

AGENDA SESSION 11-19-12

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 Brewster, CFO |
| ▪ Mr. Murphy – Absent | Maeve Cannon, Attorney |
| ▪ Mr. Summiel – Present | Kim Macellaro, Municipal Clerk |
| ▪ President Wollert – Present | |

DISCUSSION

Attorney Cannon gave a brief overview of the first three resolutions. The original resolutions previously adopted had contingencies that were not accepted by the Division of ABC. President Wollert commented that it is just a housekeeping issue. There were no questions from Council.

1. A RESOLUTION AMENDING THE RESOLUTION AUTHORIZING THE TOWNSHIP TO ENTER INTO A STIPULATION OF DISMISSAL OF THE LIQUOR LICENSE CHARGES AGAINST THE LICENSEE KNOWN AS CLUB NUVO UPON THE SALE OF THE LICENSE AND PREMISES
2. A RESOLUTION AMENDING THE RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2012-2013 EWING MUNICIPAL LIQUOR LICENSE
3. A RESOLUTION AMENDING THE RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF 200 EWINGVILLE ROAD, INC. t/a CLUB NUVO (1102-33-029-003); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO WINE MART CORPORATION t/a WINE MART
4. A RESOLUTION AUTHORIZING THE PURCHASE OF MITCHELL HUMPHREY’S FASTTRACKGOV SOFTWARE FROM SHI INTERNATIONAL CORPORATION UNDER STATE CONTRACT NO 77560/M-0003 SOFTWARE LICENSE AND RELATED SERVICES

President Wollert stated that this has been an ongoing issue with the Administration. She had been asked to pull this resolution by Administration, but really wanted to hear their rationale as to why. Administrator McManimon explained that the township really needed an upgrade to the software system that is now being utilized in the Construction Office and will include the Clerk’s Office. Mitchell Humphrey provided a good quote. The biggest problem that he can foresee is that the software is not compatible with the I-pads and it will probably take about six months to make it compatible. He stated that Mitchell Humphrey agreed to waive charging us until it is compatible with the I-pads. He explained that it is a need but he doesn’t think we should be rushed into something that isn’t what we asked for. President Wollert ask

what would happen if they don't provide the service within the 6 month period. Attorney Cannon stated that we could make it contingent upon making it compatible with the I-pads or the contract becomes null and void. Councilman Summiel said he feels that by deferring it, it could end up costing the township more. Councilwoman Hyser asked about the language in the resolution. Administrator McManimon responded. President Wollert stated that she would like to see the language changed in the contract, if Mitchell Humphrey is willing to give us six months free.

5. A RESOLUTION AWARDDING DUMPSTER AND COLLECTION SERVICES TO HORIZON DISPOSAL IN THE AMOUNT OF \$138.00 PER HAUL FOR YEAR ONE; \$141.00 PER HAUL FOR YEAR TWO; AND \$144.00 PER HAUL FOR YEAR THREE

Administrator McManimon explained that we bid out the work for the dumpsters at the Scotch Road Site. Going with this company gives the township about a 30% reduction and does not include tipping fees. Councilman Summiel asked where the funding was coming from. CFO Brewster responded. Councilman Baxter asked how many hauls are pulled out on a weekly basis. Administrator McManimon responded that they are emptied once a week, usually on Fridays. It was agreed by all to add this to the agenda for action.

6. A RESOLUTION AWARDDING CONTRACT FOR ALUMINUM BLEACHERS TO BSN SPORTS IN THE AMOUNT OF \$36,933.56

Administrator McManimon stated that we are required by law to get rid of all wooden bleachers and replace them with aluminum. They will go to various parks such as Armstrong, Moody and some of the smaller parks. Councilwoman Hyser asked what will happen to the old bleachers. Administrator McManimon stated that the old wooden bleachers will be chopped up and discarded. Councilman Summiel asked about the funding source. CFO Brewster stated that this is part of the public works request from the 2012 bond ordinance passed earlier this year. It was agreed to add to the agenda for action.

7. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO REPEAL CHAPTER 211 AND ESTABLISH RULES, REGULATIONS AND PENALTIES FOR ANY PERSON OR ENTITY ENGAGING IN THE SALE OF USED GOODS AND EQUIPMENT IN THE TOWNSHIP OF EWING (2012)

Attorney Cannon explained the late change made to this Ordinance. She explained that this whole Ordinance comes from the police department and is requiring pawn shops, places that take jewelry, video games, electronics, things that are stolen and quickly pawned, to keep track of who is pawning what. The new language also includes luxury clothing, furs and purses. The Police Department has requested this to assist them and it was patterned from another municipality who has adopted this Ordinance. Councilman Summiel stated that he was struggling with the fact that the police have jurisdiction on this. Licensing isn't normally done through a police operation. Attorney Cannon stated that this is to assist the police in terms of tracking potential stolen goods. President Wollert asked to see the Ordinance from the other town that adopted this Ordinance. Councilman Baxter asked that speaking to Councilman Summiel's point, does the police department act in the same manner for ABC Licensing and Taxi Licensing as they would for this particular business. Attorney Cannon responded. After much discussion, it was the pleasure of the Council to pull this Ordinance and bring it back before Council sometime in January, asking a representative from the Police Department to come and discuss it. Councilman Summiel suggested that we consult with the Division Consumer Affairs and see if there is a representative who doesn't have the bias that may come from our police unit about the ability and the latitude and the authority for this kind of activity being part of a police operation. This Ordinance was pulled from the agenda.

8. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 114, BUILDING CONSTRUCTION (2012)

Attorney Cannon explained that this is to address a "hole" in the International Property Maintenance Code. It has a blank when it talks about what dates are appropriate in New Jersey with regard to turning on the heat and regulating the temperature. This is based on the State's multi-family regulations. Council agreed to add this to the agenda for action.

9. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 257, PEACE AND GOOD ORDER, TO PROHIBIT PUBLIC INDECENCY (2012)

Attorney Cannon explained that normally if you have an ABC license, you can prohibit topless dancing, naked dancing, etc. But, if you have a juice bar, someplace that doesn't serve alcohol, it is not regulated under ABC. Unless you have a township wide Ordinance that prohibits public indecency, you cannot regulate any establishment that is not serving alcohol under the ABC Laws. There are two exceptions to the Ordinance, children six and under and women who are breastfeeding. Councilman Summiel stated that he doesn't want to get into a situation where this is already governed by the State and our police department can't enforce it. Attorney Cannon will provide clarification at regular meeting.

10. A RESOLUTION AWARDING CONTRACT FOR PHYSICIAN SERVICES TO ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL-HAMILTON IN THE AMOUNT OF \$36,012.00 FOR YEAR 1; \$37,296.00 FOR YEAR 2; AND \$38,412.00 FOR YEAR 3

Councilman Baxter asked what the physician services is used for to which Administrator McManimon replied that they are used for physicals for new employees and workers comp cases. Councilwoman Hyser asked if a more local facility considered. Administrator McManimon stated that Robert Wood Johnson agreed to be open two days a week on Reed Road in Ewing. No other hospital bid on the project, including Capital Health. Attorney Cannon explained that this is a one year contract with two years to extend. She would get Council a new resolution for the following nights' meeting. It was agreed to put this on for action.

11. A RESOLUTION AWARDING CONTRACT FOR SITE LIGHTING AT THE MUNICIPAL COMPLEX TO MJF ELECTRICAL CONTRACTING & MAINTENANCE, INC. IN THE AMOUNT OF \$172,750

Administrator McManimon stated that there were several bids on this project and it is part of the 2012 capital budget. MJF was the lowest bid to fix the lighting in the back area of the municipal building and the front parking lot and will be the LED lighting and more efficient and will save the township money. Councilman Baxter asked if it was the same LED lights that are in the street lights. Administrator McManimon stated that they will be brighter and will light up our parking lots. Councilwoman Hyser asked when the work will begin. Administrator McManimon stated it will be soon after the holiday weekend. Councilman Summiel asked if this would encompass the soccer field lighting to which Administrator McManimon responded that those lights are handled by PSE&G. President Wollert agreed to put this Resolution on the agenda for action the following evening.

CONSENT AGENDA

The Council President reviewed the Consent Agenda.

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$1,275,171.34.
2. A Resolution approving the meeting minutes of October 9, 2012 (Agenda) October 9, 2012 (Regular).
3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$12.46 for October 1, 2012 sewer bill to Geller, Katherine M. c/o Lisa Schaad, 7 Oak Leaf Court, Medford, NJ, 08055, for property owner Geller, Katherine M. c/o Lisa Schaad, for Block: 322 Lot: 15 Qual: C1-K also known as 860 Lower Ferry Rd #1-K, for overpayment.
4. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$94.07 for November 1, 2012 tax quarter to Toft Properties, LLC, 99 West Shore Drive, Pennington, NJ, 08534, for property owner Toft Properties, LLC, for Block: 462 Lot: 15 also known as 115 Meriden Avenue, for overpayment.
5. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$92.62 for November 1, 2012 tax quarter to Faubell, Edward, 2 Heritage Court, Ewing, NJ, 08638, for property owner Faubell, Edward, for Block: 552 Lot: 39 also known as 2 Heritage Court, for overpayment.
6. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$897.98 for November 1, 2012 tax quarter to Dimascio, Mark B. & Tracy A., 983 Bear Tavern Road, Ewing, NJ, 08628, for property owner

Dimascio, Mark B. & Tracy A., for Block: 526 Lot: 28 also known as 983 Bear Tavern Road, for overpayment.

- 7. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$2421.79 for November 1, 2012 tax quarter to Marsola, Randall & Pamela H., 91 Willis Drive, Ewing, NJ, 08628, for property owner Marsola, Randall & Pamela H., for Block: 552 Lot: 13 also known as 91 Willis Drive, for overpayment.**
- 8. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$2085.42 for November 1, 2012 tax quarter to Binkowski, Margaret E. & Paul A., 21 Bayberry Road, Ewing, NJ, 08618, for property owner Binkowski, Margaret E. & Paul A., for Block: 229.04 Lot: 5 also known as 21 Bayberry Road, for overpayment.**
- 9. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1563.76 for November 1, 2012 tax quarter to David, Jackson & Joy, Babitha, 42 Running Brook Rd West, Ewing, NJ, 08638, for property owner David, Jackson & Joy, Babitha, for Block: 535 Lot: 11 also known as 42 Running Brook Road West, for overpayment.**
- 10. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$2049.66 for November 1, 2012 tax quarter to Anthony J. Apicelli, Jr. LLC, Attorney at Law, Lexington Square Commons, 2121 State Highway #33, Hamilton, NJ, 08690-1740, for property owner Jasaitis III., Richard, for Block: 193.04 Lot: 9 also known as 10 Blossom Drive, for overpayment.**
- 11. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1574.86 for November 1, 2012 tax quarter to Sterling Title Agency, 2662 Nottingham Way, Hamilton, NJ, 08619, Ref# MC-21908, for property owner Watty, Brenda Joyce, for Block: 397 Lot: 7 also known as 526 Hinkle Avenue, for overpayment.**
- 12. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1696.95 for November 1, 2012 tax quarter to Montgomery Hills Title, 2230 US Highway 206, Belle Mead, NJ, 08502, File# MH1227, for property owner Williams, Monika, for Block: 547 Lot: 16 also known as 56 Upper Ferry Road, for overpayment.**
- 13. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$32.86 for October 1, 2012 sewer bill to Gonzalez, Guadalupe, 28 Chesney Avenue, Ewing, NJ, 08638, for property owner Gonzalez, Guadalupe, for Block: 132 Lot: 372 also known as 28 Chesney Avenue for overpayment.**
- 14. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1585.95 for November 1, 2012 tax quarter to Revoal, Robyera N., 63 Albemarle Avenue, Ewing, NJ, 08638, for property owner Revoal, Robyera N., for Block: 79 Lot: 91.01 also known as 63 Albemarle Avenue for overpayment.**
- 15. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$129.11 for November 1, 2012 tax quarter to Ward, Johnnie, Jr., 200 Somerset Street, Ewing, NJ, 08638, for property owner Ward, Johnnie, Jr., for Block: 182 Lot: 179 also known as 200 Somerset Street for overpayment.**
- 16. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1077.86 for November 1, 2012 tax quarter to Register, Timothy & Christine, 5 Aaron Avenue, Ewing, NJ, 08618, for property owner Register, Timothy & Christine, for Block: 483 Lot: 154 also known as 5 Aaron Avenue for overpayment.**
- 17. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$108.66 for November 1, 2012 tax quarter to Rausch, Michael W., 2063 Pennington Road, Ewing, NJ, 08618, for property owner Rausch,**

