

## AGENDA SESSION 4-8-13

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 2<sup>nd</sup> 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

- |                               |                                |
|-------------------------------|--------------------------------|
| ▪ Mr. Baxter – Present        | Jim McManimon, Administrator   |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney         |
| ▪ Mr. Schroth – Present       | Alexander DeAngelis, QPA       |
| ▪ Ms. Wollert – Present       | Kim Macellaro, Municipal Clerk |
| ▪ President Hyser – Present   |                                |

### CY2013 TOWNSHIP BUDGET

1. A RESOLUTION TO READ BUDGET BY TITLE AT PUBLIC HEARING
2. PUBLIC HEARING ON THE INTRODUCED CY2013 BUDGET

President Hyser explained that Mr. McManimon indicated late today we had not yet heard back from the State as to whether any amendments to the budget were required. She stated there will be a public hearing tomorrow night as advertised, however, there will be no vote on the budget until we know whether amendments are required or not. There were no questions from Council.

### DISCUSSION

1. A RESOLUTION OF EMERGENCY TEMPORARY APPROPRIATION

President Hyser stated this would be for the month of April. Mr. McManimon confirmed it is similar to what was done for January, February and March. There were no questions from Council.

**2. A RESOLUTION AUTHORIZING EXECUTION OF PUBLIC DONOR AGREEMENT WITH THE CYO OF MERCER COUNTY**

Administrator McManimon explained the CYO has been a tenant of Hollowbrook since 2008. Our public donor agreements are about \$14,000 per year as the CYO services up to 70 Ewing Township children based on low income. President Hyser wanted to know if this is an in-kind donation or do we pay them in cash. Mr. McManimon responded that technically we pay them quarterly and the CYO pays us rent. We have not yet given them any money this year as Council needs to approve the agreement first.

Mr. McManimon thought it could be approved based on past history and the kids they served. If Council wishes Mr. Mladenetz to come before them in two weeks; that is ok as well. President Hyser stated we have already missed the first two payments – January 1 and April 1. She asked if they have paid their rent in full and if it is the same dollar amount as last year. Mr. McManimon responded yes to both questions. Ms. Wollert asked for clarification – this is a year-to-year agreement. Councilwoman Wollert stated, in her recollection, the public donor dovetails with the contract. The Administrator responded we would not approve the public donor agreement unless the rental agreement was in place, which it is. For other funding purposes, the CYO does have long term lease; but this is Ewing Township, based on Ewing kids and the low income that they serve.

President Hyser asked Mr. McManimon to find out the exact number of Ewing kids that are served by the program. Mr. McManimon stated last year it was 70; he will double check and give her the information. He went on to state, if you can approve it, great, if not, it can wait two weeks but he thought we should be able to do so provided he gives you the information.

Mr. Schroth wanted to know how many non-Ewing children are part of the program. The Administrator explained for 9 ½ months the CYO serves 100 kids. During the summer, the Head Start program closes because of funding issues. The CYO takes on these kids; adds two more classrooms on the upper level and pays additional rent. The Head Start program includes Ewing kids. Head Start is a federally funded program. He explained that our donor agreement for the CYO is only based on Ewing Township kids that they serve.

Vice President Baxter asked if it was for the whole year or just payment for the first two quarters. Mr. McManimon replied it is for the whole year. Once it is approved we would back pay them for the first two quarters and then pay the next two.

There were no further questions from Council.

**3. A RESOLUTION AUTHORIZING THE DISPOSAL OF RADIO EQUIPMENT NOT NEEDED FOR PUBLIC PURPOSES**

Mr. McManimon replied this comes from our police dispatch area. These are radios that can no longer be used and can no longer be programmed. We recycle any parts that we can, but other parts cannot be recycled and are destroyed. There were no questions from Council.

**4. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO PENNONI ASSOCIATES INC. TO SERVE AS TOWNSHIP LICENSED SITE REMEDIATION PROFESSIONAL**

Ms. Cannon stated there are two sites in Ewing that have an on-going monitoring requirement through the DEP because of wells. One is over at the Fourth Street garage and the other one is at the old incinerator site.

Ms. Cannon explained DEP basically privatized their entire oversight function two years ago. You have to hire someone called an LSRP – Licensed Site Remediation Professional. The Township had a LSRP but he passed away. The DEP wants the Township to get a new LSRP on board as soon as possible as there has been a long delay – the Township did not know the LSRP had passed away.

We got two quotations. Pennoni Associates is the lower of the two – it is under the bid threshold and actually under the Pay-to-Play threshold. However, as there could be unforeseen eventualities for doing it as Pay-to-Play, it is set-up as this type of contract. The resolution is to appoint Pennoni Associates as our LSRP to finish these two sites.

President Hyser had a question regarding the do not exceed limit.

Ms. Cannon replied Pennoni's quote was \$11,800 but it was an approximation as he was not able to do a site inspection, he just reviewed the records. He cannot exceed the quote until he gets Council approval.

Ms. Keyes-Maloney asked if this is for the balance of the calendar year or for what period. Ms. Cannon replied it is to bring us current.

Ms. Keyes-Maloney wanted to know how we found Pennoni Associates. Mr. McManimon responded, we asked around – they came highly recommended. Pennoni had done work for the town under prior administrations. They do a lot of work for towns, big housing authorities. We got prices from the two – far apart. We picked Pennoni and not Remington Vernick.

Vice President Baxter wanted confirmation from the QPA - this is going to be paid from Building & Grounds from their OE line, it is the Current Fund and it is part of the temporary budget. Mr. DeAngelis responded – yes.

President Hyser asked if it was a requirement whether or not there is intent to sell.

Mr. McManimon responded, yes. After a sale, the people who get the property will have to continue to do the monitoring of the wells or negotiate based on price for the towns to continue doing it. Ms. Cannon added until the DEP kicks you out.

Mr. McManimon added the Fourth Street property was just about done; he hopes Pennoni can bring us to a close on this particular issue.

There were no further questions from Council.

**5. A RESOLUTION REJECTING ALL BIDS FOR SIX LAW ENFORCEMENT, FULL SIZE MOTOR VEHICLES, MARKED**

Ms. Cannon stated we bid for six marked police vehicles. Two bids were received; both were non-responsive. The recommendation is that Council reject both bids and re-bid immediately. We are queued up to do the re-bid on Wednesday morning. President Hyser asked if there was a waiting period to re-bid. Ms. Cannon replied, no. There were no additional questions from Council.

**6. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 187 FIRE PREVENTION, ARTICLE I UNIFORM FIRE SAFETY CODE § 181-7 ADOPTION TO ELIMINATE THE PROVISION PERMITTING THE WEST TRENTON FIRE HOUSE ENFORCEMENT RESPONSIBILITY TO BE TRANSFERRED TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS.**

Ms. Cannon explained this is a holdover from previous years when the Township had fire districts. It is a housekeeping issue to delete this provision so all fire code enforcement investigations are done by the Code Enforcement Office. President Hyser asked if this was the only firehouse affected. Ms. Cannon replied yes. There were no additional questions from Council.

**7. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 161 DWELLINGS, UNFIT OF THE CODE OF THE TOWNSHIP OF EWING TO ADD A NEW SECTION ESTABLISHING PROVISIONS GOVERNING THE MAINTENANCE OF VACANT AND ABANDONED PROPERTIES AND LEVYING A REGISTRATION FEE ON OWNERS OF VACANT AND ABANDONED PROPERTIES**

Ms. Cannon explained the purpose of this Ordinance is to get these vacant properties registered, get contact information and get the owners on a schedule to maintain these properties. We tried to drill down on the definition of “vacant”. A house that is just unoccupied is not necessarily vacant. The ordinance, besides the three month unoccupied, includes other evidence of vacancy - disrepair, the accumulation of newspapers, magazines, circulars, junk, broken windows/doors etc. A statutory scheme that deals with abandoned properties is included as well. There is a registration requirement. The owner has to register with the Construction Office, provide a contact person who is available 24 hours a day, secure the property against unauthorized entry and give access for inspection if required. The fee schedule: \$250 for the initial year, \$500 for the first renewal, any subsequent year up to five years it is \$1,000 and after five years it is \$5,000. There are exceptions. The Fines and Penalties provision needs to be read in conjunction with the Townships’ other ordinances. Other New Jersey towns have similar ordinances.

