

May 29th, 2012 AGENDA SESSION

President Wollert called the meeting to order at 6:05 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 11th day of May, 2012.

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. ANY MEMBER OF THE PUBLIC CAN LEAVE THEIR QUESTION AND CONTACT INFORMATION WITH THE CLERK REGARDING MATTERS THAT NEED RESPONSE BY ADMINISTRATION.

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 | |

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 \$9,894,544.25.
2. A Resolution approving the meeting minutes of May 7th, 2012 (Agenda) and May 8th, 2012 (Regular).
3. A Resolution authorizing Spring Meadow Homeowners Association to hold a Parade/Block Party/Road Closing on June 2nd, 2012.
4. A Resolution authorizing Sam Gaylord to hold a Block Party/Road Closing on June 30th, 2012.
5. A Resolution authorizing a Performance Guarantee Release for Antietam Wireless Services (Block 193/Lot 17)- Ewing Engineers Remington & Vernick and Affiliates #1102 I 008
6. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$28.09 for June 1, 2012 first half sewer bill to Moses, Calvin & Pamela, 146 Susan Drive, Ewing, NJ, 08638, for property owner Moses, Calvin & Pamela, for Block: 214.08 Lot: 18 also known as 146 Susan Dr. for overpayment.
7. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$71.15 for June 1, 2012 sewer bill to Princeton Assurance Corporation, Attn: Doris Whitlock, 2482 Pennington Road, Pennington, NJ, 08534, Re: NJ11-9510, for property owner Sookhu, Richard, for Block: 552 Lot: 12 also known as 93 Willis Dr. for overpayment.

- 8. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1391.55 for May 1, 2012 tax quarter to Corelogic, 95 Methodist Hill Dr., Suite 100, Rochester, New York, 14623-4280, Contract No. 48930884-0001, for property owner Thompson Cleveland, for Block: 287 Lot: 12 also known as 556 Parkway Avenue for overpayment.**
- 9. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1384.94 for May 1, 2012 tax quarter to Swanhart, Vicki, 30 Ewingville Road, Ewing, NJ, 08638, for property owner Swanhart, Vicki, for Block: 105.01 Lot: 7 also known as 30 Ewingville Road for overpayment.**
- 10. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$2734.24 for May 1, 2012 tax quarter to Riepenhoff Matthew S. & Renee, 7 Highacres Ave, Ewing, NJ, 08628, for property owner Riepenhoff Matthew S. & Renee, for Block: 501 Lot: 11 also known as 7 Highacres Ave. for overpayment.**
- 11. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1938.13 for May 1, 2012 tax quarter to Donato, Harold & Linda, 154 Franklyn Rd., Ewing, NJ, 08628, for property owner Donato, Harold & Linda, for Block: 341 Lot: 7.03 also known as 154 Franklyn Rd. for overpayment.**
- 12. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1134.97 for May 1, 2012 tax quarter to Bulanowski, Thomas R., 11 Dawes Ave., Ewing, NJ, 08638, for property owner Bulanowski, Thomas R., for Block: 95 Lot: 239 also known as 11 Dawes Ave for overpayment.**
- 13. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$952.77 for May 1, 2012 tax quarter to Vagott, Charles G. & Barbara, 22 Greenland Ave., Ewing, NJ, 08638, for property owner Vagott, Charles G. & Barbara, for Block: 65 Lot: 15 also known as 22 Greenland Ave. for overpayment.**
- 14. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1403.42 for May 1, 2012 tax quarter to Bak, Rafal & Agnieszka, 1007 Indiana Ave., Trenton, NJ, 08638, for property owner Bak, Rafal & Agnieszka, for Block: 193.01 Lot: 36 also known as 126 Tulip La. for overpayment.**
- 15. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1885.32 for May 1, 2012 tax quarter to Young, Howard T., 108 Palmer Lane, Ewing, NJ, 08618, for property owner Young, Howard T., for Block: 414.01 Lot: 63 also known as 108 Palmer Lane for overpayment.**
- 16. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1575.06 for May 1, 2012 tax quarter to Verganelakis, Christina, 124 Masterson Ct., Ewing, NJ, 08618, for property owner Verganelakis, Christina, for Block: 225.02 Lot: 56 Qual: C0124 also known as 124 Masterson Ct. for overpayment.**
- 17. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1161.82 for May 1, 2012 tax quarter to Emerald Title Agency, 365 White Horse Avenue, Trenton, NJ, 08610, File No. ET-2911, for property owner Avgerakis Thomas & Florence K., for Block: 43 Lot: 398 also known as 1624 Windsor Way for overpayment.**
- 18. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1539.41 for May 1, 2012 tax quarter to Tomaso, Janice A., 67 Kyle Way, Ewing, NJ, 08628, for property owner Tomaso, Janice A., for Block: 365 Lot: 2.01 Qual: C0622 also known as 67 Kyle Way for overpayment.**
- 19. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1571.10 for May 1, 2012 tax quarter to Princeton Assurance Corporation, Attn: Doris, 2482 Pennington Rd. Suite 2, Pennington, NJ, 08534, Re: NJ12-9565, for property owner Chadwick, Jess, for Block: 339 Lot: 7 also known as 13 Esther Ave. for overpayment.**

After a few questions from Council with regard to the bills list, the Consent Agenda was approved for action.

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 AUTHORIZE THE PRIVATE SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE, SPECIFICALLY BICYCLES, TO THE BOYS AND GIRLS CLUB OF TRENTON AND MERCER COUNTY, A 501(c)(3) NON-PROFIT ORGANIZATION (2012)

President Wollert explained that these are bicycles that were either retrieved or confiscated and Administration would like to donate them to the Boys and Girls Club of Trenton and Mercer County. We had previously put them up for public auction and the one person who bid on them never showed up to pick them up. Councilman Summiel asked if the township has ownership of these bicycles. Administrator McManimon stated that no one has come to claim them for more than two years. Councilman Summiel asked if Administration had received something in writing from the police department. Administrator McManimon responded. The Ordinance was approved for action.

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 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 (2012) President Wollert stated that this was done previously for another fire company.
2. BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$5,124,370 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,868,151 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF. (2012) Council President Wollert briefly explained.

The Ordinances were approved for action.

NEW BUSINESS

President Wollert presented the New Business Agenda for review by Council.

1. A RESOLUTION AUTHORIZING AN ACCELERATED TAX LIEN SALE FOR CY2012 PURSUANT TO N.J.S.A. 54:5-19. No questions or comments
2. A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87. No questions or comments
3. A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR AN ENVIRONMENTAL COMMISSION TRUST FUND REQUIRED BY N.J.S.A. 40A:4-39. President Wollert explained that this is simply setting up a specific trust fund for the Environmental Trust account for monies that the Environmental Commission may get through grants and it keeps it separate from the general fund.
4. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO MAKE APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) LOCAL PROGRAM IN THE AMOUNT OF \$11,332.00. Councilman Summiel said he will not favor this resolution because it requires public review. He wanted to know if anything has been identified specifically that we would spend the money on. He has no objection to receiving the money, just want to know what we are receiving it for. Attorney Cannon explained that the application says that it must include a statement that the application has been made public,

which it has, and the public be given an opportunity to make public comment, which at every meeting the public can speak. She further stated that the agenda was advertised and it's been on the website and the backup material is available in the Clerk's office. As far as she is concerned, it doesn't require a hearing. President Wollert stated that it should be up to the Chief in the police department since he is the one who runs the department and he certainly would be more knowledgeable than Council or members of the public. She feels that the public has every right to be heard and they can comment during the statements and comments portion of our meeting. Administrator McManimon stated that the grant is to back up our portable radio system in the police department and that if our system were ever to go down we could connect with Lawrence Township and still communicate from portable radios on the road.

5. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR A GRANT CONSULTANT TO RUKENSTEIN & ASSOCIATES, LLC.

President Wollert stated that this contract would expire on December 31, 2012. Councilman Summiel asked if we are allowing an opportunity for competitiveness in this nature to say that we are looking for people to write this contract and if they would be less costly than the other. Administrator McManimon stated that this would be to renew the contract to the end of the year and in early fall it will be bid out for HUD work. Councilman Baxter asked if we are capping the dollar amount and CFO Mustafa said it will depend on the billing from Administration but that obviously it will be watched but is expected to exceed the \$17,500. Councilwoman Hyser stated that in the information that the CFO had sent to her, the township paid out just shy of \$54,000 to Rukenstein, paid through HUD, and another \$20,000 paid through the general fund and so in one year \$74,000 was paid out and they have been our HUD administrator since 1994. She wanted to know if Administrator McManimon had spoken with Rukenstein & Associates about potentially reducing their fee schedule over the next three months in order to maintain the business they have profited from rather generously. Administrator McManimon said he explained to them that it would be open for bid and they are more than welcome to bid on it. President Wollert made the point that it was her understanding that the \$74,000 did not represent work done in one calendar year. CFO Mustafa responded and agreed that some of the \$20,000 was for 2010.

6. A RESOLUTION APPROVING CHANGE ORDER NO. 2 FINAL FOR THE 2011 ROAD IMPROVEMENT PROGRAM TO ARAWAK PAVING COMPANY. No questions or comments.

7. RESOLUTION APPROVING CHANGE ORDER #1 TO RICHARD T. BARRETT PAVING COMPANY, LLC FOR THE EWING SENIOR AND COMMUNITY CENTER PARKING LOT PAVING PROJECT.

President Wollert stated that there is a bit of an increase. Donna Lewis, from the County, presented the several components to the change order. Councilman Summiel asked about the porous pavement and whether it would create flooding. Ms. Lewis stated that in regular pavement it runs off and in porous pavement it goes through.

All resolutions were approved for action.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

George Steward (30 Gilmore Road) commented on the Capital Spending Plan. He wants to see something publicly on the website. Ron Prykanowski (16 Thurston Avenue) talked about the Rukenstein contract and the Ordinance with regard to bicycles. He also talked about the getting the furniture off the streets and had noticed a lot of junk along Route 31 and wanted to know the status of it. Administrator McManimon responded. Mayor Steinmann commented that 152 tickets had been issued just today. Charles Green (979 Bear Tavern Road) thought that Councilman Murphy had been working with the College to get garbage off the streets. Administrator McManimon responded. He also asked about the bicycle Ordinance and wanted to know if they were mostly the same bikes as before. Administrator McManimon responded.

There being no further business, President Wollert asked for a motion to adjourn. Mr. Murphy so moved seconded by Mr. Baxter. The meeting was adjourned at 7:08 pm.

Kathleen Wollert, Council President

Kim Macellaro, Municipal Clerk