

## May 24, 2016 – REGULAR SESSION

President Schroth called the meeting to order at 8:49 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

- |                                 |                                |
|---------------------------------|--------------------------------|
| ▪ Mr. Baxter – Present          | Jim McManimon, Administrator   |
| ▪ Ms. Keyes-Maloney - Present   | Maeve Cannon, Attorney         |
| ▪ Ms. Steward – Excused Absence | 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.

The Attorney suggested that the Council President note for the record that no members of the Public were present in the Council Room when Council came out of Closed Session as that portion of the Agenda was skipped over at the end of the Agenda Session.

President Schroth asked that the record reflect that.

### BILLS LIST

1. The Clerk read (Resolution #16R-96) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$9,855,168.70 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$12,663.95

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. Wollert 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-97/)

1. Approval of Agenda Session Minutes for April 12, 2016; Approval of Regular Session Minutes for April 12, 2016
2. A Resolution Authorizing Celestial Church of Christ to Hold a Block Party/Road Closing on July 31<sup>st</sup>, 2016
3. A Resolution Authorizing Palmer Lane Civic Association to Hold a Block Party/Road Closing on May 30, 2016
4. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$2,832.00 to Vivint Solar, 370 Sullivan Way, Ewing, NJ 08628 for permits at the following addresses in Ewing, NJ: 4 Shelburne, 88 Theresa St., 200 Crescent Ave., 8 Ewingville Rd., 140 Homecrest Ave., 10 Primrose Place, 31 Marquis Rd., 158/5 Pennington Rd., 5 Van Saun Dr., 240 Somerset St., 32 Shelton Ave., 2273 Spruce St. They applied and paid for the permits and the homeowners decided not to have the solar panels installed.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,149.12 for Overpayment of May 1, 2016, 2<sup>nd</sup> qtr. tax bill, to Brunetto, Andrew C. & Lisa, 27 Delaware Ave, Ewing, NJ 08628 for property owner Brunetto, Andrew C. & Lisa, for Block: 423.02 Lot: 94 also known as 27 Delaware Ave.
6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$2,837.63 for Overpayment of May 1, 2016, 2<sup>nd</sup> tax qtr. tax bill, to A Absolute Escrow Settlement Company, Inc. P.O. Box 767, Millburn, NJ 07041 File# NRT60188, for property owner Dietrich, J. Raymond & Virginia M., for Block: 423.01 Lot: 133 also known as 17 Scudder Rd.

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

**ROLL CALL**

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

**ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

1. The Clerk read (Ordinance #16-10) AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, NEW JERSEY APPROVING APPLICATION FOR FINANCIAL AGREEMENT

President Schroth said that this is a financial agreement arranging for a Payment in Lieu of Taxes otherwise known as a PILOT for a new development at 1573 Parkside Avenue. This is a housing project geared toward college students. Counsel for the property owner was here earlier this evening.

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

**ROLL CALL**

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

Ms. Wollert stated that she is abstaining due to a relationship with the Vernon family.

2. The Clerk read (Ordinance #16-11) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO REPLACE CHAPTER 195, FLOOD DAMAGE PREVENTION, WITH A NEW FLOOD DAMAGE PREVENTION ORDINANCE AS REQUIRED FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM

The Attorney explained that this is a replacement of the existing flood control ordinance. It adopts the model DEP ordinance with some minor modifications with respect to clarification of appeal rights. It delineates the flood zone within the Township. The Township needs to adopt it by July 20<sup>th</sup>, so the Town can continue to participate in FEMA's Flood Insurance Program.

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

**ROLL CALL**

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

3. The Clerk read (Ordinance #16-12) AN ORDINANCE ADDING CHAPTER 251 TO THE REVISED GENERAL MUNICIPAL ORDINANCES OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, TO PROHIBIT SMOKING ON PUBLIC PROPERTY

President Schroth said that this sets parameters and restrictions for smoking on public property.

The Attorney stated that it is not a complete prohibition on all public property; rather it prohibits smoking within one hundred feet of any enclosed facility or any structure on public property or within one hundred feet of any entrance to a public building.

President Schroth asked if someone could smoke if they were standing on the opposite side of the stands on a soccer field.

The Attorney replied – yes, if the soccer field was one hundred feet long.

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

**ROLL CALL**

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

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

1. The Clerk read (**Ordinance #16-09**) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 157, DRUG-FREE ZONES TO ADOPT A REVISED DRUG FREE ZONE MAP AS PREVIOUSLY ADOPTED BY THE TOWNSHIP OF EWING IN 2002

WHEREAS, pursuant to the mandate under N.J.S.A. 2C:35-7 and N.J.S.A. 2C:35-7.1, the Township must promulgate a Drug Free Zone Map, which may be changed from time to time by Township Council.

WHEREAS, the Township desires to amend and supplement the Drug Free Zone Map as previously adopted by the Township in 2002, with a revised map designed as "Drug-Free Zone, Township of Ewing, County of Mercer, State of New Jersey, May 4, 2016."

BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 CHAPTER 157. DRUG-FREE ZONES is hereby amended as follows:

ARTICLE I. DRUG-FREE ZONES.

**§ 157-1. ADOPTION OF MAP.**

The Township Council authorized the Township Engineer to prepare a map depicting the location and boundaries of drug-free school zones in the Township pursuant to the mandate of N.J.S.A. 2C:35-7, and such map was prepared and was originally designated as "Drug-Free Zone, Township of Ewing, County of Mercer, State of New Jersey, January 1988," was revised in 2001 and designated, "Drug-Free Zone, Township of Ewing, County of Mercer, State of New Jersey, October 2001," was revised in 2002 and designated, ~~has again been revised and is now designated as~~ "Drug-Free Zone, Township of Ewing, County of Mercer, State of New Jersey, October 2002," and has again been revised and is now designated "Drug-Free Zone, Township of Ewing, County of Mercer, State of New Jersey, May 4, 2016," which reflects additions and/or deletions with respect to the location and boundaries of school property and drug-free school zones, and is on file in the office of the Municipal Clerk, and the Council has reviewed such map. The map be and is hereby found to be an accurate and reliable record of the location and areas within the Township of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board and of the areas in or within 1,000 feet of such school property, and such map is approved and adopted as the official finding and record of such location and areas.

**§ 157-2 MAP TO BE OFFICIAL RECORD.**

The Drug-Free School Zone Map approved and adopted pursuant to § 157-1 of this chapter shall continue to constitute an official finding and record as to the location and boundaries of areas on or within 1,000 feet of property owned by or leased to any elementary or secondary school or school board which is used for school purposes until such time, if any, that this chapter shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and drug-free school zones.

**§ 157-3 NOTICE IN CHANGES IN LOCATION OF SCHOOLS.**

The School Board, or the chief administrative officer in the case of a private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Township Engineer and the Township Attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and which is used for school purposes.

**§ 157-4 FILING OF MAP; COPIES.**

The Municipal Clerk is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to § 157-1 of this chapter, and to provide, at a reasonable cost as

set by this Code, a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and of this chapter shall be provided without cost to the County Clerk and to the office of the Mercer County Prosecutor.

### **§ 157-5 FINDINGS AND DETERMINATIONS.**

The following additional matters are hereby determined, declared, recited and stated:

- A. It is understood that the map approved and adopted pursuant to § 157-1 of this chapter was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this state and that, pursuant to state law, such map shall constitute prima facie evidence of the following:
- (1) The location of elementary and secondary schools within the municipality.
  - (2) The boundaries of the real property which is owned by or leased to such schools or a school board.
  - (3) That such school property is and continues to be used for school purposes.
  - (4) The location and boundaries of areas which are on or within 1,000 feet of such school property.
- B. All of the property depicted on the map approved herein as school property was owned by or leased to a school or school board and was being used for school purposes as of July 9, 1987, that being the effective date of N.J.S.A. 2C:35-7, and/or as of May 4, 2016, the date of the most recent map.
- C. Pursuant to the provisions of N.J.S.A. 2C:35-7, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to § 157-1 of this chapter. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or school board, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or school board or that such property is not used for school purposes.
- D. All of the requirements set forth in P.L. 1988, c. 44 (N.J.S.A. 2C:35-7), concerning the preparation, approval and adoption of a drug-free school zone map have been complied with.

## **ARTICLE II. DRUG-FREE ZONES NEAR PUBLIC HOUSING FACILITIES.**

### **§ 157-6 ADOPTION OF MAP.**

The Township Council authorized the Township Engineer to prepare a map depicting the location and boundaries of the area in or within 500 feet of a public housing facility which is owned by or leased to a housing authority according to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (N.J.S.A. 40A:12A-1 et seq.), a public park, or a publicly owned or leased library or museum in the Township pursuant to the mandate of N.J.S.A. 2C:35-7.1, and such map was prepared and was designated as "Drug-Free Zone, Township of Ewing, County of Mercer, State of New Jersey, October 2001," ~~was revised in 2002 and designated and has been revised and is now designated as~~ "Drug-Free Zone, Township of Ewing, County of Mercer, State of New Jersey, October 2002," ~~and has been revised and is now designated as~~ "Drug-Free Zone, Township of Ewing, County of Mercer, State of New Jersey, May 4, 2016," and is on file in the office of the Municipal Clerk, and the Council has reviewed such map. The map be and is hereby found to be an accurate and reliable record of the location and areas within the Township of property which is owned or leased to a housing authority according to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (N.J.S.A. 40A:12A-1 et seq.), a public park, or a publicly owned or leased library or museum, and the areas in or within 500 feet of such public property, and such map is approved and adopted as the official finding and record of such location and areas.

Section 3 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 4 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 5 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

**President Schroth said that this updates our drug-free zone maps that involve the 1,000 foot boundaries used for prosecuting drug offenses. There are new schools and parks in the Township as well as some schools that no longer exist so the maps have to be updated.**

**The Attorney clarified that the buffer is within 1,000 feet of any educational facility which would include a library. The buffer for any public park or playground is 500 feet. The Attorney mentioned that the zones are included even if the facility, public park or playground itself is not within Ewing.**

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

**ROLL CALL**

|                          |            |
|--------------------------|------------|
| <b>Ms. Keyes-Maloney</b> | <b>YES</b> |
| <b>Mr. Baxter</b>        | <b>YES</b> |
| <b>Ms. Wollert</b>       | <b>YES</b> |
| <b>President Schroth</b> | <b>YES</b> |

**NEW BUSINESS**

- 1. The Clerk read (Resolution #16R-98) RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$16,161,000 IN PRINCIPAL AMOUNT**

**The Administrator explained that this consolidates our notes along with new capital we are borrowing this year for capital projects. We are going out to market to lock in rates at a very reduced market rate. This is required; the next step is to meet with S&P to review our debt, taxes, and property developments. With the reduction in debt in 2017, we have a nearly flat increase except for the Hollowbrook addition which was not quite planned yet. We are managing our money well; even with tripling our debt we are still under the amount we are allowed to borrow.**

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

**ROLL CALL**

|                          |            |
|--------------------------|------------|
| <b>Ms. Wollert</b>       | <b>YES</b> |
| <b>Ms. Keyes-Maloney</b> | <b>YES</b> |
| <b>Mr. Baxter</b>        | <b>YES</b> |
| <b>President Schroth</b> | <b>YES</b> |

2. The Clerk read (Resolution #16R-99) RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$16,161,000 GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY AND PROVIDING FOR THEIR SALE

The Administrator said that this is in concert with a requirement for us to go out and borrow to fix our debt load and manage our debt payments starting in 2017 so that we are reasonably spending the taxpayer's money.

The Attorney added that, in a nutshell, the first Resolution allows us to aggregate everything, the second Resolution allows us to sell it.

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

**ROLL CALL**

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

3. The Clerk read (Resolution #16R-100) A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

The Administrator said that this is the Clean Communities Grant; \$10,000 more than what we received last year. It helps with our recycling efforts – brown bags, mulching, the two shred days.

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

**ROLL CALL**

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

4. The Clerk read (Resolution #16R-101) A RESOLUTION AUTHORIZING AN ACCELERATED TAX LIEN SALE FOR CY2016 PURSUANT TO N.J.S.A. 54:5-19

The Attorney said that this permits the Township to conduct an accelerated tax lien sale which means that the sale will occur in the actual year the taxes were approved as opposed to waiting a whole year and having to create a reserve fund for those unpaid taxes.

Councilwoman Keyes-Maloney asked if this was recommended by anyone.

The Attorney replied - the State. Many years ago, because at that time, the Township was carrying about two million dollars in the unpaid tax reserve. It was a burden on the budget and on those who were paying their taxes.

The Administrator added that it would be a ten cent across the board tax increase if we did that.

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

**ROLL CALL**

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

5. The Clerk read (Resolution #16R-102) A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES AND EMERGENCY CONTRACT TO NETTA ARCHITECTS (“NETTA”) 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 Council President said that this is self-explanatory. It is the award of the contract to Netta to set the stage for the asbestos removal and renovations.

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

**ROLL CALL**

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

6. The Clerk read (Resolution #16R-103) A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR ASBESTOS REMOVAL AT THE HOLLOWBROOK COMMUNITY CENTER

President Schroth said that this authorizes the award of a contract for asbestos removal. The low bidder was chosen.

The Attorney clarified that the lowest bidder withdrew their bid because it was non-responsive and the second low bidder was chosen.

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

**ROLL CALL**

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

7. The Clerk read (Resolution #16R-104) A RESOLUTION REJECTING ALL PROPOSALS IN RESPONSE TO THE REQUEST FOR PROPOSALS FOR HOME ENERGY AUDIT SERVICES

The Attorney stated that this is the second round of competitive contracting for home energy audit services and then explained why all proposals were rejected. The Attorney then said that having completed two competitive contracting processes, the Township is now authorized to negotiate with a vendor for this service.

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

**ROLL CALL**

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

8. The Clerk read (Resolution #16R-105) A RESOLUTION AFFIRMING THE VISION STATEMENT OF THE GREEN TEAM PURSUANT TO THE TOWNSHIP'S PARTICIPATION IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM

New Business Items #8, #9, #10, #11 and #12 were moved and voted on as a block.

President Schroth said that these are a group of resolutions that affirm the Green Team's efforts and our Township-wide sustainability initiatives to make Ewing an environmentally friendly and energy efficient Town - a Town that recognizes the benefits of conservation.

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

**ROLL CALL**

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

9. The Clerk read (Resolution #16R-106) A RESOLUTION ACCEPTING & AFFIRMING THE EWING GREEN TEAM STRATEGIC SUSTAINABILITY PLAN
10. The Clerk read (Resolution #16R-107) A RESOLUTION IN SUPPORT OF NEW JERSEY'S WILDLIFE ACTION PLAN
11. The Clerk read (Resolution #16R-108) A RESOLUTION REAFFIRMING THE TOWNSHIP OF EWING'S COMMITMENT TO SUSTAINABLE LAND USE
12. The Clerk read (Resolution #16R-109) A RESOLUTION RECOMMENDING THAT ENERGY CONSERVATION AND PAPER SAVING BEST PRACTICES BE UTILIZED THROUGHOUT THE TOWNSHIP'S OPERATIONS
13. The Clerk read (Resolution #16R-110) A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

President Schroth said that this is fairly routine and involves the disposal of primarily computers.

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

**ROLL CALL**

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

14. The Clerk read (Resolution #16R-111) A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO INTEGRITY ROOFING, INC. IN THE AMOUNT OF \$409,294.90 TO REPLACE THE ROOF AT THE HOLLOWBROOK COMMUNITY CENTER

President Schroth said that this project was put out to bid. The low bidder is Integrity Roofing Inc. The Township Engineer did some due diligence and this entity received rave reviews.

Councilwoman Keyes-Maloney added that we will see some time savings and potentially monetary savings as we are dovetailing the work around an active project.

