

MARCH 12TH, 2012 AGENDA SESSION

President Wollert called the meeting to order at 6:30 pm 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 25th day of January, 2012.

ROLL CALL

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| ▪ Mr. Baxter - Present | Jim McManimon, Administrator |
| ▪ Ms. Hyser – Present | Maeve Cannon, Attorney |
| ▪ Mr. Murphy - Present | Joanna Mustafa, CFO |
| ▪ Mr. Summiel - Present | Kim Macellaro, Municipal Clerk |
| ▪ President Wollert – Present | |

DISCUSSION

1. A RESOLUTION AUTHORIZING THE PROPER OFFICIALS OF THE TOWNSHIP OF EWING TO EXECUTE A GRANT APPLICATION AND AUTHORIZING EXECUTION OF ASSOCIATED AGREEMENT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO APPLY FOR PROGRAM GRANT FUNDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (approximately \$200,000).- President Wollert introduced Sandi Stark, grant consultant. She started by saying that this is a requirement of HUD to pass this resolution authorizing the annual action plan, which describes the projects that are being proposed. The second step is having a public hearing, which will be held during the next regular council meeting. Ted Forst, Director of Community Affairs, went over with Council some of the proposed projects such as enclosing the courtyard, a divider that can be opened and closed and will allow them to utilize the room at the same time for different events and a new kitchen, to name some. He explained that it is going to be done in 3 phases. The 1st phase will be planning and design, 2nd phase construction of the courtyard and divider and the 3rd phase the kitchen. Mr. Forst stated that this should all be done with grant monies. Mr. Murphy asked for a spreadsheet of how the seniors use of the facility has grown over the years. Mr. Baxter asked how Mr. Forst earmarked the projects to be done. After much discussion, President Wollert added this to the agenda for action.
2. A RESOLUTION AUTHORIZING THE TOWNSHIP TO ENTER INTO AN AGREEMENT FOR CONTINUED PARTICIPATION IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM CONSORTIUM WITH THE COUNTY OF MERCER – President Wollert said that this is a shared program that gives Ewing greater ability to qualify for funding. She asked Mr. McManimon to elaborate. Administrator McManimon stated that this is a renewal of an existing program where the towns in Mercer county work in collaboration with the county when there is a need to fix up homes of folks that are qualified for low and moderate income home improvement program, the county does the bid for the work and manages but whatever town it is in the towns participate in that on a 60% for the county, 40% for the town. Funding comes from the present affordable housing COAH fund money that we have. President Wollert asked what particular title the fund has, to which CFO Mustafa replied, “The Affordable Housing Trust”. Mr. Summiel asked how many houses in Ewing had utilized this program. Administrator McManimon replied by saying he thinks about two in the last ten years. It is President Wollerts’ understanding that in using these monies, the property then becomes an affordable housing property so that upon sale of that property there are limitations on the pricing. Admin McManimon explained that a lien is placed on the property and if they sell it, they have to pay the township back. Ms. Hyser asked if this program was for veterans or those deemed to be disabled as well as income qualifications. Admin McManimon responded that this particular program is for income qualified families. President Wollert moved the resolution for action.

