

Minutes of AGENDA SESSION 12-10-12

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, Municipal Clerk |
| ▪ President Wollert – Present | |

DISCUSSION

1. Mitchell Humphrey –

President Wollert introduced a representative from Mitchell Humphrey, Ms. Nancy Brady to discuss some revisions to the contract. Ms. Brady gave an overview of what their company is proposing as far as our IT needs. She stated that we are currently utilizing a variety of modules from Mitchell Humphrey for the community development department, which falls under building, land use, zoning and code enforcement. Currently the programs that are running today are not web based and not very flexible, meaning that when local ordinances go into effect, the program isn't easily configured to accommodate that new process. The overall goal is to provide something web based, whereas the citizens of the town can apply, renew, make a payment or just do an inquiry within any of these specific departments. All departments can use the program, enter information, retrieve activity of every property and the property database will be linked directly to the Tax Assessors office. On an ongoing basis, those activities can be shared and retrieved in the field by township inspectors who will be able to retrieve information at any time. Ms. Wollert asked about the compatibility to the I-Pads and Mitchell Humphrey being able to accommodate our request of making them compatible by June of next year. Attorney Cannon explained that there is the I-pad addendum to the contract which states that the township will not be obligated to pay anything towards the contract unless and until the software is useable by personnel in the field with their I-pads. By June 30th Mitchell Humphrey also agreed to buy back twelve of the town's I-pads so that the township could then buy a PC laptop that they could use in the field. Ms. Brady commented that Mitchell Humphrey is committed to staying with the I-pad compatibility and they added the addendum to make the township comfortable. After some questions by members of the Council, it was agreed to put this resolution on the agenda for action. President Wollert thanked Ms. Brady for her time.

2. A RESOLUTION AUTHORIZING 2012-2013 LIQUOR LICENSE RENEWAL FOR LICENSE #1102-33-017-004 (“Pocket License”) – ALL CALL INN, LLC

Attorney Cannon explained that this is a pocket license, whereas they own the license but have no premise to place it. They are interested in selling it and had a buyer, which fell through, and that is why it didn't get renewed earlier.

3. A RESOLUTION AUTHORIZING EXTENSION OF SHRI GOVINDA T/A LANDMARK WINE & SPIRITS LIQUOR LICENSE TO STATUTORY RECEIVER, CHARLES WALDRON, ESQ.

Attorney Cannon explained that this is a case where Unity Bank obtained a final judgment against the liquor store and the court appointed a “receiver” to take possession of their assets, which includes the liquor license. The court appointed Charles Waldron, Esq. as the receiver. Mr. Waldron's intent is to sell the license and at that time the buyer will have to come to the Clerk's office and fill out the appropriate paperwork and be approved by the police department, including background checks and financial information. The transfer would then take place and be approved by resolution. The Resolution was approved for action.

4. A RESOLUTION AWARDED CONTRACT FOR AMBULANCE BILLING SERVICES TO AMBULANCE REIMBURSEMENT SERVICES, INC. IN A COST PERCENTAGE AMOUNT OF SIX PERCENT (6%)

Attorney Cannon explained that this is a contract for the billing to the insurance companies of the people who utilize our ambulance services. Usually we bid it, but the amount, based on a percentage, was below the bid threshold of \$36,000. The Resolution was approved for action.

5. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO AN AGREEMENT WITH THE EWING-LAWRENCE SEWERAGE AUTHORITY AND HAMPTONS AT HOPEWELL, LLC FOR THE PROVISION OF SEWER SERVICES

Attorney Cannon explained that this is an agreement that was negotiated with ELSA and the Hamptons at Hopewell. Ewing is being asked to approve this agreement because it goes through Ewing's collection system. Administrator McManimon explained that Hopewell flows through Ewing instead of Lawrence. Ewing Township gets the revenue, instead of Lawrence. Councilman Summiel asked if it has any impact prospectively on our capacity. Administrator McManimon stated that it uses capacity, but based on the Engineer's review, we have the capacity. Councilwoman Hyser asked the Township Attorney to speak to the escalator portion of the contract. Attorney Cannon responded that it is based on 1.5% of the township's going rate so that if our rates go up their rates go up proportionately at 1.5%. Seeing no more questions, President Wollert moved the resolution to the agenda for the following evening for action.

6. A RESOLUTION AWARDED CONTRACT FOR KOHLER GENERATOR MODEL #100REZGD (OUTDOOR) OR EQUIVALENT TO FACILITY SOLUTIONS GROUP, INC. IN THE AMOUNT OF \$49,775.00

Administrator McManimon explained that this is for the public work's facility off of Scotch Road. It was a capital budget item as a need to ensure that the building is up and running. Not only do our public work's employees work out of there, but our EMS as well. It was agreed to put this resolution on for action.

7. A RESOLUTION AWARDED CONTRACT TO REMOVE AND REPLACE SIDEWALKS AT THE EWING TOWNSHIP MUNICIPAL BUILDING TO RUSLING PAVING AND CONCRETE IN THE AMOUNT OF \$18,843.75

Administrator McManimon explained that this was bid out and this is coming out of an account dedicated to sidewalks. The highest bidder came in at \$50,000. We are going to replace the front and back entrance, which is 22 years old. President Wollert moved this resolution to New Business portion of the agenda for action.

8. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER AN ADOPTION AGREEMENT WITH OFFICER CARMEN GIOVACCHINI FOR THE ADOPTION OF A RETIRED POLICE CANINE

President Wollert stated she thought this is self explanatory. There were no questions from Council and this resolution was moved to the New Business portion of the agenda for action.

CONSENT AGENDA

President Wollert reviewed the Consent Agenda.

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$6,234,509.22.
2. A Resolution approving the meeting minutes of October 22, 2012 (Agenda), October 23, 2012 (Regular), November 19, 2012 (Agenda) and November 20, 2012 (Regular).
3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1,471.26 for November 1, 2012 tax quarter to Antala, Suresh N. & Hansa S., 8 Cromwell Ct., Ewing, NJ, 08628, for property owner Antala, Suresh N. & Hansa S. for Block: 588 Lot: 57 also known as 8 Cromwell Ct., for overpayment.
4. A Resolution authorizing the conduct of Bingo Games sponsored by the Prospect Heights Volunteer Fire Company.
5. A Resolution authorizing the conduct of an Off Premise 50/50 cash raffle sponsored by Prospect Heights Volunteer Fire Company Ladies Auxiliary on March 24, 2013.
6. A Resolution authorizing a Performance Guarantee Release for Abiding Presence Church Site Plan (Block560/Lot1)- Ewing Engineers Remington & Vernick and Affiliates #1102 I 010.

Attorney Cannon asked that a performance guarantee release be added to the agenda for Two Peters Diner. It was agreed to add this item. Councilman Baxter asked a couple of questions regarding the bills list to which Administrator McManimon responded. The Consent Agenda was approved for action with the addition of Two Peters Diner resolution.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this meeting)

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, CHAPTER 114, BUILDING CONSTRUCTION (2012)

Attorney Cannon explained this Ordinance is to add the dates to the International Property Maintenance Code which provides the dates that the heat needs to be turned on in buildings that are designed to be occupied by two families. President Wollert explained that this is more of a housekeeping issue. The Ordinance was approved for action.

2. 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)

Councilman Summiel stated that he reviewed the Hamilton Township Ordinance and they took theirs from the State Statute and the State Statute covers nudity, so his question remains. If the State has it already, why are we doing it? President Wollert stated that a number of Council had the same question. She further explained that the State Statute, as she understands it, covers it on the State side as a criminal act. Attorney Cannon explained that the State statute refers to the criminal act of flashing someone or an act of lewdness directed at someone specifically, as opposed to walking down the street nude. Councilman Summiel asked if our law enforcement agency can act on the State Statute without actually looking for the local Ordinance. Attorney Cannon responded that only if it is a lewd act. Councilman Summiel asked what our intent is with this Ordinance. Attorney Cannon explained that a lewd act involves an intention to derive gratification, as opposed to someone who is just walking around naked. This Ordinance would prohibit anyone from being able to walk around naked or being naked anywhere in public in the township. President Wollert approved the Ordinance for action.

NEW BUSINESS

1. A RESOLUTION AMENDING RESOLUTION #12R-189 - EMERGENCY RESOLUTION – NJS 40A: 4-48 FOR THE PURPOSE OF HURRICANE SANDY

CFO Brewster explained that this Resolution is amending the amount that we originally appropriated under emergency for Hurricane Sandy. At the last discussion we knew that there was still work to be done and this is basically taking care of the rest of the work. Councilman Baxter asked what additional money is being asked for. CFO Brewster responded that an additional amount of \$75,000 is being added, making it a total of \$325,000. Administrator McManimon explained that Paul Rulkiewicz (Emergency Management Rep) has attended many FEMA meetings and we should be getting back 75% of it back, although Governor Christie is asking for 100%, so anything we get above the 75% is a bonus. This Resolution was approved for action.

2. A RESOLUTION AUTHORIZING CY2012 BUDGET TRANSFERS.

Councilman Baxter asked CFO Brewster about the \$47,000 left over for the Fire Departments. CFO Brewster stated that this is for paid Firemen and they had an excess in salary because a new hire was at a lower rate than the per diem being paid previously. Councilman Baxter asked why this couldn't be put back into their general fund to be used at their disposal. CFO Brewster explained that at the end of the year, by DCA regulations, they can move money around to be used in other departments that might not have budgeted enough. Councilman Baxter also asked CFO Brewster to explain the housing salary wage for \$10,000. CFO Brewster explained that we had one housing inspector and three part-time inspectors at the beginning of the year. We had a little left over from what was originally anticipated. Councilman Summiel asked why there was a \$145,000 deficit in the Police Department. Administrator McManimon explained that we had police retire and they took their time with them and we recalled two police officers that were laid off and hadn't anticipated that when we did the budget a year ago. CFO Brewster stated that we also had an underestimated amount of salaries for crossing guards by about \$15,000. This Resolution was approved for action.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Joanne Povia (337 Masterson Court) wished to thank Councilman Murphy and Councilman Summiel for their time.

ADJOURNMENT

There being no further business, President Wollert asked for a motion to adjourn. Ms. Hyser so moved seconded by Mr. Murphy. The meeting was adjourned at 7:33 pm.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk