

AGENDA SESSION 9-10-12

President Wollert 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 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 | Joanna Mustafa, CFO |
| ▪ Mr. Murphy – Present | Maeve Cannon, Attorney |
| ▪ Mr. Summiel – Present | Kim Macellaro, Clerk |
| ▪ President Wollert – Present | |

Attorney Cannon explained the resolutions and made it clear that they all contained a contingency that it was pending the sale of the license and the premises. If the closing does not occur, they do not go into effect. Council President Wollert stated that the rationale for doing it as this meeting is because they are anticipating closing before the next Council meeting. Councilman Baxter asked what would happen if the whole transaction falls apart. Attorney Cannon stated that it would be her recommendation would be to advertise the hearing for the pending charges. President Wollert stated that these three resolutions were approved for action the following evening.

CLUB NUVO/DISMISSAL OF CHARGES, APPROVAL OF LICENSE AND TRANSFER OF LICENSE – pending the sale of license and premises

1. A RESOLUTION DISMISSING THE CHARGES ON CLUB NUVO
2. A RESOLUTION APPROVING THE LIQUOR LICENSE
3. A RESOLUTION APPROVING THE PERSON TO PERSON TRANSFER

DISCUSSION

1. A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF EWING AND THE CITY OF TRENTON FOR PROVISION OF NURSING SERVICES FOR LEAD BURDENED CHILDREN

Administrator McManimon stated that we have had this relationship with the city in the past because our staff does not have that certification. We have used them twice in the past year and if we need them, this agreement allows that to continue. President Wollert asked if this was on an on-call basis. Administrator McManimon responded.

2. **A RESOLUTION AUTHORIZING AND APPROVING 2011 SHARED SERVICES CONTRACT FOR HEALTH SERVICES BETWEEN THE TOWNSHIP OF EWING AND THE TOWNSHIP OF HAMILTON**
 Administrator McManimon stated that this is a relationship we have had with Hamilton for a number of years to provide training sessions regarding hepatitis vaccination, tuberculosis testing and sexually transmitted disease clinic services for the town. Councilman Summiel stated that he thought when we retained our new Health Officer this would preclude our need for this arrangement. Administrator Mcmanimon responded.

3. **A RESOLUTION AUTHORIZING THE TOWNSHIP TO EXECUTE A DEED OF EASEMENT AGREEMENT CONSENTING TO THE RELOCATION OF A SANITARY SEWER EASEMENT ON BLOCK 365, LOT 9, LANDS NOW OR FORMERLY OF 1400 PARKWAY, LLC**
 Attorney Cannon stated that this property was purchased and is a piece of the naval center, which will be the new Birmingham Gardens. When it was conveyed by the Navy, they reserved an easement across the property to go back to the naval site. The Birmingham Gardens project wants to move it and they are asking for consent from Ewing Township. Council agreed to put this resolution on the regular agenda the following evening.

4. **A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES AGREEMENT FOR PREPARATION OF A MAINTENANCE MANUAL TO MILLS & SCHNOERING ARCHITECTS, LLC**
 President Wollert stated that this is for the Louis Kahn project at the Ewing Senior Center. Administrator McManimon stated that this is to develop a manual on how to maintain it. He also stated that this is grant money from the trust and will not cost the township anything. President Wollert agreed to place on the agenda for action at the following nights' meeting.

5. **A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO OFFER FOR SALE TOWNSHIP PROPERTY BY WAY OF AN OPEN PUBLIC SALE AT AUCTION TO THE HIGHEST BIDDER**
 Administrator McManimon explained that this is a property that the township inherited. It is an old gas station, which the owners walked away from, on the corner of Pennington and Parkside. There is a church that is interested in acquiring it, but we cannot just give it to a non-profit, we have to bid it out. If no one else bids but the church, then we can enter into a discussion about making other arrangements. There are some environmental issues with the property. It was agreed to add to the agenda for the following evening.

6. **A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION SITE**
 Administrator McManimon explained that Rob Green had put together a list of old equipment and if approved will be auctioned off on govdeals.com. Councilman Summiel questioned the process of being put online. Administrator McManimon responded that Rob Green will take pictures and put the equipment online, but certainly if someone wants to inspect the equipment, they can do so. It saves us money to have it online. President Wollert agreed to put it on the agenda for action the following evening.

All Resolutions were approved for action and will be placed on the New Business Agenda.

CONSENT AGENDA

The Council President reviewed the Consent Agenda.

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$1,238,512.83.

2. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1287.52 for August 1, 2012 tax quarter to Wilson, Christopher V., 11 Tudor Ct., Ewing, NJ, 08628, for property owner Wilson, Christopher V., for Block: 588 Lot: 41 also known as 11 Tudor Ct. for overpayment.

3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$2,496.10 for August 1, 2012 tax quarter to Weichert Title

Agency, 1909 Route 70 East, 2nd Floor, Cherry Hill, NJ, 08003, Re: W-253529, for property owner Hefner, Christopher & Silva, Anabel, for Block: 225 Lot: 53 also known as 10 Fran Ave. for overpayment.

4. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1786.98 for August 1, 2012 tax quarter to Defilippis, Nicholas & Nicholas III, 4 Bittersweet Rd., Ewing, NJ, 08628, for property owner Defilippis, Nicholas & Nicholas III, for Block: 525 Lot: 2 also known as 4 Bittersweet Rd. for overpayment.
5. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$895.34 for August 1, 2012 tax quarter to Barsoum, David & Beth, 1564 12th St., Ewing, NJ, 08638, for property owner Barsoum, David & Beth, for Block: 87 Lot: 522 also known as 1564 Twelfth St. for overpayment.
6. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1532.93 for August 1, 2012 tax quarter to Monarch Title Agency, Inc., 427 Whitehorse Avenue, Hamilton, NJ, 08610, for property owner Rick, Jeffrey A. & Kelly, for Block: 552 Lot: 116 also known as 23 Revere Ct. for overpayment.
7. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1299.85 for August 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 Ave. for overpayment.
8. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1769.72 for August 1, 2012 tax quarter to Allstates Title Services, Inc., 1176 Whitehorse Mercerville Rd., Hamilton, NJ, 08619, for property owner Granzen Michael A. & Karen H., for Block: 440 Lot: 217 also known as 131 Glendale Dr. for overpayment.
9. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1575.06 for August 1, 2012 tax quarter to Starnes, Kelly R., 257 Garnet Court, Fort Mill, SC, 29708, for property owner Starnes, Kelly R., for Block: 225.02 Lot: 56 Qual: C0325 also known as 325 Masterson Ct. for overpayment.
10. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1530.47 for August 1, 2012 tax quarter to Lynch, Michael, 37 Huntley Rd., Holmdel, NJ, 07733, for property owner Lynch, Michael, for Block: 271 Lot: 111 also known as 110 Florence Ave. for overpayment.
11. A Resolution authorizing Celestial Church of God to hold a block party/road closing on September 23, 2012.
12. A Resolution approving Jeffrey R. Procaccini as a Senior Member of the Prospect Heights Volunteer Fire Co. No. 1.
13. A Resolution authorizing a Refund, as recommended by the Township Construction Official, for a Certificate of Occupancy over payment in the amount of \$275.00 to Aishe Metkov, 202 State Street, Cherry Hill, NJ, 08002 for 338 Masterson Court, Ewing, NJ 08638.

There were some questions on the bills list, which Administrator McManimon answered. 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 AUTHORIZING LEASE OF A PORTION OF HOLLOWBROOK COMMUNITY CENTER TO TRI-COUNTY COMMUNITY ACTION AGENCY, INC., A NON-PROFIT CORPORATION, FOR OPERATION OF A CHILD DEVELOPMENT PROGRAM (2012)**

President Wollert explained that this is the Head Start Program that is run out of Hollowbrook. Attorney Cannon stated that the lease has been there for some time and is now up and has to be renewed by Ordinance. Representation will be available from Tri-County at the regular meeting for the hearing, if anyone should have any questions. Councilman Summiel asked again about the five year term and thinks that it is too long of a lease term. President Wollert stated that Tri-County had indicated that for purposes of continuity and planning, they enter into a five year lease. She further stated that with regard to other entities being able to bid on doing this particular program, there are certain stipulations that the government places on these agencies that provide this service. Administrator McManimon stated that this agency took over for the Head Start Program and were really the only agency that qualified under the federal governments qualifications.

NEW BUSINESS

President Wollert presented the items of New Business.

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

CFO Mustafa explained that this is to include the emergency management assistance grant for 2012 into the already adopted 2012 budget. After a few questions by Council, it was agreed to put it on the regular agenda for action.

- 2. A RESOLUTION TO CANCEL CERTAIN UNEXPENDED CAPITAL ORDINANCE BALANCES TO CAPITAL SURPLUS.**

CFO Mustafa explained.

- 3. A RESOLUTION AUTHORIZING THE DISPOSAL OF RADIO EQUIPMENT NOT NEEDED FOR PUBLIC PURPOSES.**

Administrator McManimon stated that because of new changes in the federal communication commission now abandoning radio rules, this equipment no longer holds any value to the township. Councilman Summiel asked if there is any other entity that might find some value in the equipment and we could sell it online. Administrator McManimon stated that he was told no based on the FCC regulations. Councilman Summiel asked how the equipment would be disposed of. Administrator McManimon said he would get clarity as to the disposal process and will let Councilman Summiel know the following evening.

4. **A RESOLUTION AWARDING ONE (1) 2013 DUMP TRUCK OR NEWER INTERNATIONAL MODEL #7400 SFA-4X2 (OR EQUIVALENT) TO BUCKS COUNTY INTERNATIONAL, INC.**

Administrator McManimon stated that we went out to bid and this was the lowest bidder that came in. Councilman Summiel asked if this was within our bid threshold. CFO Mustafa stated that it was responsive and responsible and came in lower than we had anticipated. Councilman Baxter asked about the necessity of this truck. Administrator McManimon stated that we had some issues a year ago with removing heavy snow. The trucks are old, some broke down and we had to borrow some county trucks to remove snow. We put through a plan and reallocated capital last year and we approved some new dump trucks, but that wasn't all we needed. Part of the capital budget for this year was to be able to purchase the bigger dump trucks to remove heavy snow and a couple of smaller ones to be used in the parks.

5. **A RESOLUTION AWARDING ONE (1) TRUCK MOUNTED COMBINATION LEAF VACUUM AND CATCH BASIN CLEANER WITH 12" REAR MOUNTED HOSE/STREET SWEEPER WITH BROOM ASSIST TO TIMMERMAN EQUIPMENT CO.**

Attorney Cannon explained that we received one bid that was responsible. Administrator McManimon explained how this truck will be used in the town to clean the basins and the storm drains and along the curb line of the streets. It can also be used as a street sweeper. Councilman Baxter asked if this money was also coming out of the capital budget. Administrator McManimon answered. Councilwoman Hyser asked who maintains the maintenance logs of the old equipment and the new equipment. Administrator McManimon explained that we have mechanics that maintain the maintenance logs such as how many hours are run, when the tires were last changed, etc.

6. **A RESOLUTION AWARDING TWO (2) 2013 TRASH TRUCKS OR NEWER INTERNATIONAL MODEL #7400 SBA-6X4 (OR EQUIVALENT) TO BUCKS COUNTY INTERNATIONAL, INC.**

Attorney Cannon explained that we received one bid which was well within the budgeted amount. Administrator McManimon explained that originally in the capital budget there was budgeted a half million dollars for the trucks and this came in \$175,000 less and any unspent capital monies would be brought back before Council to be re-allocated.

7. **A RESOLUTION AWARDING ONE CASE 580SN LOADER BACKHOE OR APPROVED EQUAL TO TRICO.**

Attorney Cannon stated that we had received two bids and the low bid of \$128,512 was not responsive and didn't meet the specifications in many respects. The next lowest bidder was \$130,355, approximately \$2,000 difference between the two bidders. This resolution recommends by-passing the lowest bidder and awarding the bid to the second bidder. President Wollert stated that again this is a piece of equipment that is in our capital budget.

8. **A RESOLUTION APPROVING THE FINAL CHANGE ORDER TO RICHARD T. BARRETT PAVING COMPANY, INC. FOR THE EWING SENIOR AND COMMUNITY CENTER PARKING LOT PAVING PROJECT.**

Administrator McManimon explained that this is part of the Federal Grant and the final part of the parking lot upgrade.

9. **A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A SETTLEMENT AND RELEASE WITH STEPHEN W. ELLIOTT IN THE MATTER KNOWN AS STEPHEN W. ELLIOTT V. MAYOR AND COUNCIL OF THE TOWNSHIP OF EWING, DOCKET NO.: MER-L-001607-11.**

Attorney Cannon expressed that this is a litigation issue that should be talked about in closed session. It was agreed by all to enter into closed session.

With the exception of item #9, the New Business items were approved for action.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Stig Kamph (10 Lochatong Road) asked how many trucks will we have out snow plowing this winter to which Administrator McManimon stated that it depends on the snow storms but we will be in a better place with the new trucks. He asked about the govdeals.com auction venue. Administrator Mcmanimon responded. He also asked about why there are so many tax refunds on the agenda. Administrator McManimon stated that many homeowners are refinancing their mortgages on their homes so they escrow taxes and then they get a mortgage with the new company so they have escrow there and the old company pays the balance of their escrow back to the town so it needs to be refunded. **Don Apai (2181 Pennington Road)** asked if we could start putting the amounts in the titles of the resolutions for things being purchased. Ron Prykanowski agreed with Mr. Apai and said that it is a simple addition of wording to add prices. President Wollert stated that although the amounts are in the resolutions themselves, she agreed that they should be in the title. **Ron Prykanowski (16 Thurston Avenue)** said that Council should put the radios on an auction site and sell them, you would be surprised who would buy them. Then if they don't sell, they can be recycled.

CLOSED SESSION – A Resolution to Enter Into Closed Executive Session

At 7:21 p.m. Ms. Hyser made a motion to enter into closed session, seconded by Mr. Murphy. It was approved by unanimous voice vote. Attorney Cannon read the resolution into the minutes. At 7:42 p.m. Mr. Murphy made a motion to close the closed session, seconded by Mr. Baxter.

At 7:42 p.m. Mr. Murphy made a motion to enter back into open session, seconded by Ms. Hyser. There was no one from the public present.

ADJOURNMENT

There being no further business, President Wollert asked for a motion to adjourn. Mr. Murphy so moved seconded by Mr. Summiel. The meeting was adjourned at 7:42 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk