

AGENDA SESSION 3-11-13

President Hyser 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 2nd day of January 2013.

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.

THE COUNCIL INVITES AND ENCOURAGES PARTICIPATION BY THE PUBLIC IN ITS MEETINGS, HOWEVER A MEMBER OF THE PUBLIC MAY UTILIZE FIVE MINUTES OF TIME FOR REMARKS AND QUESTIONS, UNLESS OTHERWISE ENGAGED IN A DIALOGUE WITH A MEMBER OF THE COUNCIL, ANY FURTHER REMARKS OR QUESTIONS BEYOND THE TIME LIMIT MUST BE AUTHORIZED BY THE PRESIDENT OF THE COUNCIL.

ROLL CALL

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| ▪ Mr. Baxter – Present | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – arrived 6:32 p.m. | Joanna Brewster, CFO |
| ▪ Ms. Wollert – arrived 7:18 p.m. | Kim Macellaro, Municipal Clerk |
| ▪ President Hyser - Present | |

DISCUSSION

- 1. (FOR DISCUSSION PURPOSES ONLY, NO ACTION WILL BE TAKEN) – A RESOLUTION APPROVING OF SALES OF TOWNSHIP RETAINED TAX LIENS TO THIRD PARTY PURSUANT TO N.J.S.A. 54:5-113.**

Attorney Cannon explained that every year the township has a tax lien sale, which the unpaid taxes on any property in the township at the end of the year are sold as a lien at an auction sale. Liens not sold are retained by the township, but afterwards, by statute, the town is permitted to sell those liens for full value to any interested parties at the township interest rate of 18%. After the auction, investors will call the tax collectors office and ask what liens are available and what was unsold and retained by the town and that is what happened in this case. This Resolution is for an unsold lien, the town will be reimbursed for the value of the unpaid taxes and the lienholder will have an obligation to pay the taxes going forward. President Hyser asked why we couldn't act on this right away. Attorney Cannon stated that there are very specific advertisement requirements for a resolution of this nature. We have to notify the property owner that it is our intention to sell the lien, at least five days before we take action on it. And we also have to advertise it within five days of discussing it. Councilman Baxter expressed that he has the same reservations as he has stated before. We have a tax lien sale every year in December, these properties, as he understands, are left over from that sale and the public, who may or may not have had an opportunity to attend the tax sale should be afforded the same opportunity or carry it to the next year. Attorney Cannon expressed that once we advertise this and someone from the public was interested in a lien, in theory, we could do a private sale with that individual. Councilman Baxter wanted to make sure that the public is noticed of this sale. Attorney Cannon commented that this will be posted in two locations throughout the Township. Administrator McManimon stated that this has already been offered to the public at a public auction and they had a chance to bid on it then. We have done our due diligence in that respect. His preference is to have the money in our bank account, rather than

wait until December. President Hyser asked if Council was comfortable moving forward with this and all agreed. This Resolution will be on for action at the March 26 meeting.

2. **RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) EMERGENCY EQUIPPED CHEVROLET TAHOE SSV 4 X 4'S FOR USE IN THE CONSTRUCTION OFFICE FROM DAY CHEVROLET and MUNICIPAL EQUIPMENT ENTERPRISES AS PER STATE CONTRACTS IN THE AMOUNT OF \$73,859.04**

Administrator McManimon explained that the Township is in need of vehicles in various departments in the town and we would be buying these two new vehicles for Construction in the Planning/Zoning Department. Older vehicles in Construction will go to the Health Department and one to Code Enforcement. President Hyser asked if the money for these vehicles will be coming out of the independent construction trust to which Administrator McManimon responded yes. There were no questions from Council.

3. **RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF NEW RADIO EQUIPMENT FOR USE IN POLICE AND PUBLIC WORKS DEPARTMENTS FROM QUALITY COMMUNICATIONS AS PER STATE CONTRACT IN THE AMOUNT OF \$17,325.00**

Administrator McManimon explained that for the new vehicles that we have purchased in the police department and public works, it would allow us to install this required radio equipment. With the new regulations regarding radios and radio frequencies from the FCC, the old radios will need to be replaced. President Hyser asked what the plans are for the old equipment and Administrator McManimon replied. President Hyser asked where the funding came from and CFO Brewster stated that it was from a capital bond. There were no questions from Council.

4. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 224 LITTERING § 224-6 VEHICLES AND TIRES TO ELIMINATE THE PROVISION PROHIBITING VEHICLES FROM BEING PARKED ON ANY RESIDENTIAL LAWN AND AMENDING CHAPTER 225 VEHICLES AND TRAFFIC, ARTICLE II PARKING TO ADD § 225-10.3 PARKING PROHIBITED ON UNPAVED SURFACES ABSENT A SPECIAL EVENTS PERMIT**

Attorney Cannon explained that this is an amendment of two Ordinances. She explained the changes. There are a number of commercial properties allowing parking on unpaved surfaces. This will in effect clean up the littering ordinance to remove parking from it and expand the provision so that it is not only residential but also commercial. A provision is being added that you must obtain a permit to be able to park on any unpaved surface. President Hyser asked if we presently charge for a special events permit. Attorney Cannon stated that this is a completely new permit and has not been implemented yet. The Clerk stated that we currently do not charge for block parties and parades. Council was in favor of not charging the public for the permit. Councilwoman Keyes-Maloney stated that we want to encourage community engagements with neighbors and beginning the charging process could potentially chill that. There were no other comments from Council.

5. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 VEHICLES AND TRAFFIC, ARTICLE II PARKING § 225-8 PARKING TIME LIMITED ON CERTAIN STREETS AND ARTICLE VIII SCHEDULES, § 225-51 SCHEDULE IV TIME LIMIT PARKING TO LIMIT THE DURATION OF PARKING AT THE DESIGNATED COMMUNITY PARKING SPACES LOCATED AT 80 W. UPPER FERRY ROAD TO TWO HOURS**

President Hyser explained that this is the parking at the Fisk Building, next to Café 72 and the Barber shop. Attorney Cannon explained that there are a number of community parking spots that were retained when this property was sold and approved for its current use and it has come to our attention that the employees that work in the building are parking in those spots all day. President Hyser asked for an understanding as to where the Parkway Avenue spur is located. Administrator McManimon explained. After some discussion, this Ordinance was approved for action.

6. A RESOLUTION APPROVING AND ADOPTING THE EWING TOWNSHIP POLICE DEPARTMENT RULES AND REGULATIONS.

Attorney Cannon explained that this is a formality, a clean up resolution, for Council to formally adopt by resolution the policies and procedures regulations of the police department. President Hyser asked who the manual was written by. Attorney Cannon stated that it was developed by the police department and is really just an amalgamation of all there standing orders and other rules put together into one cohesive manual of their rules and regulations for their standard operating procedures. Councilman Baxter asked who the authority is that will sign off on this. Councilman Schroth asked when the manual was last updated to which Administrator McManimon stated that it was updated a few weeks ago and he couldn't speak as to when it had been updated before that.

7. A RESOLUTION PROVIDING FOR REFUNDING OF LIEN AMOUNTS TO THIRD PARTY LIENHOLDERS

Attorney Cannon explained that when someone goes into bankruptcy there is an automatic stay imposed by federal law and bankruptcy court on any proceedings against that individual. What sometimes happens is that people file for bankruptcy within the town and at the time they are current on their taxes so they don't list the township as a potential claimant in the bankruptcy so we never receive notice that the person is bankrupt. After they go bankrupt they stop paying their taxes and their taxes are sold at the lien sale, which is a technical violation of the automatic stay. The two things we can do are to apply to the bankruptcy court to affirm the sale on the lien or we can refund the money. In cases where the amount of the lien is small like this one, her recommendation for the town is to refund the money to the lienholder, we hold it for a year and if it is not resolved in bankruptcy and the taxes are not paid, we resell the lien again the following December. There were no questions from Council.

8. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING AMENDING THE FEES FOR AMBULANCE TRANSPORT BY EWING TOWNSHIP EMERGENCY MEDICAL SERVICES DIVISION.

Administrator McManimon explained that presently we are charging \$600.00 through insurance company providers for people that our EMS transport to the hospital. We don't charge anyone if the insurance companies don't cover it. Our gross revenue in 2012 was \$466,396 for 1,463 actual transports. Lawrence Township is presently charging \$785, Princeton Township \$650, Trenton \$700, Cranbury \$650 and West Windsor just went to \$750. Administration is recommending raising the fee from \$600 to \$700. President Hyser asked what is the percentage of what we are collecting versus what we are billing insurance companies? Administrator McManimon stated that he doesn't have the exact percentage but we generally collect on average about 50% of our calls at 100% claim. There were no questions or comments from Council.

9. A RESOLUTION INTRODUCING AND APPROVING THE MUNICIPAL BUDGET OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, FOR THE CALENDAR YEAR 2013.

President Hyser explained that there are still some modifications to the budget and Council is still waiting for some backup documentation that we typically receive. Administrator McManimon reassured Council that Mayor Steinmann would be ready to present the budget the following evening. President Hyser explained that assuming we introduce the budget the following evening, there is a minimum twenty eight day waiting period before we can have public review and comment, which takes us to our first meeting in April. She requested that the department heads start coming at the next agenda and regular meeting to discuss their budgets.

10. A RESOLUTION ESTABLISHING SEWER RATES AND CHARGES FOR EWING TOWNSHIP FOR CALENDAR YEAR 2013.

CFO Brewster explained that this resolution is establishing the sewer rates for 2013 and they stayed the same as 2012.

11. AN ORDINANCE FOR THE CALENDAR YEAR 2013 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-15.14).

CFO Brewster explained that this is to increase the cost of living from 2 ½ percent to 3 ½ percent. This is for all the appropriations within CAP and it allows us to increase where we have to. If we don't use the full one percent, it is banked and can be used in subsequent two years.

