

June 10th, 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 5th day of June, 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 – Present | Joanna Mustafa, CFO |
| ▪ Ms. Steward – Present | Maeve Cannon, Attorney |
| ▪ Ms. Wollert – 6:39 p.m. | Kim Macellaro, Municipal Clerk |
| ▪ President Baxter – Present | |

President Baxter stated for the record that Ms. Wollert is running late but she will be here.

PRESENTATION

1. Robert Filler (Executive Director of ELSA) and Christopher Langhart (McManimon, Scotland & Baumann, LLC)

Mr. Filler stated that he was before Council about one year ago asking for consent for funding for the facility upgrade. Mr. Filler then gave a presentation regarding ELSA’s participation in the 2015 funding and said that ELSA needs Council’s consent to participate in this funding.

Mr. Langhart stated that the project had been approved last year but is being split into two phases in order to get principal forgiveness from a trust which is only available in 2015.

President Baxter asked what is the deadline for municipal approval.

Mr. Langhart answered that the deadline is May 2015 but we would like to apply for interim financing at the end of the month which we cannot do without municipal approval.

Mr. Charles Geter (ELSA Member) stated that he was at the Council meeting to make sure Council was adequately informed about the project.

Councilwoman Steward asked for a brief synopsis of the project as she was not on Council last year.

Mr. Filler responded with a brief history and description of the project.

Councilwoman Wollert came in during Mr. Filler’s response to Councilwoman Steward.

Vice President Keyes-Maloney added that the facility upgrades are for both health and environmental reasons and will make us more resilient which is the reason for the grant.

Mr. Filler then invited Council to tour the ELSA facility.

There were no further questions or comments from Council.

2. Arthur R. Sypek, Jr., Esq. (Murphy Orlando, LLC) – Zoning Change Request at 60 Ewingville Road

Mr. Sypek, Scott Slagle (representative of TJC at Ewing, LLC) and Andrew Janiw (Planner for TJC at Ewing, LLC) presented information before Council concerning the request of TJC at Ewing, LLC to rezone their property located at 60 Ewingville Road from R-2 to Multifamily in order to develop the property with 133 residential units comprised of forty-three duplex homes, seventy-six stacked townhomes and fourteen single-family homes. If the property stays as an R-2, the development will be thirty-two single-family dwellings.

President Baxter stated that you referenced Wardman Avenue several times; it is a small residential street. President Baxter then asked if you intend to turn it into a thoroughfare.

Mr. Slagle and Mr. Sypek responded that there is no intention to change Wardman Avenue and then explained that it is a requirement that one road be aligned with another road; and if it is not, it has to be a certain distance away.

President Baxter replied that it is only human nature to follow the road and eventually there will be a heavy flow of traffic down Wardman Avenue.

President Baxter then asked how does the density of the 133 residential unit plan fit in with the character of the current community.

Mr. Slagle responded that he took into consideration the suggestion of the Site Review Committee and placed the single-family homes in such a manner so that the current single-family homes in the neighborhood overlook the single-family homes; not the townhouses.

Mr. Sypek added that this is not a complete engineering site plan and said that we are only here tonight asking for a referral to the Planning Board.

President Baxter stated that he understood that you had met with the community and in that meeting you said that there was a zero favorability. President Baxter then stated that he has met with the neighbors as well and did not want the community to be mischaracterized - everyone understands that there will be some kind of development on this site.

Mr. Sypek stated that he indicated that there was a small but very vocal group that is opposed to development for various reasons.

Councilwoman Wollert stated that she certainly understands the need for varied housing in the Township and thanked them for trying to address this need.

Councilwoman Wollert then asked if the original plan for thirty-two single-family homes is financially infeasible in today's market.

Mr. Sypek responded that if the zone is not changed, the thirty-two units will be built.

Representatives of TJC at Ewing, LLC and Councilwoman Wollert then had a discussion regarding ingress and egress.

Vice President Keyes-Maloney and TJC at Ewing, LLC then had a discussion regarding storm water for both plans.

Councilman Schroth asked how it is possible that with the thirty-two unit plan we have a deficit of \$160,000 and with the 133 unit plan we have a surplus of \$240,000.

TJC at Ewing, LLC explained how it is possible.

Councilman Schroth then asked about protecting the character of the community and said that protecting the community is not going to be based only on the single family homes being built along Ewingville Road, it will also be based on the number of school children, the number of cars etc.

TJC at Ewing, LLC responded that those issues will be taken into consideration as this process moves forward.

President Baxter stated that the Township should have been invited to that meeting with the community.

Mr. Sypek responded that we invited all the property owners within 200 feet; it was a lengthy meeting with good give and take and we took into consideration many of the comments from that meeting. Mr. Sypek stated that he does not believe another meeting would be beneficial.

President Baxter said that he knew the property owners were noticed, but that the Township was "blindsided" by this and then stated that it would have been nice to have been at that forum – to hear both sides at the same time.

Mr. Sypek replied that the Township has had four meetings through the Site Review Committee.

President Baxter thanked them for coming and for their time.

There were no additional questions from Council.

Vice President Keyes-Maloney made a motion to take no further action at this time, seconded by Councilwoman (inaudible).

President Baxter then stated that this will be walked on as New Business and voted on at the Regular Session.

DISCUSSION

1. AN ORDINANCE AMENDING THE OLDEN AVENUE REDEVELOPMENT PLAN

The Attorney explained that the goal of these amendments is to loosen some of the tight requirements in order to facilitate more investment and then said that these changes mainly involved streetscape and pedestrian requirements.

The Administrator said that the Township Planner will be at the public hearing if Council passes this on first reading.

Vice President Keyes-Maloney asked that the Administration thank (inaudible) for his incorporation of the on-site pedestrian circulation. It, along with the changes to the streetscape items, were good amendments as both were overlooked in the original plan. Vice President Keyes-Maloney then said that these amendments also address current circumstances the Redevelopment Agency is seeing before it now.

There were no further questions or comments from Council.

2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 342 TAXICABS AND LIMOUSINES TO PROVIDE FOR ADDITIONAL TAXICAB LICENSING CRITERIA

The Attorney explained that these amendments provide extra scrutiny of the licensee. The Attorney then explained that we have had incidents of a few applicants having less than desirable driving records, and found that the current Ordinance does not allow the Township to apply the kind of standard that we would want. The main change to the Ordinance is that an applicant, within three years prior to the application, may not be convicted of reckless driving, driving while intoxicated or driving under the influence of drugs or leaving the scene of an accident. Previously, the Ordinance provided, and still provides, that within two years of the application, the applicant cannot have a suspended license. The Attorney then explained that it also allows the Chief of Police to review the application and to make a recommendation as to whether the Applicant should be licensed based on the Applicant's long term driving record.

Vice President Keyes-Maloney asked the Attorney how it was determined which offenses would preclude someone from getting a license.

The Attorney responded and explained the process which does include an applicant being able to go to driving school to reduce points and the appeal process.

There were no additional questions or comments from Council.

3. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AMEND CHAPTER 172 FEES

The Attorney explained that this is a clean-up and then said that our current kennel license fee does not reflect the statutory requirement which says that kennel license fees are based on the number of dogs and cannot be a flat fee.

There were no comments or questions from Council.

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

The CFO explained that this involves the 2014 Clean Communities Grant and the 2013 Justice Assistance Grant.

There were no questions or comments from Council.

5. A RESOLUTION AUTHORIZING EWING TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT WITH MERCER COUNTY FOR EMS DISPATCH SERVICES

The Administrator stated that the Township's provider – Capital Health – is getting out of the business effective July 1st. The County is one of three groups that expressed interest in providing this service but is the only one ready to go on July 1st. The Administrator then explained that the cost to each municipality is based on the number of calls and for Ewing that will be \$20,000 for the rest of the year, based on 4,000 calls per year of which 3,000 were mutual aid. It would equate to \$40,000 per year. Next year, the cost will be adjusted based on the actual number of calls. The Administrator stated that the Township has no choice - when our ambulances are on a call, we would not have anyone to cover.

President Baxter asked if this agreement is for two and one-half years.

The Administrator replied that we have to agree to stay in this agreement for two and one-half years to help cover the County's costs of expanding their new call center and then after two and one-half years it will go out to competitive bidding.

There were no additional questions or comments from Council.

6. A RESOLUTION AWARDED BLEACHER REPLACEMENT CONTRACT AT EWING SENIOR AND COMMUNITY CENTER IN THE AMOUNT OF \$29,435.00

The Administrator stated that this is a rebid as last year's bid came in too high and in one case did not satisfy the safety requirements.

There were no questions or comments from Council.

7. A RESOLUTION AWARDED THE CONTRACT FOR A MOBILE SOUND SHELL STAGE IN THE AMOUNT OF \$143,193.00

The Administrator stated that this will replace the sound stage that we could no longer maintain. It will be up to current safety codes. It was part of the capital budget.

There were no questions or comments from Council.

8. A RESOLUTION AWARDED THE SITE SIGN REPLACEMENT CONTRACT AT THE EWING SENIOR AND COMMUNITY CENTER IN THE AMOUNT OF \$30,391.00

The Administrator explained that this is being paid for by HUD money. The board can be programmed from inside the office. It is also a rebid, the previous bid came in too high.

There were no questions or comments from Council.

9. RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF RADIO COMMUNICATION EQUIPMENT AS PER STATE CONTRACT T-0109

The CFO explained that this allows EMS to keep up with the County's required changes to the broadband. It is the last of the money in the 2012 capital budget.

There were no questions or comments from Council.

10. A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION SITE

The Administrator explained that the IT Department will run this auction. It has proven to be a very effective way to auction off our property.

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 \$705,236.70 and to Pay Supplemental Bills per Resolution #14R-44 in the Amount of \$206.97
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the Amount of \$2,394.14 for February 1, 2014 Tax Qtr. to Maqsood, Shahid & Mohammad, 226 Nancy Lane, Ewing, NJ 08638, for Property Owner Maqsood, Shahid & Mohammad, for Block: 214.04 Lot: 4 also Known as 226 Nancy Lane, for Overpayment of February 1, 2014 Tax Qtr.
3. A Resolution Authorizing the Catholic Church of St. Hedwig to Hold a Walking Pilgrimage
4. A Resolution Approving Kyle W. Moody as a Junior Firefighter Member of the Prospect Heights Volunteer Fire Company #1
5. A Resolution Authorizing the Conduct of a Bingo Sponsored by West Trenton Volunteer Fire Company on October 18th, 2014
6. A Resolution Authorizing the Conduct of an Off-Premise Merchandise Raffle Sponsored by West Trenton Volunteer Fire Company on September 28th, 2014
7. A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by West Trenton Volunteer Fire Company on October 18th, 2014

The Administrator explained that the walking pilgrimage takes place every year. There were no questions, and 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

1. AN ORDINANCE AUTHORIZING THE LEASE OF A PORTION OF THE EWING SENIOR AND COMMUNITY CENTER TO KIDSBRIDGE, INC., A 501(C)(3) NON-PROFIT ORGANIZATION

The Attorney explained that because this is a non-profit the Township has to approve the lease by Ordinance. The Attorney then stated that she provided an updated lease to Council. The Attorney then explained that Kidsbridge is an organization that promotes tolerance and anti-bullying for school age children. The lease provides that they will provide services to at least 200 Ewing children in the first year and then more as they can accommodate thereafter. Kidsbridge provides some of the required trainings that are part of the recent statutory enactments regarding anti-bullying.

The Administrator added that it is a partnership between Ewing schools, the Township and the College of New Jersey and also because it is at the Senior Center, Kidsbridge can bring seniors into some of the education programs. The College of New Jersey has been involved with Kidsbridge for a long time.

Councilman Schroth stated that the lease mentions a minimum of 200 students and asked if 200 is thought to be a realistic number.

The Attorney responded that 200 is based on the current number and will be revised, if necessary, after the first year.

The Administrator added that that number gives them a little bit of space. Kidsbridge believes that the numbers are there, but need to see after they are up and running in the new location.

There were no additional questions or comments from Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Vice President Keyes-Maloney said that three to five minutes will be reserved for individuals to speak, and requested that if it is the same subject, please try to avoid repeating items that a previous speaker may have raised.

Gamal Abdelatty (6 Lamont Ave., Hamilton) stated that he tried to get a taxi license in 2013 but was told that there were no more taxi licenses left. In 2014, he said that he decided to apply for a limo license, but there was an issue with the finger printing process and by the time it was completed in May he was advised to wait until June as he would be charged in May and then again in June. In June, he was told that the taxi and limo license process was frozen, awaiting Council action. Mr. Abdelatty asked Council to increase the number of available taxi licenses.

Naeem Malik (1827 Brunswick Ave., Trenton) asked if the number of taxi licenses are increased what is going to happen to the existing companies. Mr. Malik said that there should have already been a cap on the number of taxi licenses; but, it is good that there is going to be one now.

Willie Hemmingway Jr. (1461 W. State Street, Trenton) first thanked Council for inviting them to speak at the meeting. Mr. Hemmingway then asked if the cap of forty is the number of licenses or the number of cars and how many cars per license will be allowed. Mr. Hemmingway expressed concern that there is no one that taxi owners can turn to when issues come up.

Anthony Chiarello (15 Stoneham Road) stated that his property borders the proposed development that was discussed earlier in the evening. Mr. Chiarello said that one concern is that this development will not conform to the neighborhood. Another concern is the use of numerous satellite parking lots. Mr. Chiarello then asked if anyone has contacted the County to put up a traffic light on the corner of Prospect and Spruce. Right now if the gas station drops the price of gas, traffic is backed up to Artic Parkway; how will that intersection be able to handle 150 additional vehicles.

Mr. Chiarello then said that Wardman Avenue cannot take any more traffic. Mr. Chiarello then mentioned that these homes will only have two bedrooms, but since the average family has three children, there is the possibility that the garage would be converted into a bedroom. It is a safety issue if there is a fire; the fire company would not know the garage was a bedroom. Mr. Chiarello stated that the GM site would be a great for this development, not Ewingville Road.

Tariq Mahmood (2042 South Broad Street, Hamilton) stated that he was confused about the letter he received – is it forty companies or forty cars. Mr. Mahmood then stated that the Trenton taxi inspector is ticketing Ewing/Hamilton taxis in Trenton, but when Trenton taxis come into Ewing/Hamilton, since Ewing/Hamilton does not have a taxi inspector, Trenton cabs are not ticketed.

Naeem Malik (1827 Brunswick Ave., Trenton) stated that the previous speaker is the one making it hard for the rest of us because it is his company that is illegally dispatching into the City of Trenton.

Juan Arce (11 Lincoln Court, Hamilton) stated that he has witnessed Mr. Malik's Trenton company coming into Hamilton train station. Mr. Arce then said that Mr. Mahmood's company has provided business to 70-80 percent of the other taxi companies and Mr. Arce stated that he worked for Mr. Mahmood and knows that Mr. Mahmood legally dispatches his taxis.

Mr. Arce then stated that he has been waiting for a cap for a long time and said that capping the number of taxis will help as there is no money for enforcement.

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

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Baxter asked for a motion to adjourn. Ms. Wollert so moved seconded by Mr. Schroth. The meeting was adjourned at 8:07 p.m.

Jennifer Keyes-Maloney, President

Kim J. Macellaro, Municipal Clerk