

May 10, 2016 – AGENDA SESSION

President Schroth called the meeting to order at 6:29 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 – 7:09 p.m. | Joanna Mustafa, CFO |
| ▪ Ms. Steward – Present | Maeve Cannon, Attorney |
| ▪ Ms. Wollert – 6:35 p.m. | Kim Macellaro, Municipal Clerk |
| ▪ President Schroth – Present | |

President Schroth stated for the record that Ms. Keyes-Maloney communicated to us that she is traveling and is running late.

DISCUSSION

1. A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING APPROVING AND CONSENTING TO THE ISSUANCE OF NOT TO EXCEED \$4,800,000 OF OBLIGATIONS BY THE EWING-LAWRENCE SEWERAGE AUTHORITY THROUGH THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

President Schroth introduced Bob Filler (Director, ELSA), Christopher Langhart (McManimon, Scotland & Baumann, LLC) and Tim Bradley (Kleinfelder, Project Engineer).

Mr. Filler said that they are here tonight seeking Ewing’s consent for ELSA to use the 2016 New Jersey Environmental Infrastructure Trust as the vehicle for borrowing money of which seventy-five percent will be interest free and twenty-five percent will be at market rate. The borrowing is for additional funds for the project that started in 2014 and is about seventy-five percent complete. Early on, the project was split to enable us to take advantage of a resiliency grant. The project is an upgrade of basically the entire waste water treatment facility. It will take care of us for the next thirty years and will be finished in April 2017. Mr. Filler explained that the additional funding is necessary for several reasons. One, when we did the initial funding, we had optional line items to be included in the project. We hoped that the bids received would be low enough so we would be able to include those items. It did not happen that way. Two, due to weather conditions, the project is taking an additional four to five months longer than originally planned. There is a cost associated with this. Three, we identified late in the design and during construction other items that should be included. Some are in Phase II of this project, which is stretched out ten to fifteen years from now, but we wanted to bring

a couple of these items forward. One, specifically, is about \$600,000 to \$700,000 of the project. One reason we wanted to bring this forward is cost. We are going to get this funding seventy-five percent interest free and twenty-five percent at market rate. This is going to be the cheapest money available.

Mr. Filler said that we need, not to exceed, \$4.8 million to finish the project. This power plant will be state-of-the-art and will include N.J. DEP items as well. Mr. Filler said that he would not be confident nor comfortable if this last piece was left off.

Tim Bradley gave a powerpoint presentation. The plant was originally constructed in 1950, expanded in 1962, and upgraded and expanded to its current configuration in 1981. It is a confined site which makes it challenging for any major construction project. The need for this project is being driven by three primary causes. One, is an aging infrastructure. Two, is a new DEP mandate. The third cause is the need to eliminate hydraulic bottlenecks that have an adverse effect on the plant during peak wet weather flows. The plant needs improvements to enhance its resiliency during storm events. The key is to address the aging infrastructure issues which effect all areas of the plant. Mr. Bradley stated that the entire site is undergoing upgrades with the exception of an Administration Building and the aeration tanks. Mr. Bradley then presented photos of the new structures under construction, the rehabilitation of existing structures and the new equipment on site. Mr. Bradley briefly discussed the co-funding done to take advantage of DEP resiliency loans. This initial funding was not sufficient to address all of the current needs. The DEP and the Trust offer supplemental loans to address this type of situation. The benefits of these supplemental loans are several. The first benefit is, if we were to defer all of these improvements to a separate project there would be a separate bid; additional design fees would occur. These fees are avoided by doing this through a supplemental loan. The second benefit is that we have a very high quality contractor who won the original bid. If we went out for a second bid, we might not necessarily get a high quality contractor. Third, these supplemental loans are being offered on the same terms – seventy-five percent at zero percent interest rate and twenty-five percent at market rate. In the future, this may revert back to the historical standard for this financing program which is fifty percent interest free. And finally, we have been able to negotiate cost with the present contractor whom we believe to be fair and reasonable. Mr. Bradley then listed some of the specific improvements and then briefly described the costs of this project.

