

## March 25<sup>th</sup>, 2014 – AGENDA SESSION

President Baxter called the meeting to order at 6:30 p.m. and read the Open Public Meetings 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 13th day of March, 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

- |                               |                              |
|-------------------------------|------------------------------|
| ▪ Ms. Keyes-Maloney – Present | Jim McManimon, Administrator |
| ▪ Mr. Schroth – Present       | Joanna Mustafa, CFO          |
| ▪ Ms. Steward – Present       | Maeve Cannon, Attorney       |
| ▪ Ms. Wollert – Present       | Susan Bate, Deputy Clerk     |
| ▪ President Baxter – Present  |                              |

### PRESENTATION

#### 1. Presentation of Proclamations to Honor Those Involved in a Fire Rescue

President Baxter first explained that the Mayor was unable to be present due to a family emergency and then on behalf of the Mayor, President Baxter and Council presented Captain Robert Horlowski, Deputy Chief Douglas Brower, Firefighter Brandon Leese, Firefighter Nicholas Brower, Firefighter Matthew Rosidivito, Driver/Captain Kyle Brower and Chief Steve Luck with Proclamations to honor and thank them for putting their lives in danger to help save another during a fire rescue.

President Baxter gave his own personal thanks and appreciation to these fireman. Vice President Keyes-Maloney then thanked them as well. (Council then took a group photo with the firefighters).

#### 2. Presentation of Proposed Zoning Change on 60 Ewingville Road, Block 105, Lot 1 – Art Sypek

President Baxter stated that the proposed zoning change presentation has been cancelled.

## **DISCUSSION**

- 1. AN ORDINANCE FOR THE CALENDAR YEAR 2014 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

The CFO explained that this is a standard Ordinance that we do every year to allow an increase in the appropriations to the allowed three and one-half percent. The CFO further explained that the COLA this year is one-half percent and this will be for three percent on the appropriations for 2014.

Councilman Schroth asked if this was something that we may avail ourselves of, but not necessarily use, the three percent.

The CFO replied correct; we are creating a cap bank for the next two years, in case we need it.

There were no further questions from Council.

- 2. A RESOLUTION INTRODUCING AND APPROVING THE MUNICIPAL BUDGET OF THE TOWNSHIP OF EWING, COUNTY OF MERCER FOR THE CALENDAR YEAR 2014**

The CFO gave an overview of the 2014 Budget.

President Baxter stated that we will hold a Special Meeting on April 1, 2014; department heads will be present to explain their budget requests.

Councilwoman Wollert asked why the pension costs dropped from the original estimate that the State gave us.

The CFO replied that it is her understanding that the Governor was funding at a higher rate than what the actuarial report indicated so we were all rebilled at a reduced rate.

There were no further questions from Council.

- 3. A RESOLUTION AUTHORIZING CY2014 RESERVE BUDGET TRANSFERS**

The CFO explained that this is basic housekeeping for our reserve year 2013 – moving available funds from appropriations with surplus funds to those appropriations that need funds. It is our last opportunity to do any transfers as, by statute, we only have the first three months of the year to do so.

There were no questions or comments from Council.

- 4. A RESOLUTION OF EMERGENCY TEMPORARY APPROPRIATION**

The CFO stated that this is an emergency appropriation for one month; it is one month of the last prior year budget. It is needed because the temporary budget extends us through the end of March and the Budget is not anticipated to be adopted until the end of April. The CFO explained that this will allow us to complete our operations through the end of April.

There were no questions or comments from Council.

- 5. A RESOLUTION AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN FOR THE EWING MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2014**

President Baxter explained that this is a clean-up resolution because the Municipal Alliance went to a fiscal year from a calendar year.

The CFO said – correct.

There were no questions or comments from Council.

**6. A RESOLUTION AMENDING RESOLUTION #11R-69 APPOINTING FUND COMMISSIONER AND ALTERNATE FUND COMMISSIONER FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND**

The Administrator stated that he had been the representative for the last three plus years and with the need to do more things around here, the Mayor wanted him to be at Town Hall more. The Administrator explained that the Administration is recommending that Hilary Hyser become the Township's voting member because she has a background in workman's compensation and Joanna will remain the alternate.

There were no questions or comments from Council.

**7. A RESOLUTION APPROVING A REFORECLOSURE FOR 65 TROY AVENUE, TAX SALE CERTIFICATE NO. 1992-19**

The Attorney stated that her firm is not handling this matter as there is a conflict with an interested party. The Attorney explained, in generic terms, that a foreclosure occurred and that foreclosures are a complicated process that require a lot of notice; there was a defect in the original proceedings which was set aside and now a reforeclosure needs to occur.

There were no questions or comments from Council.

