. Forty-five people spoke. Mr. Farnham said that by his count, forty-four were in support of New Jersey remaining in RGGI. Mr. Farnham then thanked Council for their support.

Vice President Keyes-Maloney stated that this Resolution will be presented as part of the comment period and will be submitted to the Office of Administrative Law.

There were no additional questions or comments from Council.

12.A RESOLUTION SUPPORTING THE USE OF A “NO PASSING ZONE” ON ROUTE NJ 29 IN THE TOWNSHIP OF EWING AS RECOMMENDED BY NJDOT

The Attorney explained that this is a recommendation from the Department of Transportation to establish a no passing zone from mile marker 9.4 to 10.5.

The Administrator explained where this “No Passing Zone” is located and then explained that NJDOT had done a study and adjusted the center line slightly. This adjustment required that the “No Passing Zone” be moved by about an inch.

The Attorney added that once NJDOT receives this Resolution, NJDOT will issue a “traffic regulation order” which will then make that section of NJ 29 a “No Passing Zone”.

There were no questions or comments from Council.

13.A RESOLUTION APPOINTING JIMMY BARNES TO THE ZONING BOARD OF ADJUSTMENT, FILLING THE UNEXPIRED TERM OF JANET MCLAUGHLIN

President Baxter explained that Janet McLaughlin stepped down because she moved out of town and Mr. Barnes stepped up to take this position.

There were no questions or comments from Council.

CONSENT AGENDA

Council President Baxter presented the Consent Agenda for review.

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$6,730,659.53 and to Pay Supplemental Bills per Resolution #14R-44 in the Amount of \$46,260.02
2. A Resolution Authorizing a Maintenance Guarantee Release for Antietam Wireless Services, 293 Green Lane (Block 193/Lot 17) – Ewing Engineers Remington, Vernick & Arango RV&A #1102-I-008
3. A Resolution Authorizing the Conduct of an Off Premise 50/50 Cash Raffle Sponsored by Victorians of Villa Victoria Academy on December 13, 2014
4. A Resolution Authorizing the Conduct of an On-Premise 50-50 Cash Raffle Sponsored by Susan G Komen Breast Cancer Foundation Central & South Jersey Affiliate on September 13th, 2014
5. A Resolution Authorizing the Conduct of an On-Premise 50-50 Cash Raffle Sponsored by EASEL (Ewing Animal Shelter Extension League Inc.) on October 11th, 2014
6. A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by EASEL (Ewing Animal Shelter Extension League Inc.) on September 26th, 2014
7. A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by Mount Carmel Guild of Trenton on October 17th, 2014

8. A Resolution Authorizing Great Woods Drive Neighborhood Planning Committee to Hold a Block Party/Road Closing on August 16th, 2014
9. A Resolution Authorizing a Refund, as Recommended by the Township Health Officer, for Fees in the Amount of \$50 for Payment of a Temporary Food Stand License at the Township Fireworks on Thursday, July 3, 2014 to Each of the Following Vendors: Red Star Pizza, Aunt Martha's Funnel Cake, Four Daughters Franks, Justin's Crab Shack & Seafood, Kickin Kettle Corn Inc., Wiz Wit Cheese Steaks, Frank's Italian Ices. The Fireworks Were Cancelled Due to Weather
10. A Resolution Authorizing a Refund, as Recommended by the Township Municipal Clerk, for Fees in the Amount of \$12.20 to Lauren Wood, 1570 Twelfth Street, Ewing, NJ 08638 for a Dog License Fee (Tag #15-0889). The Renewal Paperwork Was Submitted a Week Prior to the Dog's Diagnosis and Euthanasia

There were no questions or comments from Council.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

President Baxter stated that Mr. Latini (Township Planner) was here earlier this evening and explained An Ordinance Amending the Olden Avenue Redevelopment Plan.

Robert Kull (Chair, Ewing Township Redevelopment Authority) stated that he supported these amendments to the Olden Avenue Redevelopment Plan. Mr. Kull then thanked both the Township Planner and the Planning Board for their work on moving this forward.

2. 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 VIII SCHEDULES, § 225-51 SCHEDULE 1V TIME LIMIT PARKING TO LIMIT THE DURATION OF PARKING ON ARDEN AVENUE TO TWO HOURS

The Attorney explained that this was amended on second reading to define the term "Monday Through Friday" to make it clear that where the term "Monday Through Friday" is used in this section of the Ordinance, parking restrictions will only apply on business days and not on weekends and state holidays. With that amendment, the Ordinance was re advertised and is now before Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Matthew Kalnas (527 Pingree Avenue) thanked the Administration and said it was about time that a full time Director for the Office of Emergency Management was being appointed. Mr. Kalnas then said that it was great that the Clerk, Kim Macellaro, was being reappointed as what needs to get done in the Clerk's Office is getting done. Mr. Kalnas then asked what is the status of changing the Sunday hours for sale of alcoholic beverages. Mr. Kalnas then went into a lengthy discussion of why he believes that this law should be changed. Mr. Kalnas said that he would like this to be put on the Agenda.

Joe Murphy (9 Malaga Drive) stated that a week ago, he almost t-boned a Ewing fire truck on Route 31 when it was leaving the firehouse on a call. Mr. Murphy suggested that the Township either install flashing lights, turn nearby traffic lights to red or have someone stop traffic when an emergency vehicle is leaving a firehouse. Mr. Murphy then thanked

the Clerk for her hard work and said that he thought it was a good idea that she is being reappointed.

President Baxter addressed Mr. Kalnas and stated that Council has been doing research on this; we are looking at State law to see where we can or cannot revise our Ordinances. President Baxter said that this issue is not falling on deaf ears. Mr. Kalnas reiterated that he would like to see it on the Agenda.

There were no additional questions or comments from the Public.

CLOSED SESSION - A Resolution to enter into Closed Executive Session

The Attorney read the Resolution (**Resolution #14R-146**) to enter into Closed Executive Session.

At this point, another member of the Public came forward to speak.

Bruce Martin (28 Forest Lane) said that he was concerned about being issued a citation for not shoveling his sidewalk. Mr. Martin stated that he could not get to his sidewalk as the snow was piled four to five feet high by Township snowplows. Mr. Martin said that the issue was raised by one neighbor who said that the children were being endangered because they could not stand on the sidewalk while waiting for the bus. Mr. Martin said that there are no other sidewalks in the area and that he observed the children playing on these snow piles without any concern for their safety. Mr. Martin then said that another issue is that his curb, along with others, has been damaged by Township plows. Mr. Martin said that he is upset that Public Works first stonewalled him and then said that it was not a Township truck that caused the damage to his curb after he complained about it. The Administrator said that he went out to Mr. Martin's property and that there is no damage to his curb. The Administrator added that there are two other complaints from other areas in the Township and then said that he does not know how to prove or disprove this other than how the curb looks. But, Public Works does not generally plow from curb to curb. The Administrator said that he will address it.

There were no additional questions or comments from the Public.

At 7:37 p.m., Council moved to the Agenda Room for the Closed Session.

ADJOURNMENT

At 7:55 p.m., Council moved back into the Council Room for purposes of adjournment.

Jennifer Keyes-Maloney, President

Kim Macellaro, Municipal Clerk