At this time President Hyser announced that we would be adding a resolution to the agenda with regard to Earth Hour. The green team is in support of this initiative. It is a world wide fund to raise awareness for environmental challenges and they are asking that Ewing turn off all non-essential lights in governmental buildings on March 23 at 8:30 p.m. for one hour. Councilwoman Keyes-Maloney thanked Council for facilitating and having it be added to the agenda.

President Hyser announced that with the exception of item #1, all items would be added for action to the agenda for 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 \$1,987,921.13.
2. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1264.57 for February 1, 2013 tax quarter to General Abstract & Title Agency, Agents of Chicago Title Ins. Co., 1155 Whitehorse-Mercerville Road, Hamilton, NJ 08619, for property owner Bowker, Patricia L. & William Bielak, for Block: 588 Lot: 157 also known as 10 Hastings Court due to overpayment.
3. A Resolution authorizing a Refund, as recommended by the Construction Official in the amount of \$58.00 to Helen Geppert, 160 New Hillcrest Avenue, Ewing, NJ 08638 for a permit overpayment for 160 New Hillcrest Avenue, Ewing, NJ 08638 that was paid inadvertently. She should have received a 50% senior citizen discount.
4. A Resolution authorizing Palmer Lane Civic Association to hold a parade/block party/road closing on May 27th, 2013 at 11:00 a.m.

There were no questions from Council and the Consent Agenda was approved for action.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

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

1. Continuation of the Public Hearing on the Amended Ordinance - AN ORDINANCE GRANTING A TAX ABATEMENT AND AUTHORIZING EWING TOWNSHIP TO ENTER INTO A PAYMENT IN LIEU OF TAXES ("PILOT") AGREEMENT WITH TWO PETERS INC, TO PAY EWING TOWNSHIP, IN LIEU OF FULL PROPERTY TAXES, AN AMOUNT EQUAL TO PERCENTAGE OF TAXES OTHERWISE DUE. (2013)

There were no questions or comments from Council and this Ordinance was approved for action.

NEW BUSINESS

1. A RESOLUTION AUTHORIZING EXECUTION OF A RECYCLING TONNAGE GRANT APPLICATION.

Administrator McManimon explained that this is an annual grant that we get which shows how we recycle our brush and our leaves. We get a credit based on the number of tons that we generate of recycling and then we can use that money to pay for the mulching of leaves, large branches and turn around and give that mulch to homeowners and community gardens. It is approximately \$56,000.00 which varies based on tonnage. President Hyser asked is this grant application is being done through the Public Works Department or through our Grant Writer. Administrator McManimon stated that it is being done through Tom Elder of our Public Works Department.

2. A RESOLUTION AUTHORIZING CY2012 RESERVE BUDGET TRANSFERS.

CFO Brewster explained this resolution. Councilman Baxter asked for clarification with regard to the Recreation account. CFO Brewster responded.

Both items under New Business were approved for action.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Ron Prykanowski (16 Thurston Avenue) asked if we could include the State contract numbers for items two and three. President Hyser responded. He mentioned that the township is doing a lot with energy conservation and wanted to know if the vehicles being purchased were hybrids. Administrator McManimon stated that these are police packaged vehicles and therefore they are not. Other vehicles that we are trying to purchase we are hoping will be. Judith Peoples (295 W. Upper Ferry Road) explained that with regard to the parking Ordinance, she has her sons' truck because he is on active duty in Iraq. The truck is parked on her grass and she wanted to know what to do with it. She strongly suggested that Council put exemptions in the Ordinance. She also stated that she is now the new municipal chair of the Republican Party and she will be speaking as the loyal opposition. She would really like to see Council, who sets the policy, establish a communications policy with the citizens of Ewing Township and let them get in on the discussions. She thanked Council for their attention to this matter. President Hyser expressed that some valid points were raised with regard to the parking. Discretion will always be allowed to be used by whoever is the enforcement of this Ordinance. Attorney Cannon commented that under the current Ordinance it says that "no vehicles of any kind whatsoever should be parked on any residential lawn". She said it is a very broad prohibition as it currently exists in our Ordinance. Basically anything with wheels would be prohibited from parking on any residential lawn. She said she would report back to Council the following evening and maybe they could graft in some exceptions, without opening the door to the concerns that originally brought this issue to the floor many years ago. President Hyser thanked Ms. Peoples for her comments.

CLOSED SESSION – A Resolution to enter into Closed Executive Session

At 7:20 p.m. President Hyser asked for a motion to enter into closed session. Mr. Baxter moved to go into closed session, seconded by Mr. Schroth. It was agreed by a unanimous voice vote. Attorney Cannon read a resolution to enter into closed executive session. At 8:09 p.m. Ms. Keyes-Maloney moved to close the closed session, seconded by Ms. Wollert. It was agreed by a unanimous voice vote.

Ms. Keyes-Maloney moved to enter back into regular session, seconded by Ms. Wollert. It was agreed by a unanimous voice vote. No one from the public was present at this time.

ADJOURNMENT

There being no further business, President Wollert asked for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Ms. Wollert. The meeting was adjourned at 8:12 p.m.

Hilary Hyser, President

Kim J. Macellaro, Municipal Clerk