

September 11, 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 11th day of May, 2012.

ROLL CALL

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

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA

No comments

CLUB NUVO/DISMISSAL OF CHARGES, APPROVAL OF LICENSE AND TRANSFER OF LICENSE – pending the sale of license and premises

Attorney Cannon gave a review of the three companion resolutions and stated that they all are contingent upon the closing of the premises and the sale of the liquor license. Council President Wollert made it very clear to the public that these resolutions on the agenda for consideration, will be void if the sale is not completed.

1. The Clerk read (Resolution #12R-147) A RESOLUTION DISMISSING THE CHARGES ON CLUB NUVO

Mr. Murphy moved the resolution, seconded by Ms. Hyser. There were no questions by any member of Council or the public.

ROLL CALL

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

2. The Clerk read (Resolution #12R-148) A RESOLUTION APPROVING THE LIQUOR LICENSE

Mr. Baxter moved the resolution, seconded by Mr. Murphy. Attorney Cannon explained for public edification that every year on June 30th all of our liquor licenses come up for renewal. This particular license was not renewed, because of pending charges. The owner of the license was not operating and in addition he applied for an ad interim license, a temporary license from the State ABC pending a determination of the charges. Mr. Summiel asked who owns the license, to which Attorney Cannon responded, Comfort Prempeh. Mr. Summiel asked what would happen to the license if we decided to not ever renew it. Attorney Cannon explained that this license is actually inactive, because they are not operating their business. She stated that if the closing doesn't occur, Council would have to take up the charges again and then have a hearing on the charges and then either suspend or revoke the license. Once the license is in good standing and renewed, it could be transferred. Charles Green (979 Bear Tavern Road) asked if the license will be used to do the same business. Attorney Cannon responded by saying that the license is the same type of license as it was. But the new owner, Wine Mart, intends to operate a liquor store at that location. Mr. Summiel stated that it is almost a good faith effort that the new owner will not operate as a bar, but as a liquor store, except that the license requires them to allocate a certain amount of floor space as a bar. Seeing no more questions, President Wollert asked for roll call.

ROLL CALL

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

3. The Clerk read **(Resolution #12R-149) A RESOLUTION APPROVING THE PERSON TO PERSON TRANSFER**

Ms. Hyser moved the resolution, seconded by Mr. Murphy. There were no questions by any member of Council or the public.

ROLL CALL

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

CONSENT AGENDA

The Clerk presented the Consent Agenda for approval: **(Resolution #12R-150)**

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$1,238,512.83.
2. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1287.52 for August 1, 2012 tax quarter to Wilson, Christopher V., 11 Tudor Ct., Ewing, NJ, 08628, for property owner Wilson, Christopher V., for Block: 588 Lot: 41 also known as 11 Tudor Ct. for overpayment.
3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$2,496.10 for August 1, 2012 tax quarter to Weichert Title Agency, 1909 Route 70 East, 2nd Floor, Cherry Hill, NJ, 08003, Re: W-253529, for property owner Hefner, Christopher & Silva, Anabel, for Block: 225 Lot: 53 also known as 10 Fran Ave. for overpayment.
4. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1786.98 for August 1, 2012 tax quarter to Defilippis, Nicholas & Nicholas III, 4 Bittersweet Rd., Ewing, NJ, 08628, for property owner Defilippis, Nicholas & Nicholas III, for Block: 525 Lot: 2 also known as 4 Bittersweet Rd. for overpayment.
5. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$895.34 for August 1, 2012 tax quarter to Barsoum, David & Beth, 1564 12th St., Ewing, NJ, 08638, for property owner Barsoum, David & Beth, for Block: 87 Lot: 522 also known as 1564 Twelfth St. for overpayment.
6. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1532.93 for August 1, 2012 tax quarter to Monarch Title Agency, Inc., 427 Whitehorse Avenue, Hamilton, NJ, 08610, for property owner Rick, Jeffrey A. & Kelly, for Block: 552 Lot: 116 also known as 23 Revere Ct. for overpayment.
7. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1299.85 for August 1, 2012 tax quarter to Corelogic, 95 Methodist Hill Dr., Suite 100, Rochester, New York, 14623-4280, Contract No. 48930884-0001, for property owner Thompson, Cleveland, for Block: 287 Lot: 12 also known as 556 Parkway Ave. for overpayment.

8. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1769.72 for August 1, 2012 tax quarter to Allstates Title Services, Inc., 1176 Whitehorse Mercerville Rd., Hamilton, NJ, 08619, for property owner Granzen Michael A. & Karen H., for Block: 440 Lot: 217 also known as 131 Glendale Dr. for overpayment.
9. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1575.06 for August 1, 2012 tax quarter to Starnes, Kelly R., 257 Garnet Court, Fort Mill, SC, 29708, for property owner Starnes, Kelly R., for Block: 225.02 Lot: 56 Qual: C0325 also known as 325 Masterson Ct. for overpayment.
10. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1530.47 for August 1, 2012 tax quarter to Lynch, Michael, 37 Huntley Rd., Holmdel, NJ, 07733, for property owner Lynch, Michael, for Block: 271 Lot: 111 also known as 110 Florence Ave. for overpayment.
11. A Resolution authorizing Celestial Church of God to hold a block party/road closing on September 23, 2012.
12. A Resolution approving Jeffrey R. Procaccini as a Senior Member of the Prospect Heights Volunteer Fire Co. No. 1.
13. A Resolution authorizing a Refund, as recommended by the Township Construction Official, for a Certificate of Occupancy over payment in the amount of \$275.00 to Aishe Metkov, 202 State Street, Cherry Hill, NJ, 08002 for 338 Masterson Court, Ewing, NJ 08638.

Mr. Murphy moved the Resolution, seconded by Mr. Baxter. There were no comments from Council or the public.

ROLL CALL

Mr. Baxter	YES
Mr. Murphy	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

1. The Clerk read **(Ordinance #12-16) AN ORDINANCE AUTHORIZING LEASE OF A PORTION OF HOLLOWBROOK COMMUNITY CENTER TO TRI-COUNTY COMMUNITY ACTION AGENCY, INC., A NON-PROFIT CORPORATION, FOR OPERATION OF A CHILD DEVELOPMENT PROGRAM (2012)**

WHEREAS, the Township of Ewing is the owner of the Hollowbrook Community Center (the "Center"), and

WHEREAS, the Township and Community Development Institute ("CDI"), a Colorado non-profit and the then-temporary grantee of the federal Head Start Program previously entered into a Lease Agreement for a portion of the Ewing Hollowbrook Center for the purpose of operating a child development program; and

WHEREAS, CDI was replaced as the grantee of the Head Start Program by Tri-County Community Action Agency, Inc., which does business in the State of New Jersey under the registered trade name of Gateway Community Action Partnership ("Gateway"); and

WHEREAS, the Township and Gateway wish to enter into a new Lease Agreement for a term of five (5) years beginning August 1, 2012 and ending July 31, 2017 at an initial monthly rent in the amount of \$2,000.00 subject to annual adjustments pursuant to the formula provided in the Lease Agreement to be effective August 1 of each renewal year; and,

WHEREAS, the N.J.S.A. 40A:12-14(c) authorizes the lease of Township-owned property to non-profit organizations, and

WHEREAS, said portion of the Center is not needed for any municipal purpose, and

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Ewing that it authorizes the lease of a portion of the Hollowbrook Community Center as set forth in the Lease annexed hereto to Tri-County Community Action Agency, Inc., doing business in the State of New Jersey under the registered trade name of Gateway Community Action Partnership for purposes of operating a child development program, and

BE IT FURTHER ORDAINED, that the Mayor and Clerk are authorized to execute the Lease Agreement in substantially the same form as annexed hereto and such other documentation as are necessary to Lease the space to Tri-County Community Action Agency, Inc.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication according to law.

STATEMENT

This Ordinance permits the Township to enter into a Lease with Tri-County Community Action Agency, Inc. for purposes of operating a child development program in the Hollowbrook Community Center.

President Wollert announced that this is the Head Start Program and asked the attorney to give an overview. Attorney Cannon explained that this is a lease that was in place with the predecessor, Head Start, and they lost their contract with the federal government and Tri-County was put in their place. The prior lease has expired and the new lease has to be done by Ordinance. Mr. Murphy moved to open the public hearing, seconded by Ms. Hyser. The public hearing was opened. Representatives from Tri-County were present for questions. Mr. Howard Melnicove, General Counsel for Tri-County Community Action Agency, Inc. gave a brief overview of the agency. Mr. Edward Bethea and Ms. Bonnie Eggenburg, Senior Vice President and Director of Head Start were also present. Mr. Summiel pointed out that in light of what is about to be proposed, in terms of the statement from Mr. Bethea, it may generate questions that otherwise may not occur, so therefore he thinks it would behoove us to hear what he has to say. President Wollert concurred. Mr. Bethea spoke about the agency and said they primarily provide childcare. He stated that they have Head Start in 5 counties. He stated that they take a lot of pride and pleasure in what they do and think they fill a void and try to provide a “hand up” and not a “hand out”. Their goal and their mission is to provide services that improve the quality of life. After much discussion, the public hearing was closed. Mr. Murphy moved the Ordinance, seconded by Ms. Hyser.

ROLL CALL

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

NEW BUSINESS

1. The Clerk read (**Resolution #12R-151**) **A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87.**

Mr. Murphy moved the Resolution, seconded by Mr. Baxter. Seeing no questions from Council or the public, President Wollert asked for roll call.

ROLL CALL

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

2. The Clerk read (Resolution #12R-152) A RESOLUTION TO CANCEL CERTAIN UNEXPENDED CAPITAL ORDINANCE BALANCES TO CAPITAL SURPLUS.

Mr. Murphy moved the Resolution, seconded by Ms. Hyser. Seeing no questions from Council or the public, President Wollert asked for roll call.

ROLL CALL

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

3. The Clerk read (Resolution #12R-153) A RESOLUTION AUTHORIZING THE DISPOSAL OF RADIO EQUIPMENT NOT NEEDED FOR PUBLIC PURPOSES.

Mr. Murphy moved the Resolution, seconded by Ms. Hyser. President Wollert stated that Council had received some information from Administration regarding questions raised the night before about selling this online with other surplus equipment. Mr. Summiel explained that the way he understands it is that if it is possible to get something of value for the radios, then they can pursue that but if not then they can destroy them. Administrator McManimon stated that their intent is still to destroy them because they cannot be re-banded. Charles Green (979 Bear Tavern Road) asked if this was emergency equipment, to which Administrator McManimon responded yes. Seeing no other questions, President Wollert asked for roll call.

ROLL CALL

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

4. The Clerk read (Resolution #12R-154) A RESOLUTION AWARDED ONE (1) 2013 DUMP TRUCK OR NEWER INTERNATIONAL MODEL #7400 SFA-4X2 (OR EQUIVALENT) TO BUCKS COUNTY INTERNATIONAL, INC.

Mr. Murphy moved the Resolution, seconded by Mr. Baxter. Mr. Summiel commented that he had not supported the bond proposed that would be inclusive of this particular item, as well as the next two, so therefore he is going to stay consistent with his position and abstain. President Wollert explained to the public that these resolutions for purchase of equipment were part of our capital budget this year. Seeing no other questions from the public, President Wollert asked for roll call.

ROLL CALL

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

5. The Clerk read (Resolution #12R-155) A RESOLUTION AWARDDING ONE (1) TRUCK MOUNTED COMBINATION LEAF VACUUM AND CATCH BASIN CLEANER WITH 12" REAR MOUNTED HOSE/STREET SWEEPER WITH BROOM ASSIST TO TIMMERMAN EQUIPMENT CO.

Mr. Murphy moved the Resolution, seconded by Ms. Hyser. Again Mr. Summiel said he was searching to get some understanding about this particular item. He stated that it seems to him that the street sweeper seems to be a catch all for a lot of different things, but largely it is a street sweeper. He will be abstaining with regard to this one as well. See no questions from the public, President Wollert asked for roll call.

ROLL CALL

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

6. The Clerk read (Resolution #12R-156) A RESOLUTION AWARDDING TWO (2) 2013 TRASH TRUCKS OR NEWER INTERNATIONAL MODEL #7400 SBA-6X4 (OR EQUIVALENT) TO BUCKS COUNTY INTERNATIONAL, INC.

Mr. Murphy moved the Resolution, seconded by Mr. Baxter. Mr. Summiel stated that a question was raised about the original cost of this particular item and the Business Administrator stated that the original proposal was a hundred and some thousand dollars less and he questioned whether or not that proposal was based on two rather than three trash trucks, originally presented. Administrator McManimon responded by saying that when we thought we were going to stay in the business we had seven because we thought we would have to replace our whole fleet, but then we dropped it down to three, but we don't need three new trucks so we dropped it down to two. In the original capital budget we budgeted a half million dollars for three trucks, so we will have excess capital which could be reallocated for other public works equipment or whatever you choose to allocate it to. Mr. Summiel stated that again he will abstain on this particular item. There were no questions from the public. President Wollert asked for roll call.

ROLL CALL

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

7. The Clerk read (Resolution #12R-157) A RESOLUTION AWARDDING ONE CASE 580SN LOADER BACKHOE OR APPROVED EQUAL TO TRICO.

Mr. Murphy moved the Resolution, seconded by Ms. Hyser. Seeing no questions from Council or the public, President Wollert asked for roll call.

ROLL CALL

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

8. The Clerk read (Resolution #12R-158) A RESOLUTION APPROVING THE FINAL CHANGE ORDER TO RICHARD T. BARRETT PAVING COMPANY, INC. FOR THE EWING SENIOR AND COMMUNITY CENTER PARKING LOT PAVING PROJECT.

Mr. Murphy moved the Resolution, seconded by Mr. Baxter. President Wollert stated that it is the final wrap up for the payment of the senior and community

center parking lot. It was grant money and the taxpayers did not pay for this. Seeing no questions from Council or the public, President Wollert asked for roll call.

ROLL CALL

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

9. The Clerk read (Resolution #12R-159) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A SETTLEMENT AND RELEASE WITH STEPHEN W. ELLIOTT IN THE MATTER KNOWN AS STEPHEN W. ELLIOTT V. MAYOR AND COUNCIL OF THE TOWNSHIP OF EWING, DOCKET NO.: MER-L-001607-11.

Mr. Murphy moved the Resolution, seconded by President Wollert. Seeing no questions from Council or the public, President Wollert asked for roll call.

ROLL CALL

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

10. The Clerk read (Resolution #12R-160) A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF EWING AND THE CITY OF TRENTON FOR PROVISION OF NURSING SERVICES FOR LEAD BURDENED CHILDREN

Mr. Murphy moved the Resolution, seconded by Mr. Baxter. Seeing no questions from Council or the public, President Wollert asked for roll call.

ROLL CALL

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

11. The Clerk read (Resolution #12R-161) A RESOLUTION AUTHORIZING AND APPROVING 2011 SHARED SERVICES CONTRACT FOR HEALTH SERVICES BETWEEN THE TOWNSHIP OF EWING AND THE TOWNSHIP OF HAMILTON

Mr. Murphy moved the Resolution, seconded by Mr. Baxter. Mr. Summiel stated that we heard from Administration during the Agenda Session and this is going to be reviewed for potential and hopefully consolidation in our own staffing so that we won't have to have this kind of arrangement subsequent to this particular act. Administrator McManimon stated that they are prepared to do that in 2013 and the Health Officer will present that to Council at the next Board of Health Meeting. Seeing no questions from Council or the public, President Wollert asked for roll call.

ROLL CALL

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

12. The Clerk read (Resolution #12R-162) A RESOLUTION AUTHORIZING THE TOWNSHIP TO EXECUTE A DEED OF EASEMENT AGREEMENT

CONSENTING TO THE RELOCATION OF A SANITARY SEWER EASEMENT ON BLOCK 365, LOT 9, LANDS NOW OR FORMERLY OF 1400 PARKWAY, LLC

Ms. Hyser moved the Resolution, seconded by Mr. Murphy. Attorney Cannon explained. Mr. Summiel stated that being that the contingency is upon the township's approval and ELSA, he would think that ELSA would come before them. Attorney Cannon stated that they haven't had their meeting yet. In Mr. Summiel's estimation it would seem that ELSA's statement of approval of this particular movement of the easement on the technical side would be more pertinent to us before we act, being that it is just a policy matter. Attorney Cannon stated that if both parties don't agree, it won't happen. Seeing no questions from the public, President Wollert asked for roll call.

ROLL CALL

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

13. The Clerk read **(Resolution #12R-163) A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES AGREEMENT FOR PREPARATION OF A MAINTENANCE MANUAL TO MILLS & SCHNOERING ARCHITECTS, LLC**

Mr. Murphy moved the Resolution, seconded by Mr. Baxter. Mr. Summiel stated that he thought twenty some thousand dollars is a little high for a manual. President Wollert stated that this is not township money. It is part of grant monies and has to do with the maintenance of the bathhouses and the property over at the Ewing Senior and Community Center. It provides how to maintain that particular piece of property. President Wollert and Mr. Summiel asked about the liability of the maintenance process not being followed. Attorney Cannon commented that a condition of the grant is that the maintenance manual be presumably followed. If we don't follow the grant, it is subject to rescission. Mr. Baxter asked about the time frame of the preparation of the manual being six months and does our public works department know how to maintain the parking lot to the standards of the County. Administrator McManimon responded. Seeing no questions from the public, President Wollert asked for roll call.

ROLL CALL

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

14. The Clerk read **(Resolution #12R-164) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO OFFER FOR SALE TOWNSHIP PROPERTY BY WAY OF AN OPEN PUBLIC SALE AT AUCTION TO THE HIGHEST BIDDER**

Mr. Murphy moved the Resolution, seconded by Ms. Hyser. Seeing no questions from Council or the public, President Wollert asked for roll call.

ROLL CALL

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

15. The Clerk read **(Resolution #12R-165) A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION SITE**

Mr. Murphy moved the Resolution, seconded by Mr. Baxter. Administrator McManimon explained that we have some old vehicles that are not operable, some waters pumps, some trucks, some police vehicles that are in various stages of unused condition that are just sitting in the parking lot. There is some computer equipment that does not have any hard drives in them and they will be placed on the govdeals.com website. Seeing no questions from Council or the public, President Wollert asked for roll call.

ROLL CALL

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

Mr. Murphy asked about an Ordinance that he asked for with regards to billing anyone who wants to use our facilities for speeches, our equipment and our staff. President Wollert stated that she will talk to the township attorney about it as she knows it has been a concern of his.

CLOSED SESSION

ADJOURNMENT

There being no further business President Wollert called for a motion to adjourn. Mr. Murphy so moved, seconded by Ms. Hyser. The meeting was adjourned at 8:07 p.m.

Kathleen Wollert, President

Kim Macellaro, Clerk