

## February 14<sup>th</sup>, 2012 - REGULAR SESSION

President Wollert called the meeting to order at 7:00 pm and read the Open Public Meetings 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 25<sup>th</sup> day of January, 2012.

### ROLL CALL

- |                               |                                   |
|-------------------------------|-----------------------------------|
| ▪ Mr. Baxter – Present        | Jim McManimon, Administrator      |
| ▪ Ms. Hyser - Present         | Joanna Mustafa, CFO               |
| ▪ Mr. Murphy – Present        | Megan McGeehin Schwartz, Attorney |
| ▪ Mr. Summiel - Present       | Kim Macellaro, Clerk              |
| ▪ President Wollert – Present |                                   |

### STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Charles Green (979 Bear Tavern Road) asked about item #3 under New Business and President Wollert commented that he would have an opportunity to speak to that item when we got to that portion of the agenda. Councilman Summiel stated that he had invited Paul Jones, a Junior at Ewing High, to speak about being selected to be a Student Ambassador with the People to People International (PTPI). Mr. Jones spoke of his enthusiasm towards the program and his opportunity to travel to Europe. Mr. Jones has been on the honor roll for two years and enjoys many activities such as cooking and playing/watching sports. Council wished him well in his voyage and asked that he keep in touch when he returns so that he can share his experience with them.

### CONSENT AGENDA

The Clerk presented the Consent Agenda for approval: (Resolution #12R-46/)

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$898,752.91.
2. Approval of minutes of the meeting of September 26, 2011 (Agenda) September 27, 2011 (Regular), October 24<sup>th</sup>, 2011 (Agenda), October 25, 2011 (Regular).
3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$389.23 for February 1, 2012 tax quarter to Mich, Agatha, H., 1720 Prospect Street, Ewing, NJ 08638 for property owner Mich, Agatha, H., for Block: 49 Lot: 353 also known as 1720 Prospect Street for overpayment.
4. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$377.33 for February 1, 2012 tax quarter to Reeves, Bernice, 80 St. Paul Avenue, Ewing, NJ 08638 for property owner Reeves, Bernice, for Block: 172 Lot: 408 also known as 80 St. Paul Avenue for overpayment.
5. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$11,134.07 and a CANCELLATION in the amount of \$13,360.88 for January 16, 2011 through May 1, 2012 tax quarter to Aruta, Bruce D. & Claudia R., 23 Crown Road, Ewing, NJ 08638 for property owner Aruta, Bruce D. & Claudia R. for Block: 223.08 Lot: 10, also known as 23 Crown Road due to 100% disabled veteran from 1/16/11 through 5/1/12 tax quarter.

6. A Resolution approving Matthew J. Iannarone as a Senior member of The Pennington Road Volunteer Fire Company & First Aid Squad.
7. A Resolution approving Tre'von A. Walker as a Junior member of The Pennington Road Volunteer Fire Company & First Aid Squad.
8. A Resolution approving Emergency Medical Service members to The Pennington Road Volunteer Fire Company and First Aid Unit.
9. A Resolution authorizing a Refund, as recommended by the Township Construction Official, for a senior citizen discount to Frank Cleary for 66 Upper Ferry Road.
10. A Resolution authorizing a Maintenance Guarantee Release for Johnson & Johnson (Block 373/Lot 9) Trenton Mercer Airport Ewing Engineers Remington Vernick and Affiliates #1102 I 026
11. A Resolution authorizing a Maintenance Guarantee Release for Enterprise Park (Block 341.01/Lot 5) Silvia Street Ewing Engineers Remington Vernick and Affiliates #1102 I 025
12. A Resolution authorizing the conduct of an On-Premise 50/50 Cash Raffle sponsored by Prospect Heights Volunteer Fire Company Ladies Auxiliary
13. A Resolution authorizing the conduct of a Bingo Night sponsored by Incarnation- St. James School Parent Teacher Association
14. A Resolution authorizing the conduct of an Off-Premise 50/50 Cash Raffle sponsored by Incarnation- St. James School Parent Teacher Association
15. A Resolution authorizing the conduct of an On Premise 50/50 Cash Raffle sponsored by Incarnation- St. James School Parent Teacher Association
16. A Resolution authorizing the conduct of a Casino Night sponsored by West Trenton Volunteer Fire Company

Mr. Murphy then moved the Resolution, seconded by Mr. Baxter.

**ROLL CALL**

|                   |     |
|-------------------|-----|
| Mr. Baxter        | YES |
| Ms. Hyser         | YES |
| Mr. Murphy        | YES |
| Mr. Summiel       | YES |
| President Wollert | YES |

**ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

1. The Clerk read (Ordinance #12-02) AN ORDINANCE FOR THE CALENDAR YEAR 2012 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) (2012)

CFO Mustafa gave a brief explanation for the benefit of the public. Mr. Baxter then moved the Ordinance, seconded by Ms. Hyser. Mr. Summiel asked for clarification from the CFO with regard to it being a recommendation by the Department of Community Affairs. CFO Mustafa said that they encourage it every year. Charles Green (979 Bear Tavern Road) asked if it was cumulative. CFO Mustafa responded.

**ROLL CALL**

|                          |            |
|--------------------------|------------|
| <b>Mr. Baxter</b>        | <b>YES</b> |
| <b>Ms. Hyser</b>         | <b>YES</b> |
| <b>Mr. Murphy</b>        | <b>YES</b> |
| <b>Mr. Summiel</b>       | <b>NO</b>  |
| <b>President Wollert</b> | <b>YES</b> |

2. The Clerk read **(Ordinance #12-03) AN ORDINANCE AUTHORIZING LEASE OF A PORTION OF HOLLOWBROOK COMMUNITY CENTER TO THE CATHOLIC YOUTH ORGANIZATION OF MERCER COUNTY, INC. FOR OPERATION OF A DAY CARE**

President Wollert recognized Ted Forst, Director of Community Affairs to discuss calculation and comparison of the cost of other rental spaces in the area with what we are charging as it relates to the lease of the daycare. Mr. Summiel asked Mr. Forst to discuss the actual cost for the utilization of space. Mr. Forst stated that any operation, like a daycare, has to put in a significant amount of desks, furniture, rugs, easel boards, cots, etc. and it is a huge investment. He clarified that it is all insured. President Wollert commented that the CYO is renting the space to run the program in the manner in which they need to. Mr. Forst commented that they are a good tenant. After much discussion, Mr. Murphy then moved the Ordinance, seconded by Ms. Hyser. Mr. Summiel stated that he opposes the vision and thinks that due diligence would be to put out an RFP. He is concerned about the movement from a 3 year to a 5 year without any RFP being extended to see whether or not there were other interested parties. Charles Green (979 Bear Tavern Road) dovetailed on what Mr. Summiel said about whether that area can be rented out at night. President Wollert said it was her understanding that there are other venues in the facility that can be rented by interested parties.

**ROLL CALL**

|                          |            |
|--------------------------|------------|
| <b>Mr. Baxter</b>        | <b>YES</b> |
| <b>Ms. Hyser</b>         | <b>YES</b> |
| <b>Mr. Murphy</b>        | <b>YES</b> |
| <b>Mr. Summiel</b>       | <b>NO</b>  |
| <b>President Wollert</b> | <b>YES</b> |

3. The Clerk read **(Ordinance #12-04) AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY, VACATING THE STREET KNOWN AS CAMPUS COURT IN THE TOWNSHIP OF EWING**

Attorney Cannon stated that this is a stump street off of Route 31 being vacated to facilitate the Campus Town Project. The College owns the land on either side of it. Mr. Murphy then moved the Ordinance, seconded by Mr. Baxter.

**ROLL CALL**

|                          |            |
|--------------------------|------------|
| <b>Mr. Baxter</b>        | <b>YES</b> |
| <b>Ms. Hyser</b>         | <b>YES</b> |
| <b>Mr. Murphy</b>        | <b>YES</b> |
| <b>Mr. Summiel</b>       | <b>YES</b> |
| <b>President Wollert</b> | <b>YES</b> |

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

**NEW BUSINESS**

1. The Clerk read **(Resolution #12R-47) A RESOLUTION APPROVING CHANGE ORDER #1 FINAL TO A ARAWAK PAVING COMPANY, INC. FOR RESURFACING OF PHILLIPS BLVD (PHASE I)**

Ms. Hyser then moved the Resolution, seconded by Mr. Murphy.

**ROLL CALL**

|                   |     |
|-------------------|-----|
| Mr. Baxter        | YES |
| Ms. Hyser         | YES |
| Mr. Murphy        | YES |
| Mr. Summiel       | YES |
| President Wollert | YES |

2. The Clerk read **(Resolution #12R-48) A RESOLUTION APPROVING CHANGE ORDER #1 TO ARAWAK PAVING COMPANY, INC. FOR 2011 ROAD IMPROVEMENT PROGRAM**

Mr. Murphy then moved the Resolution, seconded by Mr. Summiel. Debbie Jones (26 Mallard Terrace) wanted to know if this was from grant monies. Administrator McManimon responded.

**ROLL CALL**

|                   |     |
|-------------------|-----|
| Mr. Baxter        | YES |
| Ms. Hyser         | YES |
| Mr. Murphy        | YES |
| Mr. Summiel       | YES |
| President Wollert | YES |

3. The Clerk read **(Resolution #12R-49) A RESOLUTION AUTHORIZING EXECUTION OF A PUBLIC DONOR AGREEMENT WITH THE CYO OF MERCER COUNTY**

Mr. Murphy then moved the Resolution, seconded by Mr. Baxter. Mr. Summiel stated that he personally objects to this because he wanted to see what the ratios are to other entities they have donor agreements with. He doesn't feel that he has received sufficient clarification and therefore is speaking in opposition. President Wollert commented that the public donor segment of this agreement is a part of the requirement that the CYO has to get money from the State. They have to have donor money come from the towns where they conduct their operation. Charles Green (979 Bear Tavern Road) commented.

**ROLL CALL**

|                   |     |
|-------------------|-----|
| Mr. Baxter        | YES |
| Ms. Hyser         | YES |
| Mr. Murphy        | YES |
| Mr. Summiel       | NO  |
| President Wollert | YES |

3. The Clerk read **(Resolution #12R-50) STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES RESOLUTION (Moody Park Tennis Courts)**

Mr. Murphy then moved the Resolution, seconded by Mr. Baxter. President Wollert commented that this is grant money being applied for with no cost to the taxpayers. Charles Green (979 Bear Tavern Road) asked if that money could

include the tennis courts on Bear Tavern Road. Mr. McManimon responded and said we had to pick one spot in the township to apply for the grant. Under the “green acres program” we are applying for the grant for Moody Park, with it being in the worst condition. Debbie Jones (26 Mallard Terrace) and Trish Decello (10 Chelmsford Drive) also asked questions.

**ROLL CALL**

|                   |     |
|-------------------|-----|
| Mr. Baxter        | YES |
| Ms. Hyser         | YES |
| Mr. Murphy        | YES |
| Mr. Summiel       | YES |
| President Wollert | YES |

5. The Clerk read **(Resolution #12R-51) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MERCER FOR THE PAVING OF THE EWING COMMUNITY AND SENIOR CENTER PARKING LOT**

President Wollert asked for an explanation from the Administration. Mr. McManimon explained. Mr. Murphy then moved the Resolution, seconded by Ms. Hyser. Debbie Jones (26 Mallard Terrace) asked when it would start and Jack Ball (24 Heather Drive) asked about the grassy area in the middle of the parking lot. President Wollert noted that it has to be done according to the “historical plan”.

**ROLL CALL**

|                   |     |
|-------------------|-----|
| Mr. Baxter        | YES |
| Ms. Hyser         | YES |
| Mr. Murphy        | YES |
| Mr. Summiel       | YES |
| President Wollert | YES |

6. The Clerk read **(Resolution #12R-52) A RESOLUTION INTRODUCING AND APPROVING THE MUNICIPAL BUDGET OF THE TOWNSHIP OF EWING, COUNTY OF MERCER FOR THE CALENDAR YEAR 2012**

Mr. Murphy then moved the Resolution, seconded by Mr. Summiel. Mr. Summiel stated that this introduction will allow council to move forward with the detail review and analysis once it is approved by DCA. President Wollert concurred.

**ROLL CALL**

|                   |     |
|-------------------|-----|
| Mr. Baxter        | YES |
| Ms. Hyser         | YES |
| Mr. Murphy        | YES |
| Mr. Summiel       | YES |
| President Wollert | YES |

Attorney Cannon asked that Council set a new ABC date for the hearing for Club Nuvo pending review from the police department for the sale of this license. Council set a date for March 26<sup>th</sup>, 2012 at 8:00 p.m. Former Mayor Ball invited all to attend the Ewing Talent Show at Fisher Middle School at 1:00 p.m. and 7:00 p.m. on Saturday, February 18<sup>th</sup>, 2012.

**ADJOURNMENT**

There being no further business President Wollert called for a motion to adjourn. Ms. Hyser so moved seconded by Mr. Murphy. The meeting was adjourned at 7:50 p.m.

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Kathleen Wollert, President

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Kim Macellaro, Clerk