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

**ROLL CALL**

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

**15. The Clerk read (Resolution #16R-112) A RESOLUTION AUTHORIZING SETTLEMENT OF FORECLOSURE CLAIM**

The Attorney said that the last Resolution that she would like to ask Council to consider is a Resolution authorizing settlement of a foreclosure claim specifically as to the property located at 1640 Pennington Road, Block 142, Lot 15 which is presently pending in the Matter of the Township of Ewing versus Block 236, Lot 15 et. al. under Foreclosure Docket #F01378916. Specifically, this is a Resolution to authorize a settlement of that foreclosure action in the way of, by forgiveness or waiver of some interest that is pending on the assessment on the property. By way of background, this property was owned by John R. W. DeSantis and Nancy DeSantis. Mr. DeSantis having passed away and Mrs. DeSantis being an eighty-seven-year old widow without any current means of support and is living in subsidized housing. At the time, the property at 1640 Pennington Road fell into extreme disrepair. The Township ordered Mrs. DeSantis to demolish the property. She, lacking the wherewithal to do so, the Township publically bid and retained the services of a demolition contractor to demolish that property. However, that resulted in a fairly large assessment against the property which resulted in the then lienholders and perspective lienholders, to decline to pay that assessment. The assessment was struck off towards the Township and began to accrue interest at the rate of eighteen percent as well as a penalty of six percent. Currently, on the tax sale certificate amount of \$61,230.69 there is \$38,667.18 in interest having accrued at eighteen percent and \$3,673.84 in penalty having accrued at six percent. There is also pending on this property unpaid taxes that have since accrued since the strike off of that certificate. The unpaid taxes amount to \$17,808.33 upon which \$5,705.71 in interest at eighteen percent has accrued. Mrs. DeSantis has requested the Town waive all interest and penalties currently pending. This Resolution would authorize the waiver/forgiveness of the interest having accrued on the assessment of the property and the penalty having accrued on the assessment. However, it is not the recommendation of the Township or is it the policy of the Township to permit the waiver of the interest on unpaid taxes. Therefore, the unpaid taxes in the amount of \$17,808.33 for which \$5,705.71 interest has accrued will not be waived. Further, this Resolution does not authorize or permit the waiver of the principal sums which are now due. That means the \$61,230.69 which represents the assessment on the property as well as the current unpaid taxes in the amount of \$17,000.00 and change will not be waived. The Township currently is foreclosing on this property which is a slow process and is not likely to close for at least one to two years. At the end of the foreclosure, the Township will (**inaudible**) all the properties and would in all likelihood auction them at public sale. However, at this time, the property owner, Mrs. DeSantis, has located a buyer who is willing to buy the property and has currently gone through the zoning approval process and has zone approval right now to build a daycare and retail facility on this property. And, as a result, this property can be developed and result in becoming a productive tax paying property once again. Therefore, it would be in the Township's best interest, at this time, to see that the property is sold and developed as opposed to lying derelict for some unknown period of time with at this time with a prospective buyer in hand and see that the Town recoups all of its out of pocket expenses as well as the interest on the current unpaid taxes. As a result, the Resolution authorizes the Township to waive the interest and penalties that have accrued on the assessment/tax sale certificate in the amount of \$38,667.18 in interest at eighteen percent and the \$3,673.84 in penalty

at six percent all as of June 30<sup>th</sup>, and authorizes the Town to accept the compromise sum of \$84,744.73 if received as of June 30<sup>th</sup>. This amount will be deemed to fully satisfy the Township's lien, and current unpaid taxes and interest on the property and upon payment the Township will be authorized to dismiss the property from the foreclosure complaint and discharge the Township's now pending liens. The Attorney said that she wanted to reiterate that this does not waive the interest on any unpaid tax sums nor does it waive any principal sums, not the interest and not the assessment on the property.

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

**ROLL CALL**

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

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

There being no further business President Schroth called for a motion to adjourn. Mr. Baxter so moved seconded by Ms. Keyes-Maloney. The meeting was adjourned at 9:20 p.m.

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David P. Schroth, President

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Kim Macellaro, Municipal Clerk