

AGENDA SESSION 10-09-12

President Wollert called the meeting to order at 6:00 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

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

DISCUSSION

1. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A SETTLEMENT AGREEMENT IN THE MATTER KNOWN AS HOPEWELL TOWNSHIP, ET AL. V. CITY OF TRENTON, DOCKET NO.: MER-L-2626-08.

Vice President Hyser announced that Council can enter into closed session if they choose, but that administration felt it appropriate to put this on the agenda as other municipalities have already adopted it. Attorney Cannon stated that Hamilton and Hopewell have already adopted this resolution and that it should be adopted by Lawrence in the near future. She had Ryan Kennedy, from her office, available to answer any questions. Mr. Kennedy gave a brief explanation. Council asked questions to which Mr. Kennedy answered. Councilman Summiel suggested that to further touch on the fine points, it be moved to closed session. Ms. Hyser agreed to move this item to closed session before placing it on the agenda for action.

2. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO OPT- IN TO THE ALTERNATIVE DISPUTE RESOLUTION PROCESS FOR THE LITIGATION KNOWN AS CASTORO & CO., INC. V. BOROUGH OF PRINCETON, ET AL., DOCKET NO.: MER-L-864-11.

Attorney Cannon explained that this is a very large piece of environmental litigation involving a landfill in West Windsor. Castoro & Co. did jobs throughout Mercer County and anyone that they did a paving job for, they dumped the waste in this landfill and DEP subsequently came to them and told them they have to clean it up. She said we are a very small player and she thinks it worthwhile for us. At this point we would opt in and pay the \$1500 fee and then we would provide our disclosures and then the mediator would crunch all the numbers and try to get the parties together and come up with a global settlement. She said this is not a settlement of the case by any means, but a mediation of the case and she feels it would be productive. Councilman Murphy asked how we could be held accountable

for something we didn't even know we were doing wrong. Attorney Cannon responded. Ms. Hyser instructed the Clerk to add this item to the agenda for action.

3. A RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR RESURFACING OF MOUNTAIN VIEW ROAD PROJECT.

Administrator McManimon explained that this covers Mountain View Court down to Route 29. He stated that it was between Federal City Road and Mountain View Road and Administration felt that Mountain View Road needed it more. Ms. Hyser instructed the Clerk to move this item to New Business for action.

4. A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE RENEWAL AGREEMENT FOR A PORTION OF THE HOLLOWBROOK COMMUNITY CENTER TO THE COUNTY OF MERCER NUTRITION PROGRAM

Administrator McManimon explained. There was some discussion and Ms. Hyser asked the Clerk to put this on the agenda for action.

CONSENT AGENDA

Vice President Hyser reviewed the Consent Agenda.

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$9,610,386.67.
2. A Resolution approving the meeting minutes of August 13th, 2012 (Agenda) and August 14th, 2012 (Regular).
3. A Resolution authorizing Glendale Civic Association to hold a Parade/Block Party/Road Closing on October 31st, 2012.
4. A Resolution authorizing Lambda Tau Omega Sorority, Inc to hold a Parade for the purpose of a Breast Cancer Awareness Walk on October 27th, 2012.
5. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$213.64 for October 1, 2012 sewer bill to Shimko, Stephen & June, 3 Duffield Drive, Ewing, NJ, 08628, for property owner Shimko, Stephen & June, for Block: 423.03 Lot: 256 also known as 3 Duffield Drive, for overpayment.
6. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$71.69 for November 1, 2012 tax quarter to Williams, Myra, 575 Eggerts Crossing Road, Ewing, NJ, 08638, for property owner Williams, Myra, for Block: 194 Lot: 5 also known as 575 Eggerts Crossing Road, for overpayment.
7. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$35.38 for October 1, 2012 sewer bill to Baker, Delores J., 44 Ardsley Avenue, Ewing, NJ, 08638, for property owner Baker, Delores J., for Block: 137 Lot: 158 also known as 44 Ardsley Avenue, for overpayment.
8. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$106.42 for October 1, 2012 sewer bill to Lini, Carole M., John S. & Joyce, 539 Maple Avenue, Ewing, NJ, 08618, for property owner Lini, Carole M., John S & Joyce, for Block: 313 Lot: 48 also known as 420 Greenway Avenue, for overpayment.

9. A Resolution authorizing a Refund, and Cancellation as recommended by the Tax Collector in the amount of \$6,699.70 for August 15, 2011 to September 30, 2012 and a cancellation in the amount of \$8,146.30 for August 15, 2011 through December 31, 2012 tax quarter to Page, Samuel L. Jr., 120 Albemarle Avenue, Ewing, NJ 08638 for property owner Page, Samuel L. Jr., for Block: 80 Lot: 281, also known as 120 Albemarle Avenue due to 100% disabled veteran approved as of August 15, 2011.
10. A Resolution authorizing the conduct of an Instant Raffle sponsored by BPOE Trenton #105 on December 15th, 2012.
11. A Resolution authorizing the conduct of an on premise 50/50 Cash Raffle sponsored by BPOE Trenton #105 every Tuesday starting October 30th. 2012.
12. A Resolution authorizing the conduct of a Casino Night sponsored by Victorians of Villa Victoria Academy on February 2nd, 2013.
13. A Resolution authorizing the conduct of an on premise 50/50 Cash Raffle sponsored by Zeta Iota Lambda Educational Inc., on November 9th, 2012.
14. A Resolution authorizing the conduct of a Bingo Night sponsored by St. Ann's Parent Teacher Association on November 9th, 2012.
15. A Resolution authorizing the conduct of a Merchandise Raffle sponsored by St. Ann's Parent Teacher Association on November 9th, 2012.
16. A Resolution authorizing Preservation of New Jersey to hold a 5k Run on October 13th, 2012.

The Consent Agenda was approved for action.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

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

NEW BUSINESS

There were no items under New Business for the Agenda Session.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

There were no comments.

CLOSED SESSION (Resolution #12R-175)- A Resolution to Enter into Closed Executive Session

The attorney read a resolution into the minutes to enter into closed session to discuss the litigation involving the Hopewell Twp. et al vs. the Trenton Water Works.

Councilman Summiel explained that Council will recess from the public's presence and ask them to step out so that Council can discuss something in confidence and then re-open and go into our business session were we take action.

At 6:34 pm Ms. Hyser asked for a motion to enter into closed executive session. Mr. Murphy so moved, seconded by Mr. Baxter. It was agreed by a unanimous voice vote.

At 7:01 pm Ms. Hyser asked for a motion to move back into regular session. Mr. Murphy moved to open up the regular session seconded by Mr. Summiel. It was agreed by a unanimous voice vote.

ADJOURNMENT

There being no further business, Vice President Hyser asked for a motion to adjourn. Mr. Murphy so moved seconded by Mr. Baxter. The meeting was adjourned at 7:02 pm.

Hilary Hyser, Vice President

Kim J. Macellaro, Municipal Clerk