Michael W., for Block: 229.08 Lot: 27 also known as 2063 Pennington Road for overpayment.

- 18. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$62.64 for November 1, 2012 tax quarter to Wolff, Alice c/o J.R. Perna, 62 Dillon Way, Washington Crossing, PA, 18977, for property owner Wolff, Alice c/o J.R. Perna, for Block: 223.06 Lot: 110 also known as 5 Farm Road for overpayment.**
- 19. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$308.31 for November 1, 2012 tax quarter to Mosner, Andrew W., 738 Timberlake Drive, Ewing, NJ, 08618, for property owner Mosner, Andrew W., for Block: 225.01 Lot: 2.02 also known as 738 Timberlake Drive for overpayment.**
- 20. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$126.79 for November 1, 2012 tax quarter to Festa, Joseph, 53 Van Duyn Drive, Ewing, NJ, 08618, for property owner Festa, Joseph, for Block: 229.10 Lot: 59 also known as 53 Van Duyn Drive for overpayment.**
- 21. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$49.97 for November 1, 2012 tax quarter to Zeng, Wenguang/Khai, Li, 50 Trafalgar Court, Lawrenceville, NJ, 08648, for property owner Zeng, Wenguang/Khai, Li, for Block: 558 Lot: 10 also known as 370 Green Lane, for overpayment.**
- 22. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$86.96 for November 1, 2012 tax quarter to Perone, Michael & Michele, 108 Mountain View Rd., Ewing, NJ, 08560, for property owner Perone, Michael & Michele, for Block: 574 Lot: 1 also known as 108 Mountain View Rd, for overpayment.**
- 23. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$100.66 for November 1, 2012 tax quarter to Mirabella, Joseph, 52 Windybush Way, Ewing, NJ, 08560, for property owner Mirabella, Joseph, for Block: 571 Lot: 18 also known as 52 Windybush Way, for overpayment.**
- 24. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1454.39 for November 1, 2012 tax quarter to Carnall, Bruce M. ux, 17 Wiscasset Ave., Ewing, NJ, 08618, for property owner Carnall, Bruce M. ux, for Block: 507 Lot: 12 also known as 17 Wiscasset Ave., for overpayment.**
- 25. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1299.84 for November 1, 2012 tax quarter to Corelogic, 95 Methodist Hill Dr., Suite 100, Rochester, New York, 14623-4280, Ref: Contract No. 48930884-0001, for property owner Thompson, Cleveland, for Block: 287 Lot: 12 also known as 556 Parkway Ave., for overpayment.**
- 26. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1071.69 for November 1, 2012 tax quarter to Lopez, Ramon E., 111 Meriden Ave., Ewing, NJ, 08618, for property owner Lopez, Ramon E., for Block: 462 Lot: 14 also known as 111 Meriden Ave., for overpayment.**
- 27. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$427.83 for November 1, 2012 tax quarter to Smith, Theodore C., 7 Grafton Ave., Ewing, NJ, 08618, for property owner Smith, Theodore C., for Block: 493 Lot: 10 also known as 7 Grafton Ave., for overpayment.**
- 28. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1158.02 for November 1, 2012 tax quarter to Case, Glenroy, 43 Heath St., Ewing, NJ, 08638, for property owner Case, Glenroy, for Block: 189 Lot: 177 also known as 43 Heath St., for overpayment.**
- 29. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$18.20 for November 1, 2012 tax quarter to Hammond, John**

J., P.O. Box 7087, Ewing, NJ, 08628, for property owner Hammond, John J., for Block: 373 Lot: 41 also known as 56 W. Upper Ferry Rd., for overpayment.

30. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$50.81 for November 1, 2012 tax quarter to Persichilli, August J., 3 ½ Stoneham Road, Ewing, NJ, 08638, for property owner Persichilli, August J., for Block: 93.01 Lot: 5 also known as 3.5 Stoneham Rd., for overpayment.
31. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$110.15 for November 1, 2012 tax quarter to Gandino, Maureen, 125 Commerce Ave., Ewing, NJ, 08638, for property owner Gandino, Maureen, for Block: 105 Lot: 64 also known as 125 Commerce Ave., for overpayment.
32. A Resolution authorizing Donald C. Remer as a Member of the Prospect Heights Volunteer Fire Company.
33. A Resolution authorizing a Maintenance Bond Release for S.O.L.D. Enterprises Inc. (Block 423.04/Lot 12 and Block 552//Lots 1 & 2) Alaimo Group #A-0190-0016-000.
34. A Resolution authorizing the conduct of an off premise 50/50 cash raffle sponsored by The Bridge Academy on March 23, 2013.
35. A Resolution authorizing the conduct of an on premise merchandise raffle sponsored by The Bridge Academy on March 23, 2013.
36. A Resolution authorizing the conduct of a Casino Night sponsored by West Trenton Volunteer Fire Company on March 23, 2013.
37. A Resolution authorizing the conduct of an Off Premise 50/50 sponsored by West Trenton Volunteer Fire Company on March 23, 2013.

Councilman Baxter asked a question on the bills list. CFO Brewster responded. 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

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

CFO Brewster explained that this is the recycling tonnage grant, based on the tonnage recycled through Mercer Group and was not included in the 2012 budget because we did not know the number at the time.

2. A RESOLUTION GRANTING ERNEST PAPP PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA907) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT ON OCTOBER 31, 2012
3. A RESOLUTION AUTHORIZING CY2012 BUDGET TRANSFERS

Councilman Baxter asked about money coming “from” the operating expenses in the Health Department and Animal Control. CFO Brewster responded.

4. A RESOLUTION OF EMERGENCY APPROPRIATION – NJS 40A:4-48 FOR THE PURPOSE OF HURRICANE SANDY

President Wollert explained that the emergency appropriation is \$250,000 and she stated she thinks we all appreciate why that is being asked for. Councilwoman Hyser asked when

we presume to be reimbursed from FEMA. CFO Brewster explained that FEMA reimburses up to 75% of storm related expenses. Overtime numbers are significant, brush removal numbers are high, that we don't have available in the 2012 budget. By doing this, we will actually raise it in 2013. Councilman Baxter asked if this emergency appropriation would in any way affect the snow removal budget. CFO Brewster responded that the government did issue an order to allow towns to use their snow removal funds to help with Hurricane Sandy but the FEMA reimbursement would have to go back to replenish those funds. Our snow removal fund is not big enough to deal with the enormity of what we have dealt with here. She explained that this is an estimate and there is still a lot of work to be done in the town.

Administrator McManimon explained that Thanksgiving is on Thursday and those people who have track pick up that day, we will be picked up on Friday. He also gave an update on the leaf pickup.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

There were no comments from the public.

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 7:46 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk