

January 24<sup>th</sup>, 2012 - REGULAR SESSION

President Wollert called the meeting to order at 7:42 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 3<sup>rd</sup> day of January, 2012.

ROLL CALL

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

President Wollert started by saying that she is pulling the Ordinance for 1<sup>st</sup> Reading from the Agenda. She further stated items #5 and #6 under New Business were being pulled because the lease for the CYO needed to be done by Ordinance, not by Resolution.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Mildred Russell (119 King Avenue) put together a list of paper streets and obtained a map from the township, which she presented to Mr. McManimon. President Wollert told Ms. Russell that we appreciated her efforts. Debbie Jones (26 Mallard Terrace) thank Mr. McManimon for helping her neighbor cut down a tree and she also commented on the signs that were put up in her neighborhood. Mr. McManimon responded. Charles Green (979 Bear Tavern Road) asked about the Chief of Police giving his quarterly report and asked Council President Wollert if that process would continue, to which she answered yes. Trish Decello (10 Chelmsford Drive) asked for an update on the new animal shelter. President Wollert commented that they are moving rapidly to get the shelter done. Mr. McManimon said that he met with the contractor, Mr. Dressner. In approximately 1 month the shelter will be open and we will house 15 dogs and 35 cats. Don Apai (2181 Pennington Road) asked about items #5 and #6 under New Business and President Wollert said that they are being pulled but would be put back on in a few weeks and at that time it could be further discussed. Charles Green (979) Bear Tavern Road also asked about the CYO portion of the agenda. Attorney Cannon responded.

CONSENT AGENDA

The Clerk presented the Consent Agenda for approval: (Resolution #12R-39)

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$5,231,685.06.
2. A Resolution authorizing a Performance Guarantee Release for Cenlar Federal Savings Bank (Block 225.02/Lot 52) – Ewing Engineers Remington & Vernick and Affiliates #1102 I 014
3. A Resolution authorizing a Refund, as recommended by the Township Construction Official, for a certificate of occupancy overpayment for 6 Scudder Road
4. A Resolution to Amend the meeting date of The Township Council for 2012
5. A Resolution to Amend the 2012 Holiday Schedule for Lincoln’s Birthday which is on Sunday February 12, 2012 and will be observed on Monday February 13, 2012

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

**ROLL CALL**

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Summiel	YES
President Wollert	YES

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

(None for this meeting)

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

(None for this meeting)

**NEW BUSINESS**

1. The Clerk read **(Resolution #12R-40)** A RESOLUTION AUTHORIZING TY2011 RESERVE BUDGET TRANSFERS

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

**ROLL CALL**

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Summiel	YES
President Wollert	YES

2. The Clerk read **(Resolution #12R-41)** RESOLUTION APPROVING THE MAYORS APPOINTMENT OF ROGER T. HALEY AS MUNICIPAL COURT JUDGE FOR THE TOWNSHIP OF EWING

Mr. Summiel then moved the Resolution seconded by Mr. Baxter.

**ROLL CALL**

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Summiel	YES
President Wollert	YES

3. The Clerk read **(Resolution #12R-42)** A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A WORK SITE AGREEMENT WITH THE ADMINISTRATIVE OFFICE OF THE COURTS, PROBATION DIVISION FOR THE COMMUNITY SERVICE PROGRAM

Ms. Hyser then moved the Resolution seconded by Mr. Baxter.

Mr. Summiel wanted to reiterate that we have the assurances that this program doesn't incur additional expenses to the township and the liability factor. President Wollert stated that the County will take the responsibility for the liability issue and the persons participating in the community service program will be supervised, and doing work such as mowing, mulching, etc. They will be screened for appropriateness by the Administration. Don Apai (2181 Pennington Road) asked if this was for probationers who got

community service as part of their sentence by the judge. Mr. Summiel clarified that they are not probationers. They are adjudicated cases that rather than being fined or sent to jail, they are given community service as their disposition. Administrator McManimon responded. Mildred Russell (119 King Avenue) and Charles Green (979 Bear Tavern Road) both had questions to which Mr. McManimon responded.

**ROLL CALL**

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Summiel	YES
President Wollert	YES

4. The Clerk read A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO AN INSTALLMENT PAYMENT PLAN FOR OUTSTANDING TAXES ON BLOCK 19, LOTS 4 & 7 AND TO REMOVE THIS PROPERTY FROM THE JANUARY 2012 TAX CERTIFICATE SALE

Mr. Baxter then moved the Resolution seconded by Ms. Wollert.

Attorney Cannon explained. After much discussion by Council and the public, President Wollert asked for roll call.

**ROLL CALL**

Mr. Baxter	ABSTAIN
Ms. Hyser	NO
Mr. Summiel	NO
President Wollert	YES

Motion fails.

5. PULLED FROM THE AGENDA - A RESOLUTION AUTHORIZING EXECUTION OF A PUBLIC DONOR AGREEMENT WITH THE CYO OF MERCER COUNTY
6. PULLED FROM THE AGENDA - A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE CYO OF MERCER COUNTY
7. The Clerk read (**Resolution #12R-43**) A RESOLUTION OF THE TOWNSHIP OF EWING, MERCER COUNTY, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO RENEW MEMBERSHIP IN THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND AND TO EXECUTE AN INDEMNITY AND TRUST AGREEMENT WITH SAID FUND

Mr. Summiel then moved the Resolution seconded by Ms. Hyser.

**ROLL CALL**

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Summiel	YES
President Wollert	YES

8. The Clerk read (**Resolution #12R-44**) A RESOLUTION AUTHORIZING A TAX APPEAL SETTLEMENT IN THE MATTER OF TOWNSHIP OF EWING vs. AMERICAN PROPERTIES AT SCOTCH ROAD, LLC TAX COURT DOCKET NOS. 012206-2009, 014161-2010, 0022760-2011

**Mr. Summiel then moved the Resolution seconded by Mr. Baxter. Trish Decello (10 Chelmsford Drive) asked for clarification on the property. President Wollert stated that it is the Element Hotel and it is money coming directly to the township as a result of a tax appeal in the amount of \$900,000.00.**

**ROLL CALL**

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

**At 8:36 p.m Council President Wollert asked for a motion to enter into closed session. Attorney Cannon read the resolution to enter into closed session into the minutes. Mr. Summiel moved, seconded by Mr. Baxter.**

**At 8:50 p.m. Council went back into public session. There being no comment from the public the meeting was adjourned.**

**ADJOURNMENT**

**There being no further business President Wollert called for a motion to adjourn. Mr. Summiel so moved seconded by Ms. Hyser. The meeting was adjourned at 8:50 p.m.**

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**Kathleen Wollert, President**

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**Kim Macellaro, Clerk**