Councilwoman Steward asked why does this ask for not to exceed \$4.8 million when you just mentioned that the total cost is \$4.6 million.

Mr. Langhart responded that we have to ask for a little higher than what we project our costs to be in case we have over runs. We would have to start the entire process all over again if we did not authorize enough money for our borrowing. Mr. Langhart added that just because we say not to exceed \$4.8 million, it does not mean that we are going to borrow \$4.8 million. We anticipate it to be a little lower.

Councilman Baxter asked if that market rate will be a fixed rate and if they knew what the rate will be.

Mr. Langhart replied that it will be fixed and added that it will be twenty year bonds. We will have twenty maturities each with different interest rates. Mr. Langhart said that he guesses that the rates will go anywhere from one to four percent throughout the life of the loan and that on the overall loan it will be four percent to keep the math easy. But, that is conservative and said that he anticipates that it will only be three point five percent. Four percent per twenty-five percent and the rest zero percent, you are looking at paying one percent on the entire loan. If you have to borrow money, that is about the cheapest that you would be able to do it.

Councilman Baxter asked what is the cost to the taxpayer.

Mr. Langhart replied that if it all goes for about those rates, about \$260,000 will be added to the debt service per year for twenty years and said that he is not sure what that is for each ratepayer.

There was a brief discussion about the split. Ewing will be sixty percent of the total.

Mr. Filler then added that ELSA is under contract with Synergy (solar power) to provide us with about eighty-five percent of our use at the plant. The job is supposed to be done by the end of the year. Our savings are anticipated to be close to \$250,000 per year. It is a fifteen year contract with an option to buy.

Mr. Bradley answered Councilman Baxter's question about the initial financing and why there is a difference in the loan amounts.

Mr. Baxter then asked, if you went back out to bid, would it not be possible for you to find a better contractor at a lesser price.

Mr. Bradley replied that he did not say we could not find a better contractor if we went out to bid. Rather, we are comfortable that the price is fair and reasonable and we are not paying for design fees that we would have to pay if we repackaged the project and went out to bid.

The Administrator asked when will the Town be assessed.

The ELSA representatives responded that the Township would not pay until 2018. A brief discussion followed.

President Schroth asked if the age of the plant and the other issues mentioned tonight present any safety or OSHA issues or is it just a matter of optimal functionality.

Mr. Filler responded that there are some links to safety. It has not been asphalted for twenty years. But safety is not the driving force.

Councilman Baxter commented that as a Body we have to sharpen pencils as well and said that he wants to understand the financing so he has answers when asked questions by the public.

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

President Schroth thanked Mr. Filler, Mr. Bradley and Mr. Langhart for coming in this evening.

2. 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

The Attorney explained that this map was last revised in 2002 and there have been a number of changes to parks, schools and public libraries. All are structures or locations which require a drug-free buffer zone. This was prepared by the Township Engineer. Public buildings which require access to children such as libraries must have a 500 foot buffer along with public parks and playgrounds. Educational facilities, elementary through high school, require a 1,000 foot buffer. Neither pre-schools nor colleges are included. Although the Sypek Center is outside the Township, the buffer zone falls within Township boundaries.

President Schroth added, for the benefit of the Public, when we are talking about drug-free zones, we are talking about criminal law enforcement. If you commit a drug offense within the buffer zone, there are enhanced penalties or mandatory minimums. These maps are used as evidence in criminal prosecutions.

The Attorney said that that is why it is important that these maps are done by the Township Engineer; otherwise, prosecutions may not go forward on that basis.

There were no questions or comments from Council.

President Schroth introduced Officer Flynn (Ewing Police) and thanked him for being here.

Officer Flynn said that it was brought to the attention of the Community Response Team that this had not been addressed for over thirteen years. There was not a valid copy to be found anywhere in the Township. By Ordinance, this should be maintained in the Clerk's Office. The Prosecutor's Office should also maintain a copy. That is how it came to his attention; they called asking if we had a copy. This is a very big tool for both the Police and the County Prosecutor's Office. If you have something going on, call us and report it. Hopefully, this will curb some of this activity going on.

There were no additional questions or comments from the Public.

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

The CFO explained that these are grants that have been received since the introduction and adoption of the Budget. This Resolution allows us to include them for spending in the 2016 Municipal Budget. The CFO then listed the grants included in this Resolution.

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

4. A RESOLUTION AUTHORIZING A MONTH-TO-MONTH EXTENSION OF THE GRANT WRITING AND ADMINISTRATIVE SERVICES CONTRACT TO RESOURCE DEVELOPMENT NETWORK, INC. FOR HUD AND NON HUD RELATED GRANTS

President Schroth explained that this is an extension of the contract to allow the current grant writer to continue applying for and executing grants.

The Attorney said that HUD grants have extensive paperwork and reporting requirements. This contract has expired and needs to be extended until we can advertise for a replacement contract.

Councilwoman Wollert asked when do we anticipate new contract will be advertised and entered into.

The Attorney replied that this is done under the competitive contracting process. The timeframe for advertising is slightly longer – twenty days as opposed to the normal ten - for other types of contracts. Proposals will then be evaluated. The Attorney said that she expects Council to see something in about forty-five days.

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

5. A RESOLUTION AUTHORIZING IN-REM FORECLOSURE PROCEEDINGS AGAINST TAX SALE CERTIFICATES SET FORTH ON REVISED EWING TOWNSHIP TAX FORECLOSURE LIST NO. 2

The Attorney said that Items Five and Six are companion resolutions that do the same thing. These are tax sale certificates. Those liens not sold at the tax sale auction are struck back to the Township. After six months, the Township can begin the foreclosure process. These resolutions update the tax foreclosure lists: update the redemption values, remove those that have been redeemed in the interim and add a few. The Attorney explained that the Courts like only fourteen or fifteen properties per complaint. The lists are not by location or value; once fifteen is reached, a new list is started.

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

6. A RESOLUTION AUTHORIZING IN-REM FORECLOSURE PROCEEDINGS AGAINST TAX SALE CERTIFICATES SET FORTH ON REVISED EWING TOWNSHIP TAX FORECLOSURE LIST NO. 3

President Schroth read Item Number Six for the benefit of the Record.

7. A RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 23rd - JUNE 5th, 2016

The Attorney explained that this is a resolution of support for this program. It is done by the Police Department annually to promote wearing seatbelts.

Councilwoman Keyes-Maloney added that it is usually around Memorial Day.

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

8. A RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY VIA ONLINE AUCTION SITE

The Attorney said that this is adding another item to the surplus auction list - a ladder truck from West Trenton. The auction is nation-wide so there will be plenty of exposure. It is hoped that doing this online as compared to in-person will garner some better and higher bids.

Councilwoman Keyes-Maloney added that we used the auction process for other equipment in the past. Other jurisdictions do not have the same safety standards as New Jersey has. We were able to dispose of some turn out gear to South Carolina.

The Administrator said that federal safety standards are making it tougher to get rid of old gear. The last time we auctioned off a tower was 2006. We did not get much for it. As this is online and nation-wide we are hoping to get more. All the tools have been removed and ready to be mounted on the new truck which should be delivered this week.

Vice President Steward asked if we set a reserve or a minimum price.

The Administrator replied that there is not a great market for this; you get what you can. The last time we auctioned off a truck, we got \$25,000.

The Attorney said that we do not set a reserve, but there is a commission that must be paid.

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 BOARD

1. A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON AND PLACE TO PLACE TRANSFER OF JBL FUTURES, LLC t/a JACKS WINE SENSE (1102-33-011-007); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO KKDP, INC. t/a GLEN ROC LIQUORS

President Schroth stated that the owners of KKDP, Inc. are here this evening.

The Attorney explained that this is the application that required a 1,000 foot prohibition waiver in the Glen Roc Shopping Center. The other licensee in that shopping center consented to the waiver of that prohibition. This is the transfer of that license. Every license transfer requires the review and approval by the Police Department.

President Schroth stated that the Police found no reason to object to this transfer.

Vice President Steward asked if it is the owners' intention to operate this mainly as a packaged goods or as a bar.

Ms. Pino Patel (one of the owners – KKDP, Inc.) replied both together.

Vice President Steward asked if it will be an even split.

Ms. Patel replied that she can not say if it will be an even split because it depends.

The broker for this transaction (name unclear) said that it is a percentage based on the license amount – fifteen percent of the square footage. The bar will only be fifteen percent. The owners' intention is to run it as a packaged business and have a limited bar. They are not competing with the other tenant in the shopping center.

A goal is to support the brewery in Town, allowing people to sample their goods.

Councilman Baxter asked how many seats will the bar have.

The broker replied that it is based on the percentage. The plan submitted for approval was between thirteen to fifteen seats.

Ms. Patel said that the plan submitted right now is eighteen to twenty seats but that can be revised.

The Administrator asked if there can be less seats.

Ms. Patel replied that it needs to be up to fifteen percent of the square footage that is being rented.

The Broker added that ABC will have to give their approval. The bar has to be custom built. The owners will keep it small to keep costs down.

Councilman Baxter asked what are the hours of operation.

Ms. Patel replied that they are trying for 10 a.m. to 10 p.m. Ms. Patel added that she has noticed that a lot of the business in the shopping center close at 9:30 p.m. so they may close 9:00 to 9:30 p.m. As a new business, they do not yet know. It will not be more than 10 a.m. to 10 p.m.

Councilwoman Keyes-Maloney said that we have a number of similar licenses in Town based on the square footage.

The Attorney responded that there are a number of very specific mandatory requirements when used as a bar and as packaged goods.

Councilwoman Keyes-Maloney said that the focus is on the square footage and not the number of stools.

The Attorney replied that that is correct.

Councilwoman Keyes-Maloney asked if we can place a condition on the license for the number of stools.

The Attorney replied that the number of stools is not something that we would want to place a condition on at this point in time.

Councilman Baxter asked if they will be selling any convenience items.

Ms. Patel replied yes - chips, sodas, gum, candies. Perhaps coffee since they are opening at 10 o'clock.

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

This item was approved for action.

BILLS LIST

Council President Schroth presented the Bills List for review.

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$824,574.95 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$34,928.93

Councilwoman Keyes-Maloney thanked the CFO for making the descriptors even better.

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. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$85.00 to Juanita Stephens, 200 Inland Ave., Ewing, NJ 08628 for a permit at 200 Inland Ave., Ewing, NJ 08628. The above applicant was unaware of the senior discount and her contractor neglected to inform her.
2. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$1,126.00 to West Trenton Volunteer Fire Department, 40 W. Upper Ferry Rd., Ewing, NJ 08628 for a permit at 40 W. Upper Ferry Rd., Ewing, NJ 08628. The above applicant is a non-profit organization within Ewing Township and they are requesting money back for their generator permit.
3. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official in the amount of \$343.00 to West Trenton Volunteer Fire Department, 40 W. Upper Ferry Rd., Ewing, NJ 08628 for a permit at 40 W. Upper Ferry Rd., Ewing, NJ 08628. The above applicant is a non-profit organization within Ewing Township and they are requesting money back for their sign permit.

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

1. **BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$3,922,757 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,726,619 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

The CFO commented that this is the Township's 2016 Capital Ordinance approved by the Mayor and Council through various discussions with the departments. The CFO then listed the included items: equipment for the Police and Technology, the road program, EMS, Public Works, Hollowbrook renovations.

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

This Ordinance was moved over to the Regular Session.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney reported that the Arts Commission has continued to move forward with the arts survey done in conjunction with the Green Team to get a sense of who we have in the Township that may be an artist or have art inclinations. A number of pieces from the Elks Art Show are on display outside of this Chamber and will be on display for about a month. The High School had a separate Arts Show on the 5th. The high school Art Club will hopefully be working with the Art Commission to begin the process of developing a mural that may be installed in Town Hall. Councilwoman Keyes-Maloney commented that the cool thing about this is that it will be a joint project with the school district and also will showcase the work of our students. The Historic Commission did not meet.

Councilman Baxter reported that the Grand Reopening of Fasolino Field will possibly be held on Saturday the 21st at 12 Noon. A lot of work over the years has gone into getting the Little League field ready. The Ewing arts students did have a nice showing over at the Springhill Suites. It was a great display; particularly, the ceramics. The next Town & Gown meeting will be upcoming.

Vice President Steward reported that the Green Team is going full blast with Sustainable Jersey as the submission deadline is June 5th. With the assistance of the Administration, the Green Team has launched a Ewing Green Business Recognition Program to recognize those businesses that have taken steps to improve in terms of their energy consumption and sustainability. A check list is available on the Green Team website. There is a meeting on the 12th of the group that is trying to form neighborhood associations and also outreach to existing neighborhood associations.

There were no additional Commisison & Committee Reports from Members of Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

George Steward (30 Gilmore Road) asked for an explanation of the logistics of the Alcoholic Beverage Control Board as it relates to Council.

The Attorney responded that many towns have Alcoholic Beverage Control Boards. In Ewing, as a Faulkner Act town, the Council acts as the Alcoholic Beverage Control Board but not as a separately constituted Board as, for instance, with the Board of Health. It is Council functioning as the Alcoholic Beverage Control Board. It is not a separate Board.

Mr. Steward and the Attorney then discussed this further.

Mr. Steward then mentioned his ongoing concern that he sees it as a conflict of interest for Council to act as the Alcoholic Beverage Control Board. Mr. Steward stated that his comments, in the past, have been similar with regards to the Board of Health. Mr. Steward said that, in theory, this issue should come before the Liquor Control Board. The Liquor Control Board recommends action to Council. Council then considers the matter. It is the same with the Board of Health. Mr. Steward says that he hopes that the Town is looking into ways to create a separate Board of Health and a separate Alcoholic Beverage Control Board.

President Schroth thanked Mr. Steward for his comments and then said that Mr. Steward's characterization of it being a conflict of interest is inaccurate because it suggests that somehow the interests of Council as Council are somehow different from or in conflict with the interests of a separate Alcoholic Beverage Control Board. Council's interest is no different from what a separate Alcoholic Control Board would have because our interests are the same. That interest is to act in the best interests of the Township: to balance the interests of the citizens with the interests of businesses and to determine what is fair and appropriate and comports with the law.

Mr. Steward responded that sometimes subject matter experts are helpful; who could be sitting on the Board of Health or the Alcoholic Beverage Control Board.

Mr. Steward said that he does not believe that the website is working well. This year's Information Technology budget is \$1.2 million. Citizens are not seeing the benefits of all of this spending. Mr. Steward said that he wishes he could request that Council withhold this money until they can get something working. Mr. Steward said that he does not see results during this past year.

President Schroth responded that this is a work in progress and then gave this example: we immediately took your comment about the lack of a search bar to the Technology Department and one was promptly added to the website. We will look into the functionality of the mobile website. President Schroth said that during a prior meeting, Mr. Steward expressed concern about wifi accessibility. The money for the Technology Department is for new technology – WiFi is part of this.

Councilwoman Keyes-Maloney said that she has experienced a website launch here and also at her day job and commented that the launch here has been much smoother. Site development is two-fold – the architecture of the site itself and the content. Content takes more time. Councilwoman Keyes-Maloney said that if a member of the Public has something that they would like to see on the website, they should contact us. There is always room for improvement. However, a website will never be complete; it should always be evolving. Although not perfect, the speed and the look of the website has improved; now it is moving forward with the content management.

Mr. Steward said that he did use the comment section on the website; it would be nice if someone responded to those comments. Otherwise, the public could think that their comments just goes into a black hole.

President Schroth replied that he will make sure that that is conveyed.

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 Schroth asked for a motion to adjourn. Ms. Steward so moved seconded by Ms. Wollert. The meeting was adjourned at 7:57 p.m.

David P. Schroth, Council President

Kim J. Macellaro, Municipal Clerk