3. **AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY, AMENDING LIQUOR LICENSE REGULATIONS TO ALLOW FOR MINIMUM BID FOR HOTEL/MOTEL PLENARY RETAIL LICENSES** – Attorney Cannon explained that this is an ordinance that is basically adopting the provisions of New Jersey State Statute 33:1-12.20 which permits a township or municipality to adopt a licensing structure for hotel liquor licenses when the license is first issued, not a recurring fee. The fee is \$25,000 plus \$50 per sleeping room. She feels it is a very favorable ordinance to have adopted. Mr. Summiel asked if the existing hotel had to pay this fee. Attorney Cannon responded. President Wollert asked when the statute was enacted in the State, to which Attorney Cannon responded 2006. President Wollert added this ordinance to the regular agenda for action.
4. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AMEND CHAPTER 267, PEDDLING AND SOLICITING AND CHAPTER 172, FEES, FOR PEDDLING, SOLICITING AND RELATED ACTIVITIES** – Attorney Cannon explained that this had originally come to Council for a fee increase, but changes have now been made clarifying the definition of solicitor/transient merchant and also adding the title of mobile retail food establishment. She went over the new fees proposed. Exemptions would include school children, non-profit organizations, census takers, persons who sell their own fruits and vegetables, veterans and volunteer fire fighters. Ms. Hyser stated that seeing as how it could be argued that transient merchants bring little to no value to the community and in fact take away from the businesses that pay property taxes, is there a way to ban them altogether. Attorney Cannon stated that we can license them and control them but we can't ban them. Mr. Summiel asked about the enforcement of this Ordinance. Mr. McManimon replied that the Construction Department will enforce it. President Wollert added this Ordinance to the agenda for action.
5. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AUTHORIZE THE PRIVATE SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE, SPECIFICALLY FIRE EQUIPMENT, TO THE 911 FUND, INC., A 501(c)(3) NON-PROFIT ORGANIZATION** – Council President Wollert stated that Prospect Heights Fire Company had asked for this request to be able to minimally donate some equipment they are no longer using. Because they are not auctioning it, it has to be done by Ordinance and not resolution. President Wollert added to for first reading and action.
6. **A RESOLUTION AWARDDING CONTRACT FOR THE PROVISION OF SOLID WASTE COLLECTION SERVICES** – President Wollert asked that Administrator McManimon explain this resolution to which he explained that an RFP had gone out and was publicly advertised for the privatization of the trash. Four bids were received and Central Jersey Waste was the lowest responsive bid. He explained that an analysis had been done and he feels that it is financially the best way to go. No one will be laid off and it would save the taxpayers just under \$500,000 a year for the next five years, for a total of almost \$2,500,000.00. Savings also include workers comp, the purchase of new trash trucks, maintenance, overtime, fuel and tires. Trash would remain the same, once a week. Ms. Hyser wanted to be 100% clear that the savings is not due to the reduction of pension obligations, because there will be no lay offs. CFO Mustafa responded. Mr. Summiel asked if the process of advertising required Council's action. Administrator McManimon responded that it did not. Mr. Baxter asked if everyone would continue to use their own trash cans or would they be provided with buckets. Administrator McManimon responded by saying that the township is not going with one armed bandits so that all residents will just continue to use their own trash cans. After much discussion between Council and Administration, Council President Wollert added this resolution to the agenda for action.

CONSENT AGENDA

President Wollert presented the Consent Agenda for review.

1. **Authorization for the Chief Financial Officer to pay Township bills in the amount of \$5,470,257.52.**

2. **Approval of minutes of the meeting of February 13th, 2012 (Agenda) and February 14th, 2012.**
3. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1576.38 for February 1, 2012 tax quarter to McCallum, William, 70 Heath Street, Ewing, NJ, 08638, for property owner McCallum, William, for Block: 192 Lot: 3 also known as 70 Heath Street for overpayment.**
4. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$503.69 for February 1, 2012 tax quarter to Sterns, Henry R. & Margaret, 158 Ewingville Road, Ewing, NJ, 08638, for property owner Sterns, Henry R. & Margaret, for Block: 105.04 Lot: 1 also known as 158 Ewingville Road for overpayment.**
5. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$2798.93 for February 1, 2012 tax quarter to Saxon Mortgage/Corelogic, 1 Corelogic Drive, Westlake, Texas, 76262, Ref: Ln #6000511110, for property owner Dejuliis, Michele, for Block: 499 Lot: 13 also known as 2 Wilburtha Road for overpayment.**
6. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$2247.07 for February 1, 2012 tax quarter to Saxon Mortgage/Corelogic, 1 Corelogic Drive, Westlake, Texas, 76262, Ref: #6000548024, for property owner Kover, Alexander & Linda J., for Block: 423.01 Lot: 325 also known as 7 Ronit Drive for overpayment.**
7. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$404.70 for February 1, 2012 tax quarter to Rocco, Frances L., 26 Hardwick Drive, Ewing, NJ, 08638, for property owner Rocco, Frances L., for Block: 105.07 Lot: 38 also known as 26 Hardwick Drive for overpayment.**
8. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$279.68 for February 1, 2012 tax quarter to Blackshear, Nannette, 45 Sherbrooke Road, Ewing, NJ, 08638, for property owner Blackshear, Nannette, for Block: 105.06 Lot: 16 also known as 45 Sherbrooke Road for overpayment.**
9. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$460.50 for February 1, 2012 tax quarter to Donald Dilks, 1810 Somerspoint Road, Egg Harbor, NJ, 08234 for property owner Siwik, Mariusz, for Block: 520 Lot: 9 also known as 36 Marquis Road for overpayment.**
10. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$371.76 for February 1, 2012 tax quarter to Patrone, Frank N., 148 Homecrest Avenue, Ewing, NJ, 08638, for property owner Patrone, Frank N., for Block: 69 Lot: 25 also known as 148 Homecrest Avenue for overpayment.**
11. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$486.91 for February 1, 2012 tax quarter to Veenstra, Ralph, 2420 Columbia Avenue, Ewing, NJ, 08638, for property owner Veenstra, Ralph, for Block: 45 Lot: 333 also known as 2420 Columbia Avenue for overpayment.**
12. **A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$335.68 for February 1, 2012 tax quarter to Soden, Catherine, 22 Loring Avenue, Ewing, NJ, 08638, for property owner Soden, Catherine C., for Block: 151 Lot: 89 also known as 22 Loring Avenue for overpayment.**

- 13. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$218.67 for February 1, 2012 tax quarter to Pontani, Alfred, 89 Green Lane, Ewing, NJ, 08638, for property owner Pontani, Alfred, for Block: 164 Lot: 46 also known as 89 Green Lane for overpayment.**
- 14. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$518.30 for February 1, 2012 tax quarter to Megyesy, Edward A., 428 Ewingville Road, Ewing, NJ, 08638, for property owner Megyesy, Edward A., for Block: 214.01 Lot: 17 also known as 428 Ewingville Road for overpayment.**
- 15. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$517.29 for February 1, 2012 tax quarter to Copeland, Dellanna, 257 Upland Avenue, Ewing, NJ, 08638, for property owner Copeland, Dellanna, for Block: 183 Lot: 228 also known as 257 Upland Avenue for overpayment.**
- 16. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$434.94 for February 1, 2012 tax quarter to Miller, Lucille, 222 King Avenue, Ewing, NJ, 08638, for property owner Miller, Lucille, for Block: 174 Lot: 546 also known as 222 King Avenue for overpayment.**
- 17. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$293.08 for February 1, 2012 tax quarter to Valentine, Patricia A., 70 Crescent Avenue, Ewing, NJ, 08638, for property owner Valentine, Patricia A., for Block: 165 Lot: 201 also known as 70 Crescent Avenue for overpayment.**
- 18. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$225.12 for February 1, 2012 tax quarter to LaBranche, Gechener & Yolande, 55 Hillman Avenue, Ewing, NJ, 08638, for property owner LaBranche, Gechener & Yolande, for Block: 125 Lot: 606 also known as 55 Hillman Avenue for overpayment.**
- 19. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$628.77 for February 1, 2012 tax quarter to Maciolek, Beata, 96 Wilburtha Road, Ewing, NJ, 08628, for property owner Maciolek, Beata, for Block: 422.02 Lot: 26 also known as 96 Wilburtha Road for overpayment.**
- 20. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$667.11 for February 1, 2012 tax quarter to Vanderbilt, Gary G., 3 Diane Drive, Ewing, NJ, 08628, for property owner Vanderbilt, Gary G., for Block: 422 Lot: 76 also known as 3 Diane Drive for overpayment.**
- 21. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$365.08 for February 1, 2012 tax quarter to Gopal Samuel S. & Grace, 13 Decou Avenue, Ewing, NJ, 08628, for property owner Gopal Samuel S. & Grace, for Block: 379 Lot: 378 also known as 13 Decou Avenue for overpayment.**
- 22. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$569.00 for February 1, 2012 tax quarter to Pope, Joan A. & Leonard T., 20 Decou Avenue, Ewing, NJ, 08628, for property owner Pope, Joan A. & Leonard T., for Block: 375 Lot: 30 also known as 20 Decou Avenue for overpayment.**
- 23. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$628.35 for February 1, 2012 tax quarter to Webster, Norman, 5 Gloucester Lane, Ewing, NJ, 08618, for property owner Webster, Norman, for Block: 229.09 Lot: 8 also known as 5 Gloucester Lane for overpayment.**

24. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$523.39 for February 1, 2012 tax quarter to Hageman, Rodney, 185 Hollowbrook Drive, Ewing, NJ, 08638, for property owner Hageman Rodney J., for Block: 548 Lot: 2 also known as 185 Hollowbrook Drive for overpayment.
25. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$546.55 for February 1, 2012 tax quarter to Giba, Helen M. c/o J. Kauffman, 8209 Borgia Court, Orlando, Fl, 32836, for property owner Giba, Helen M. c/o Kauffman, for Block: 547 Lot: 32 also known as 98 Upper Ferry Road for overpayment.
26. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$519.29 for February 1, 2012 tax quarter to Salamandra, Joseph G., 347 Green Lane, Ewing, NJ, 08638, for property owner Salamandra, Joseph G., for Block: 538 Lot: 5 also known as 347 Green Lane for overpayment.
27. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$947.91 for February 1, 2012 tax quarter to Curtin Jr., Ernest A., 8 Coventry Square, Ewing, NJ, 08628, for property owner Curtin Jr., Ernest A., for Block: 588 Lot: 128 also known as 8 Coventry Square for overpayment.
28. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$484.36 for February 1, 2012 tax quarter to Kenneth & Maria Bauer, 23 Shadow Drive, West Windsor, NJ, 08550, for property owner Zeng, Ming, for Block: 472 Lot: 13 also known as 65 Main Blvd. for overpayment.
29. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$944.94 for February 1, 2012 tax quarter to Inzano Robert & Calantoni Kimberly, 11 Walton Avenue, Ewing, NJ, 08638, for property owner Inzano Robert & Calantoni Kimberly, for Block: 481 Lot: 93 also known as 11 Walton Avenue for overpayment.
30. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1,088.14 for February 1, 2012 tax quarter to Gilliam, Deirdre, 132 Masterson Court., Ewing, NJ, 08618, for property owner Gilliam, Deirdre, for Block: 225.02 Lot: 56 Qual: C0132 also known as 132 Masterson Court for overpayment.
31. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1848.67 for February 1, 2012 tax quarter to Hermann, Martina, 26 Rebecca Court, Ewing, NJ, 08628, for property owner Hermann, Martina, for Block: 419 Lot: 82 also known as 26 Rebecca Court for overpayment.
32. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1712.37 for February 1, 2012 tax quarter to Marek, Teresa, 18 Matthew Drive, Ewing, NJ, 08638, for property owner Marek, Teresa, for Block: 419 Lot: 103 also known as 18 Matthew Drive for overpayment.
33. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1427.19 for February 1, 2012 tax quarter to Csapo, Gabriel & Susanne, 1013 Timberlake Drive, Ewing, NJ, 08618, for property owner Csapo, Gabriel & Susanne, for Block: 225.01 Lot: 2.02 Qual: C1013 also known as 1013 Timberlake Drive for overpayment.
34. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$125.43 for February 1, 2012 tax quarter to Land, William, 27 Farm Rd, Ewing, NJ, 08638, for property owner Land, William, for Block: 223.07 Lot: 133 Qual: Added also known as 27 Farm Rd. for overpayment.

35. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$235.82 for February 1, 2012 tax quarter to Nally, Timothy & Heather, 36 Crown Road, Ewing, NJ, 08638, for property owner Nally, Timothy & Heather, for Block: 223 Lot: 199 also known as 36 Crown Road for overpayment.
36. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$16,080.14 and CANCELLATION in the amount of \$17,920.57 for CY2010, CY2011 and February 1, 2012 tax quarter to George Rocco, 4 Frederick Lane, Ewing, NJ 08628 for property owner George Rocco, for Block: 502, Lot: 4 also known as 4 Frederick Lane. Refund due to 100% disabled vet as of 4-15-2009.
37. A Resolution authorizing the conduct of a Carnival sponsored by Incarnation St. James School PTA
38. A Resolution authorizing Mt. Ebenezer U.H.C. to hold a block party/road closing on May 12, 2012.

Ms. Hyser asked about item #37 on the consent agenda and questioned why the carnival was on a raffle application. Mr. McManimon explained that he had met with the representatives from Incarnation and the Mayor had met with Lt. DeAngelo and they were awaiting and hoped to have the back up documentation by the following evening. If it is not received in time, he will pull it from the agenda. The Consent Agenda was approved for action.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

President Wollert announced that there will a couple of Ordinances for first reading, being taken from the discussion portion of the agenda.

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

(None for this meeting)

NEW BUSINESS

President Wollert presented the New Business agenda for review.

1. A RESOLUTION AUTHORIZING TY2011 RESERVE BUDGET TRANSFERS – President Wollert asked for a brief overview of the transfers. CFO Mustafa explained.
2. A RESOLUTION CONSENTING TO THE APPOINTMENTS OF MEMBERS TO THE ARTS COMMISSION
3. A RESOLUTION APPOINTING PATRICE COLEMAN-BOATWRIGHT TO THE EWING TOWNSHIP REDEVELOPMENT AGENCY
4. A RESOLUTION AWARDED EWING SENIOR & COMMUNITY CENTER PARKING LOT PAVING PROJECT TO RICHARD T. BARRETT PAVING COMPANY, INC. AND AUTHORIZING THE TOWNSHIP TO ENTER INTO AN AGREEMENT REGARDING SAME
5. A RESOLUTION URGING THE STATE OF NEW JERSEY TO END DIVERSION OF ENERGY TAX RECEIPTS FROM MUNICIPALITIES

The New Business agenda was established for action.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Ron Prykanowski (16 Thurston Avenue) and Samuel Gaylord (2 Windybush Way) had many questions and comments on the Solid Waste resolution. Council and Administration responded.

There being no further business, President Wollert asked for a motion to adjourn. Ms. Hyser so moved seconded by Mr. Murphy. The meeting was adjourned at 7:47 pm.

Kathy Wollert, Council President

Kim Macellaro, Municipal Clerk