

January 13, 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 6th day of January, 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 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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| ▪ Ms. Keyes-Maloney – Present | Jim McManimon, Administrator |
| ▪ Mr. Schroth – Present | Joanna Brewster, CFO |
| ▪ Ms. Steward – 6:33 p.m. | Maeve Cannon, Attorney |
| ▪ Ms. Wollert – 7:29 p.m. | Kim Macellaro, Municipal Clerk |
| ▪ President Baxter - Present | |

DISCUSSION

1. A RESOLUTION AUTHORIZING THE AMENDMENT OF RESOLUTION #13R-191 AUTHORIZING CY2013 BUDGET TRANSFERS

The CFO said that this is an amendment to Resolution 13-191 passed in December approving transfers between operating accounts to make them all “whole”. The CFO explained that there was a “glitch” and that she needed to add the transfers listed on this Resolution.

Councilwoman Keyes-Maloney stated that we were allowed to do this.

The CFO added that we are allowed to do this the last two months of the budget year and the first three months of the succeeding budget year.

President Baxter asked if “Police Salary & Wages From” is left over from breakage or retirements.

The CFO responded - yes.

President Baxter then asked who falls under the “General Administrative” line.

The CFO replied that it is the Administrator, the Mayor, the HR Department, the secretary and the Special Events Coordinator.

President Baxter asked who the Special Events Coordinator is.

The CFO responded that it is Harry Masterson.

There were no other questions from Council.

2. A RESOLUTION OF TEMPORARY APPROPRIATIONS

The CFO explained that by statute we have to adopt a temporary budget that will take us from January 1st to March 31st and that we are limited to 26.25% of the prior year budget with the exception of debt service, capital improvements, and public assistance. The CFO explained that it establishes spending capability for the first three months.

President Baxter asked about the difference between the \$10.1 million and the \$9.4 million.

The CFO responded that the \$10.1 million is 26.25% of the entire budget with the exception of the debt service. There are pension payments due in April which are outside the timeframe and is why the temporary budget is lower than the \$10.1 million.

There were no further questions from Council.

President Baxter announced that he was going to move to Agenda Item #4, as he wanted Councilwoman Wollert to be present for the discussion of Agenda Item #3.

4. A RESOLUTION AUTHORIZING STATE CONTRACT AND COUNTY COOPERATIVE CONTRACT USE FOR PURCHASES FOR THE BUDGET YEAR 2014

The CFO explained that this is a blanket resolution that will allow the QPA to utilize any State Contract below \$17,500 without having to do an individual resolution for each minor contract. It includes the County Cooperative Contracts as well.

President Baxter asked for confirmation that the threshold is \$17,500 or less and that it is only for those already on the State Vendor List.

The CFO responded – yes.

President Baxter then asked if it was tied to our shared services.

The CFO responded – no. It saves us from having to go out for bid or for quotes because the State has already gone through that process and has extended it down to the counties and to the municipalities.

The Mayor stated that he hopes Council will pass this. Even if Council does pass it, there will still be occasions when we will go out and get quotes and try to find a lower price but we need something; we cannot wait two or three weeks for the bid/quote process.

The CFO added that the auditors look for either a blanket resolution or an individual resolution for amounts above \$17,500 if a State Contract is used.

President Baxter asked if a QPA is still needed.

The CFO responded that the QPA still has to verify the State Contract and we still may go out to bid/quotes depending on what it is.

Councilwoman Keyes-Maloney asked if we would be able to tell on the Bills List that something was purchased by State Contract.

The CFO responded – no, not on the Bills List, but it would be on the purchase order.

Councilman Schroth asked for examples of past purchases done under State Contract.

The CFO replied that a number of vehicles and radios were purchased under State Contract. The CFO explained that we looked at the State Contract for the bleachers but ended up going out to bid and got a better price. State Contracts are not always the best option, but are a good place to start.

The Mayor added that we also can go to Home Depot or Loews for items under the bid threshold. (The Mayor said something additional but it could not be understood).

There were no further questions from Council.

5. **A RESOLUTION RESCINDING RESOLUTION #13R-190 AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF PAULIES HILLTOP MANOR, LLC t/a PAULIES ANNA ROSE (1102-33-019-002); A PLENARY RETAIL CONSUMPTION LICENSE, TO S.E.J. RESTAURANTS INC. t/a PAULIES ANNA ROSE**

The Attorney explained that this rescinds the Resolution that approved this transfer. The Resolution needs to be rescinded because S.E.J. Restaurants Inc. t/a Paulies Anna Rose did not have their tax clearance certificate. The Attorney further explained that if and when S.E.J. Restaurants Inc. does receive their tax clearance certificate, a resolution to transfer the liquor license will come back before Council. The Attorney confirmed President Baxter's statement that having a tax clearance certificate is a State ABC requirement.

There were no further questions from Council.

6. **A RESOLUTION AUTHORIZING AND APPROVING 2014 SHARED SERVICES CONTRACT FOR HEALTH SERVICES BETWEEN THE TOWNSHIP OF EWING AND THE TOWNSHIP OF HAMILTON**

The Administrator explained that we have had a shared service for quite a number of years with Hamilton. If we do not provide a service in our health department, Hamilton will provide it. The Administrator then listed a few examples of the services and stated that the last time it was used was in 2011. The Administrator stated that it is a shared services that we still need in place in order to provide for our residents.

President Baxter asked if there is only a cost attached when it is used and since the last time was in 2011, no cost was incurred in 2012 and 2013.

The Administrator replied – correct.

President Baxter then asked about the contract amount.

The Administrator responded that it depends on what the issue is and then he proceeded to list some examples. The Administrator added that we have a similar agreement with Trenton regarding lead service investigation. The Administrator then added that we get credit under “best practices” with the State for the shared service.

Councilwoman Keyes-Maloney asked if this is just for investigations, while most of the lead education is done with Trenton.

The Administrator replied that it depends on who is available.

There were no further questions from Council.

7. **A RESOLUTION OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, APPROVING THE EXECUTION OF A PLANNED SERVICE RENEWAL AGREEMENT BETWEEN JOHNSON CONTROLS AND THE TOWNSHIP OF EWING IN THE AMOUNT OF \$6,901.00**

President Baxter stated that this is for the controls of our heating and air systems.

The Administrator explained that it is the maintenance contract for all of our equipment up top.

Councilwoman Keyes-Maloney stated that when we get the new boilers, Johnson Controls will still be the controlling entity.

The Administrator replied that they will be the controlling entity for general maintenance. If it is beyond their contract, we will call someone in.

President Baxter asked where the certification of funds is coming from.

The CFO replied that it is coming from Buildings and Grounds.

The Mayor added that it is something we need.

Councilwoman Keyes-Maloney said that doing the maintenance ensures that we get the best value.

The Mayor stated that at the moment we do not have a maintenance program. The Mayor further stated that he has no idea why previous administrations did not have a maintenance program.

Councilwoman Keyes-Maloney stated that we will also realize energy efficiencies with a maintenance program.

Councilman Schroth asked if the \$6,901.00 was the same as last year or is it an increase.

The Mayor replied that it is the same as last year but that next year it could change.

There were no further questions from Council.

- 8. A RESOLUTION OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, APPROVING THE EXECUTION OF AN EMERGENCY NOTIFICATION SERVICE AGREEMENT BETWEEN HONEYWELL AND THE TOWNSHIP OF EWING IN THE AMOUNT OF \$18,000**

The Mayor explained that this Resolution switches us over from Global Connect to Honeywell. The reason why we are doing this is that Global Connect sold out to Code Red and a lot of our residents panicked when they saw “Code Red” when messages were sent out. We asked the company if that could be changed and we were told that the only thing we could do was change the caller id to the Township of Ewing; but once you picked up, it still said Code Red. The Mayor further explained that the other problem with Code Red was that if we wanted to adjust upward the number of calls put out per minute, it was more money.

The Mayor stated that this contract with Honeywell is higher than the contract amount with Global Connect however, we do not know what the new contract amount with Global Connect would have been. The Mayor emphasized that the contract with Global Connect did not serve the needs of the town, as not all calls were emergency calls.

The Mayor stated that the people really liked these messages.

The Mayor further explained that the \$18,000 is \$3,000 more than the annual fee but it includes the initial set-up fee.

President Baxter said that it serves several different devices.

The Mayor replied that this contract covers 15,000 homes and businesses and includes an unlimited number of calls; it is a very flexible program.

The Mayor stated that the school system uses Honeywell and that we tried to do a shared services with the school but were told no. That is why we initially went with Global Connect as it was cheaper. And now we are back to where we are.

President Baxter stated that it could handle multiple numbers within a household.

The Mayor stated that there are approximately 10,500 households in town and even with future growth we will still be within the contract amount.

President Baxter said that you can go to the website to sign up.

The Mayor replied – yes and you could also go to the Clerk’s Office if you do not have access to the internet.

Councilwoman Steward asked if it will transfer the current numbers to the new system.

The Mayor responded yes and stated that we are checking it now to make sure the transfer is flawless.

Councilwoman Keyes-Maloney asked if it was advertised in the Observer that additional devices could be added.

The Mayor said that it is on the website, but we can look to put it in the Observer.

The Mayor then stated that another issue with Code Red was that there were a few instances of people outside of Ewing receiving these messages.

Councilwoman Keyes-Maloney stated that many school districts across the State use Honeywell and it is well respected.

The Mayor stated that we do not want to use it too much, as people will then ignore it.

Councilwoman Keyes-Maloney said that the Green Team is appreciative of being able to use it and also stated that the speed for getting out messages in an emergency situation will increase.

The Mayor added that for the 14,000 residential numbers currently on the list, it takes about one hour and forty-five minutes to send out a message.

There were no further questions from Council.

9. A RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR THE INTERIOR RENOVATIONS TO THE EWING TOWNSHIP MUNICIPAL BUILDING IN THE AMOUNT OF \$674,322.00

The Mayor detailed all the renovations that will occur in the Municipal Building.

President Baxter asked when the renovations will start.

The Mayor responded that he thinks it will start the last week in January or the first week of February and will last two or three months or perhaps a bit longer.

The Mayor emphasized that there will be a maintenance schedule.

The Attorney then explained the bidding process. The Attorney stated that three bids were received. J.H. Williams was the apparent low bidder with a base bid of \$549,500 and with the four alternates - \$624,500. The second apparent lowest bidder was Levy Construction on the base bid of \$593,600 and the third bid was Golden Crown Contractors on the base bid of \$596,642. Levy Construction then correctly protested the bid of J.H. Williams because J.H. Williams neglected to include the list of their subcontractors which is a mandatory requirement and is a non-removable defect by the Municipality so that bid was rejected. The Attorney then explained that because the bids came in under budget, the Township was then able to award the four alternatives as well which then displaced Levy. Golden Crown with the four alternates was \$674,322.00 and Levy was \$682,400.

The Attorney stated that the recommendation is to award to Golden Crown with the four alternates all within the budget and with the recommendation of the Engineer.

President Baxter asked for the list of the subcontractors.

The Attorney responded that she has the bids with her if Council wanted to take a look.

The Mayor then stated who he believed were the subcontractors for Golden Crown.

Councilman Schroth asked the Mayor to give him a breakdown between what is necessary and what is discretionary. Councilman Schroth then stated that it appears that some of these renovations are cosmetic and \$600,000 is a lot of money.

The Mayor replied that it is not only cosmetic and gave examples. The Mayor also stated that aesthetics are important. It reflects on taxes – people say, I pay a ton in taxes, I should be able come into a clean building.

The Mayor stated that it is not that much more. The total budget of \$674,000 is \$300,000 less than what we estimated. Our professionals estimated this project, including the boilers, at \$1.6 million and right now we are at a little under a million dollars.

Councilman Schroth and the Mayor then discussed what this \$674,000 included and they also discussed the plumbing issues.

Councilman Schroth then asked if we have any estimates or projections as to the savings we would get with the glazing.

The Administrator responded that the Green Team has this information.

Councilwoman Keyes-Maloney added that with the LED lighting, we will save between 40% and 80% depending on the extent of the fixtures and the actual time that they are on in terms of annual cost. Solar film is more difficult to gauge as it depends on a number of factors such as how many hours of light are coming in throughout the entire facility.

The Mayor added that the LED lighting was well worth it and the Court renovations were mandated.

Councilwoman Keyes-Maloney added that it will also make the facility ADA compliant.

There were no additional questions from Council.

10. A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO JAMES M. JONES III AND JAMES JONES CONSULTING SERVICES, INC. TO SERVE AS TOWNSHIP FIRE INSPECTOR

The Attorney explained that this individual will be working on an hourly basis to provide fire inspections and other as needed inspection services for the Township. The not to exceed figure in the contract is \$26,000 and is a one year contract that is cancellable with a thirty day notice.

There were no questions from Council.

11. A RESOLUTION AGREEING TO INSURANCE COVERAGE WITH GARDEN STATE MUNICIPAL JOINT INSURANCE FUND

The Attorney explained that this consents to membership in JIF and its rules.

There were no questions from Council.

12. A RESOLUTION APPOINTING BROWN & BROWN METRO FOR PROFESSIONAL RISK MANAGEMENT CONSULTING SERVICES PURSUANT TO THE REQUIREMENTS OF THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND

The Mayor explained that this consulting firm was brought in by the prior Administration. We examined their record; they have done a good job for the Township – there was no need to change.

President Baxter asked what the length of the contract is.

The Attorney responded that it is a one year contract with renewals. The Attorney explained that we are required by JIF to have a risk management firm. The Attorney then gave their job description and how they interact with the Township and with JIF.

The Administrator discussed the consulting firm's role with the Township Safety Committee.

There were no further questions from Council.

13. A RESOLUTION OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, APPROVING A PROPERTY TAX REDUCTION FOR PARKWAY AUTO BODY LOCATED AT 9 CHELSEA AVENUE

The Administrator explained that Parkway Auto had a fire. Council had approved a trailer to be located on the property for up to a six month period. Taxes will be lowered due to the fire and after it is repaired, it will be reassessed.

President Baxter asked where are we in that six month period.

The Mayor then explained the history behind another such situation and stated that this administration will not get caught up in that type of situation again.

President Baxter asked the Administration to follow up with Mr. Erney regarding where we are now in terms of the six month period.

There were no further questions from Council.

14. A RESOLUTION REAPPOINTING CHARLES GETER AS A MEMBER OF THE EWING LAWRENCE SEWERAGE AUTHORITY

President Baxter stated that we may have missed this at our Reorganization Meeting. Mr. Geter's term is up at the end of this month and this is just a reappointment.

There were no questions from Council.

15. A RESOLUTION AMENDING RESOLUTION #14R-19 REAPPOINTING/APPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENT

President Baxter stated that this is another reappointment for our Zoning Board – some members were switched around and this is just making sure everything is compliant with their correct terms.

There were no questions from Council.

16. A RESOLUTION AUTHORIZING THE APPLICATION FOR A SMALL SUSTAINABLE JERSEY GRANT BY THE EWING TOWNSHIP SUSTAINABLE GREEN TEAM

Councilwoman Keyes-Maloney explained that this will allow the Green Team to apply for a \$10,000 grant to facilitate conversations around the Community with what the Community wants to do regarding environmental and sustainable practices similar to what was done for Olden Avenue Redevelopment. It will serve as a mission statement/plan for not only the Town but the Green Team. Councilwoman Keyes-Maloney stated that the deadline to apply is January 26th.

President Baxter stated that the Administration has been working in concert with the Green Team to get this grant. President Baxter asked the Mayor if this is amenable to him.

The Mayor said – yes and then stated that the prior issue was not communicating – grants were applied for that the Administration did not know anything about.

Councilwoman Keyes-Maloney stated that she knows the Green Team is using the Grant Writer on this.

The Administrator added that this is a more refined study similar to what Community Fest or National Night Out did to find out what people are interested in; it will help us apply for more grants.

There were no further questions from Council.

Council President Baxter stated that Councilwoman Wollert is still not present; we will proceed with Agenda Item #3.

3. A RESOLUTION AUTHORIZING CHECK AUTHORIZATION PRIOR TO BILLS LIST APPROVAL

The CFO explained that this seeks approval from Council to allow the CFO to pay bills that may come due when we only have one Council meeting in a month. Right now, we have to hold onto them until the Council meeting and we may incur finance charges or have to pay interest. This will allow the CFO to pay these bills and then list them in a separate Bills List at the next Council meeting.

President Baxter remarked that the Resolution was to include the specific types of bills that would be covered.

The CFO then listed the specific types of bills.

President Baxter asked what the finance charges/fees we have had to pay.

The CFO responded that it has occurred, but it would take a lot of research to give a specific amount. It is not a large number but it would be nice to be able to pay the bills

The Administrator added that it would only be in those months that have one Council meeting.

The Mayor added that we deal with a lot of mom & pop businesses that rely on this money, if they have to wait two or three more weeks to be paid, it may be a burden to them.

President Baxter stated that he does not see the specific months noted in the Resolution.

The Attorney responded that we could add the specific months, however, the Resolution was drafted to be broad enough to handle any other situation that may come up.

The Mayor then gave an example of a snow storm.

Councilwoman Keyes-Maloney commented that this would be a separate line item in the Bills List.

The CFO replied, yes – it would be in a separate Bills List.

Councilwoman Wollert arrived at 7:29 p.m.

Councilwoman Wollert asked Council President Baxter what were the particular issues that had already been discussed.

President Baxter replied that he had noted that the specific months were not included in the Resolution. President Baxter added that Council had not yet discussed a threshold amount.

Councilwoman Wollert and the CFO had a discussion regarding this Resolution.

Council, the CFO, The Attorney and the Administration then had a lengthy discussion amending this Resolution followed by a discussion on the procedure involved.

There were no further questions from Council.

President Baxter asked the Clerk to move all discussion items. The Clerk replied – so noted.

CONSENT AGENDA

Council President Baxter presented the Consent Agenda for review.

1. Approval of Minutes of the Meeting of September 23, 2013 (Agenda) September 24, 2013 (Regular).
2. A Resolution Authorizing a Maintenance Guarantee Release for SDB Realty/Senior Star (Block 40.01/Lots 16, 17, & 18) 1672/1676 North Olden Avenue Ewing Engineers Remington Vernick and Affiliates #1102 I 002
3. A Resolution Authorizing a Performance Guarantee Release for PEAC Minor Site Improvements (Block 225.02/Lot 51) – Ewing Engineers Remington & Vernick and Affiliates #1102 I 043
4. A Resolution Authorizing a Performance Guarantee Release for Princeton South Corporate Park – Mark Lane Extension (Block 225.01/Lot 1.03) – Ewing Engineers Remington & Vernick and Affiliates #1102 I 017
5. A Resolution Authorizing the Conduct of Bingo Games Sponsored by the Prospect Heights Volunteer Fire Company
6. A Resolution Authorizing a Cancel, as recommended by the Tax Collector, in the amount of \$890.18 for November 1, 2013 tax quarter for property owner Parkway Property LLC, for Block: 61 Lot: 27 also known as 11 Chelsea Avenue due to fire on premise on October 15, 2013.
7. A Resolution Authorizing a Refund, as recommended by the Tax Collector, in the amount of \$239.44 for October 1, 2013 sewer bill to Busch, Kevin, 4814 Fahringer Drive, York, PA 17406, for property owner Busch, Kevin, for Block: 496 Lot 12 also known as 25 Theresa Street, for overpayment of October 1, 2013 sewer bill.

President Baxter asked the CFO for confirmation as to why a Bills List was not included on the Consent Agenda.

The CFO responded that there is no temporary budget at the moment.

There were no additional 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

(None for this Meeting)

NEW BUSINESS

1. A RESOLUTION GRANTING KEITH SOCHALSKI PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA902) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT FEBRUARY 1, 2014

President Baxter stated that the information on this is in our packet. The Officer-in-Charge has stated that there is no reason that he should not be allowed to receive his firearm.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Ron Prykanowski (16 Thurston Avenue) stated that he spent ten years as a purchasing agent and rarely paid a finance charge. Mr. Prykanowski explained that the law falls silent on whether or not finance charges have to be paid. You can only pay what you budget; if it is not in your budget, you cannot pay it. Also, you are not going to be taken to Court over a few dollars. Mr. Prykanowski suggested that Council consider not paying finances charges.

President Baxter thanked Mr. Prykanowski for his suggestion, but noted that it has been a few years since he had been a purchasing agent, and the law has changed. President Baxter stated that he spoke with the CFO recently about this.

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 7:45 p.m.

Kevin Baxter, President

Kim J. Macellaro, Municipal Clerk