

## AGENDA SESSION 8-13-12

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 11<sup>th</sup> 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

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

Council President Wollert asked the township Attorney to explain the following three resolutions. She stated that she spoke with the buyer’s attorney and he indicated that it has not closed so therefore, he would like the resolutions to be pulled from the agenda. Council agreed to carry the following resolutions until the first meeting in September. Attorney Cannon reiterated that Club Nuvo is not operating at this time and hasn’t for quite some time.

### CLUB NUVO/DISMISSAL OF CHARGES, APPROVAL OF LICENSE AND TRANSFER OF LICENSE

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. 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

Attorney Cannon started by saying that this is an Ordinance to approve a lease to a non profit organization. It has to be done by Ordinance because it is a non-profit. She further commented that there are representatives from Tri-County Community Action Agency, Inc. which operates the Head Start and Early Head Start programs in New Jersey for more than 25 years now. Howard Melnicove, attorney for Tri-County Community Action Agency, stated that the agency is a not for profit corporation of the state of New Jersey since 1972. The program serves Cumberland, Gloucester and Salem counties in Southern New Jersey and also Atlantic, Camden, Cape May, Mercer and Philadelphia counties. Councilman Summiel asked why when they serve more than three counties is it called Tri-County. Bonnie Eggenburg, Head Start Director, answered by saying that it did serve three counties up until about a year ago. They have since become incorporated

and change their name to Gateway Community Action Partnership. She commented that the Head Start Program in Ewing currently has 2 teachers, one with a four year degree and one with a two year degree. They use creative curriculum and teach ages 3-5, primarily low income all from Ewing Twp. They use the same curriculum that the State Department of Education uses. They work very closely with the CYO. They provide 2/3 of their daily nutritional requirements. She said that they work with the children on health issues such as dentistry and make sure that they are up to date with immunizations and physicals. Also there is a social worker to work with them for mental health and disabilities issues as needed. She stated that there are 35 children, all from Ewing Township and there is no cost to the parents, but that it is based on income eligibility and is funded through a federal government grant. Transportation is not provided, except for field trips or medical trips. Councilman Baxter asked if there was a full time nurse on the premises. Ms. Eggenburg commented that there is not a nurse on site, but is certainly available on an as needed basis. Ms. Hyser asked about the 60 day renewal/non-renewal provision but a 90 day termination provision, both of which seem to be advantageous to the tenant. Is there a reason why they are not matching? Mr. Melnicove explained. Council agreed to put this Ordinance on the Agenda for action and invited the representatives from Gateway to come back for the second reading in case any member of the public has any questions. They agreed to come the second Tuesday in September.

### CONSENT AGENDA

The Council President reviewed the Consent Agenda.

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$894,175.16.
2. A Resolution approving the meeting minutes of July 23<sup>rd</sup>, 2012 (Agenda) & July 24<sup>th</sup>, 2012 (Regular).
3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$44.73 for August 1, 2012 tax quarter to Wilson, Robert A., 2560 Pennington Road, Pennington, NJ, 08534, for property owner Wilson, Robert A., for Block: 229.04 Lot: 20 also known as 1 Llanfair Lane for overpayment.
4. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1275.18 for August 1, 2012 tax quarter to Klose, Charlie & Ciallella, Cara, 7 Kyle Way, Ewing, NJ, 08628, for property owner Klose, Charlie & Ciallella, Cara, for Block: 365 Lot: 2.01 Qual: C0122 also known as 7 Kyle Way for overpayment.
5. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1748.75 for August 1, 2012 tax quarter to Reilly, Timothy, 8 Wilburtha Rd, Ewing, NJ, 08628, for property owner Reilly, Timothy, for Block: 499 Lot: 34 also known as 8 Wilburtha Rd for overpayment.
6. A Resolution authorizing an Maintenance Guarantee Release for 248 Greenland Avenue, LLC (Block 67/Lot 51) Ewing Engineers Remington Vernick and Affiliates #1102 I 030.
7. A Resolution authorizing the conduct of an On Premise Merchandise Raffle sponsored by National Junior Tennis League of Trenton on September 23, 2012.

Councilwoman Hyser had a question on the bills list about check #56593. CFO Mustafa stated that she would have an answer for her the following evening. Councilman Baxter asked about check #56500 on the bills list with regard to the Concerned Citizens of Ewing. CFO Mustafa stated that this is a semi-annual payment from the Township. Mr. Baxter asked what project the maintenance guarantee was for under item #6 on the consent agenda. Administrator

McManimon stated that it was a residential project, not a township engineering project but he would get further clarification for him.

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**

**NEW BUSINESS**

President Wollert presented the items of New Business.

1. A RESOLUTION AUTHORIZING THE SUBMISSION OF THE EWING TOWNSHIP CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE 2011-2012 ACTIVITIES UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (Grant funds \$209,801). President Wollert announced that Sandi Stark from Rukenstein and Associates was present to answer any questions. There were no questions from Council.
2. A RESOLUTION APPROVING CHANGE ORDER #1 FINAL TO MECO, INC. FOR THE 2011 ROAD IMPROVEMENT PROGRAM (PHASE II). There were no questions from Council.
3. A RESOLUTION TO CANCEL OUTSTANDING CHECKS – CFO explained that these are checks that have never been cashed and are older than 6 months and aren't good at the bank anymore.
4. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER AN ADOPTION AGREEMENT WITH OFFICER ROBERT T. JONES FOR THE ADOPTION OF A RETIRED POLICE CANINE – Councilman Summiel asked why it was necessary to authorize the adoption of a canine. Attorney Cannon explained that the dog is township property and needed authorization from the Council to adopt.
5. A RESOLUTION AUTHORIZING THE TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT BETWEEN THE COUNTY OF MERCER AND THE TOWNSHIP OF EWING FOR FIRE DISPATCH SERVICES – Administrator McManimon explained that the county already provides its dispatch services for calls for Fire and EMT and they dispatch from the Dempster Center and there is no charge to the town. He explained the process.
6. A RESOLUTION AWARDDING THE ROOF REPLACEMENT PROJECT TO LAURANT CONSTRUCTION COMPANY, INC. – Councilman Baxter asked for clarification on contract 1 and contract 2. Administrator McManimon responded.

The New Business items were approved for action.

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

Trish Decello (10 Chelmsford Drive) asked if we could please provide her with agendas. She explained that sometimes people don't have computers or the ability to print out an agenda. Council agreed to have half dozen agendas in the back of the room for the public. She also asked about adopting a canine and thought that the police canine was being adopted out to the public. President Wollert clarified that the canine was being adopted by a police officer.

**CLOSED SESSION – A Resolution to Enter Into Closed Executive Session**

**Attorney Cannon read the resolution to enter into Closed Executive Session with regard to three matters; Litigation of the Stephen Elliott vs. Ewing Township matter; Litigation of Township of Ewing et al vs. Trenton Water Works and the Club Nuvo Pending Charges. At 7:20 p.m. Councilman Summiel made a motion to enter into closed session, seconded by Councilwoman Hyser approved by unanimous voice vote. At 8:04 pm, Council entered back into regular session.**

**ADJOURNMENT**

**There being no further business, President Wollert asked for a motion to adjourn. Ms. Hyser so moved seconded by Mr. Baxter. The meeting was adjourned at 8:04 pm.**

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**Kathleen Wollert, President**

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**Kim J. Macellaro, Municipal Clerk**