**8. A RESOLUTION AUTHORIZING EXTENSION OF THE GRANT WRITING AND ADMINISTRATIVE SERVICES CONTRACT TO RESOURCE DEVELOPMENT NETWORK, INC. FOR HUD AND NON HUD RELATED GRANTS IN AN ANNUAL AMOUNT OF \$64,800.**

The Attorney explained that this is a contract that was awarded last year which provided for two one year extensions at the option of Council. It is the end of the first year and as, by all accounts, Resource Development Network, Inc. has done a good job, it is recommended that the contract be extended for one year.

President Baxter asked if the \$64,800 is the base salary for the year.

The Administrator replied yes, and then added that Susan Caruso Green will be at the next Agenda meeting to update Council.

President Baxter asked what is the percentage that the Grant Writer receives from HUD grants?

The Administrator replied that they can charge HUD up to twenty percent of the amount of the work; it comes out of the HUD grant, not Township monies.

Councilman Schroth asked when the contract was publically bid, was there an option to extend.

The Attorney replied yes, an option to extend for two one year extensions.

Councilwoman Wollert asked approximately what was the total dollar amount of the grants received during the past year's contract?

The Administrator replied that he did not know off hand and then, in general, described some of the HUD grants that the Township has applied for and/or received.

Councilwoman Wollert then said that in the past, the grant writer was paid out of the grant itself.

The Administrator replied that is when they are working on HUD grants, when they are working on other grants, the Township pays for that work.

President Baxter and the Administrator then discussed payment made to the Grant Writer for both HUD and other grants.

Vice President Keyes-Maloney said that with regard to her work with the Green Team and Sustainable New Jersey, it was very helpful and successful.

The Administrator said that we have been certified Bronze awarded by Sustainable New Jersey. The Administrator added that every grant is being processed through Susan Caruso Green so that we can track and make sure it is done as per the grant guidelines so we will not have to give any grant money back.

Councilwoman Steward asked if they help with compliance as well.

The Administrator replied – yes, that is part of it.

There were no further questions or comments from Council.

**9. A RESOLUTION WAIVING ALL CONSTRUCTION FEES UNDER § 172-25 FOR REBUILDING EFFORTS ATTRIBUTABLE TO THE MARCH 4, 2014, GAS EXPLOSION**

President Baxter explained that the Township is waiving all construction fees for those rebuilding after the gas explosion.

The Administrator said that we should all be proud of the residents of Ewing and how the Township came together during this horrible experience. There are fifty-five homes that were damaged and it is appreciated.

The Construction Official said that we are going to waive all construction fees along with the DCA fees and we will expedite the planning process.

There were no questions or comments from Council.

**10. A RESOLUTION AUTHORIZING A LIMITED LICENSE AGREEMENT WITH DEWCON, INC. PERMITTING THE STORAGE OF CERTAIN MATERIALS AT 355 FOURTH STREET, EWING TOWNSHIP, NEW JERSEY**

The Attorney explained that this came from a contract awarded by Trenton Water Works. The company that won the award needed a place to store supplies and equipment needed for this project. It is in the Township's interest that this project be completed as soon as possible as a number of these capital projects will benefit the Township. The Attorney further explained that it is a license agreement, not a lease, so if the Township needs the space, the license can be revoked immediately. The Attorney then discussed a number of the stipulations of the license agreement.

There were no questions or comments from Council.

All discussion items were approved for action.

**CONSENT AGENDA**

Council President Baxter presented the Consent Agenda for review.

- 1. Authorization for the Chief Financial Officer to Pay Township Bills in the Amount of \$1,254,360.30**
- 2. A Resolution Authorizing a Refund, as Recommended by the Township Registrar, for Overpayment in the Amount of \$120.00 to Orland's Ewing Memorial Chapel, 1534 Pennington Road, Ewing, NJ 08618 for an Overpayment of Certified Death Certificates**
- 3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the amount of \$1984.27 for February 1, 2014 tax quarter to Richter, Judy, 18 Hickory Hill Dr., Ewing, NJ, 08618, for property owner Richter, Judy, for Block: 229 Lot: 52 also known as 18 Hickory Hill Dr., for overpayment of February 1, 2014 tax quarter.**
- 4. A Resolution Authorizing a Cancel, as Recommended by the Tax Collector, of the 2014 Sewer Charges for various property owners due to the gas explosion which occurred on March 4, 2014**
- 5. A Resolution Approving Justin K. Leese as a Senior Firefighter Member of the Prospect Heights Volunteer Fire Company**
- 6. A Resolution Authorizing the Conduct of an On Premise 50-50 Cash Raffle Sponsored by the Children's Home Society of NJ on May 9, 2014**
- 7. A Resolution Authorizing the Conduct of a Bingo Sponsored by the Children's Home Society of NJ on May 9, 2014**
- 8. A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by EASEL (Ewing Animal Shelter Extension League) on May 2, 2014**

9. A Resolution Authorizing the New Jersey State Police to Hold its Annual Chase (5KRUN)

10. A Resolution Authorizing Islamic Center of Ewing to Hold a Block Party/Road Closing on August 9<sup>th</sup>, 2014

President Baxter noted that Item Number Four is an effort to be helpful to those in their time of need after the gas explosion.

There were no questions or comments from Council 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 AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 252 PARKS AND PLAYGROUNDS TO CREATE A COMMUNITY GARDENING PROGRAM

The Attorney stated that this is a codification of a program that has existed for a long time and then summarized the Ordinance.

There were no questions or comments from Council.

**NEW BUSINESS**

(None for this Meeting)

**STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC**

Charles Green (979 Bear Tavern Road) stated that since it was known that the Township can revoke a garden license without cause, he wanted to know why “without cause” was still in the Ordinance.

The Attorney replied that that provision is in there to protect the Township’s interest, in case that property is needed for other purposes.

Mr. Green then said that there are other provisions of the Ordinance that implies that the Ewing Community Garden Association can enforce the rules.

Vice President Keyes-Maloney replied that only the Township, not the Community Garden Association, can revoke a gardening license.

Mr. Green asked Council to clarify the Ordinance regarding this. Mr. Green further stated that he has taken calls from other gardeners that are confused regarding this issue.

President Baxter stated that he believes that it is clear in the Ordinance.

The Attorney said that she is not sure what the objection is because the license section of the Ordinance is clear that only the Township can revoke a license. The management section of the Ordinance does give the Ewing Community Garden Association the authority to manage the gardens, but it also says that the ECGA cannot spend funds, enter into contracts or issue or revoke a license.

Mr. Green replied that it says that the Ewing Community Garden Association has the authority to enforce the rules and regulations which gives them the right to enforce this Ordinance.

The Attorney responded that it only gives the ECGA the right to enforce the rules and regulations regarding the use of the garden.

Councilwoman Wollert read the four regulations: 1) hours and the use of any loud equipment which apply to the noise ordinance 2) pets cannot run free, dogs have to be licensed and you have to clean up after them 3) anything grown is for own consumption or gifting and shall not be sold 4) all gardeners shall observe the rules established herein and any guidelines promulgated by the ECGA.

Councilwoman Wollert then asked Mr. Green if he wanted “any guidelines promulgated by the ECGA” to be taken out?

Mr. Green asked for the ECGA to be removed from the regulations.

The Attorney stated that ECGA membership is made up of all licensed gardeners and is self-governing - if someone is upset about the guidelines, then change the guidelines.

Mr. Green said that that is not the case. The guidelines are set by the ECGA Council, brought before the Township and then put to the Association members to approve. The members do not have much say in it.

President Baxter said that that is not accurate and then asked if any member of Council wants to change any language or discuss this further.

Councilman Schroth stated that he would have no objection to table this discussion to further address tweaking some of this language and for time to reread some of the emails that Mr. Green mentioned.

Mr. Green asked Council what is the rush if all the agreements are in place.

President Baxter polled Council to see if they have any questions or concerns.

Councilman Schroth said that his only concern is that we address their concerns as they are the ones who are doing the gardening. Councilman Schroth said that, personally, he would like to take more time to reread the emails that Mr. Green circulated and said that carrying this for two more weeks would not cause anyone any prejudice.

Vice President Keyes-Maloney said that we need something on the books to authorize the program and that as we have the ability to amend this in the future, we can move forward with this today.

Mr. Green asked Council not to pass this Ordinance. Mr. Green stated that only twelve people voted for the guidelines out of the fifty members of the Association because the information is not given out to everyone and that the Association said that they would not submit guidelines until all new members of the Association were known, but then they went ahead anyway.

President Baxter said that that is about the guidelines and the management of the gardens, not the Ordinance itself.

Councilman Schroth asked Mr. Green what is his opinion on the purpose of the guidelines.

Mr. Green replied that he believes that the guidelines impose itself upon a group of people that were there before.

Councilman Schroth then asked Mr. Green if he is suggesting to delete the clause "any guidelines promulgated by the ECGA".

Mr. Green responded correct and then asked if that can be done without re advertising.

The Attorney replied that it would have to be re advertised. The Attorney added that the guidelines can be amended or repealed by the Association.

Mr. Green responded that their bylaws say that it can be passed by the simple majority of voting members.

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

The gardening ordinance was approved for action.

### CLOSED SESSION

(None of this Session)

### ADJOURNMENT

There being no further business, President Baxter asked for a motion to adjourn.

Ms. Wollert so moved, seconded by Ms. Keyes-Maloney. The meeting was adjourned at 7:34 p.m.

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Jennifer Keyes-Maloney, President

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Susan Bate, Deputy Municipal Clerk