President Hyser asked how many properties in Ewing fall into this category and how was the fee schedule derived. Ms. Cannon replied about 200 homes and the fee schedule was based on the fee schedule of other municipalities.

Ms. Wollert agrees with the intention of the law but is not sure if we can enforce it in a timely, fair and fiscally responsible way. President Hyser replied. She stated Mr. Erney said this is part of his desire to see updates to the Municipal Land Use Law. It will help his office better enforce the ordinances. Also, it will not be a burden to his staff.

Vice President Baxter inquired as to how these property owners will be noticed. Attorney Cannon said the Construction Office already has on file a list of such properties – mainly complaints from neighbors.

Ms. Keyes-Maloney asked who will create/maintain this register. Ms. Cannon responded Code Enforcement. Ms. Keyes-Maloney asked is June 15 the registration date. The attorney responded 30 days after the date effective of this ordinance for those who are currently known.

Mr. Schroth asked about the registration. Ms. Cannon replied every registration is valid to the end of the calendar year. A discussion followed on how to notify owners of their responsibility if this ordinance passes. Vice President Baxter asked if this was just residential. Attorney Cannon responded residential and commercial.

Councilwoman Wollert brought up the definition of “vacancy”. A discussion followed resulting in the Attorney asking Council to send her their thoughts on the definition and she would recirculate it for discussion tomorrow night.

There were no additional questions from Council.

**8. AN ORDINANCE REAPPROPRIATING \$640,000, PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES, IN ORDER TO PROVIDE FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND FOR THE TOWNSHIP OF EWING, COUNTY OF MERCER, IN THE STATE OF NEW JERSEY AND TO AMEND BOND ORDINANCE #2012,2013, FINALLY ADOPTED MAY 29, 2013, IN ORDER TO AMEND THE USEFUL LIVES.**

Mr. McManimon explained last year the Township bid on various large capital purchases. Most came in under bid. This ordinance is to cancel the balances and re-appropriate the money for the projects listed. Mr. McManimon described the projects in detail.

President Hyser inquired if the Township applied for grants or to FEMA for the generator for West Trenton Fire House. Mr. McManimon replied he met with FEMA last week. There is no grant money, however, he will keep applying for grants. The generator is needed at West Trenton as the ESCC cannot cover all of the Township residents as Hurricane Sandy showed us.

Vice President Baxter inquired as to the cost of a set of outdoor bleachers and if it is necessary to keep moving the bleachers around. Mr. McManimon replied he will get the cost tomorrow and said Administration will come back to Council if more bleachers are needed - moving the bleachers within a specific park is not really an issue.

Ms. Keyes-Maloney expressed the Green Team's gratitude for the expansion of the community gardens.

President Hyser inquired about the upgrades to municipal facilities. Administrator McManimon detailed the work completed. President Hyser asked if the change in pricing was due to the bids coming in lower than expected. Administrator McManimon responded yes. There were no further questions from Council.

**9. A RESOLUTION SUPPORTING PSE&G'S ENERGY STRONG PROGRAM**

Administrator McManimon explained PSE&G is going before the BPU with their enhancement program – to enhance the system without raising rates. This Resolution is our way to show support for PSE&G as the Township has had a good relationship with PSE&G. There were no questions from Council.

President Hyser asked the Clerk to move all nine items on Discussion to the Agenda. It was duly noted by the Clerk.

**CONSENT AGENDA**

**1. AUTHORIZATION FOR THE CHIEF FINANCIAL OFFICER TO PAY TOWNSHIP BILLS IN THE AMOUNT OF \$276,292.20**

Vice President Baxter asked what a texting thumb band is. Mr. McManimon replied it is an effort by the Police Department to promote no texting while driving. Councilman Baxter asked why there was a cash disbursement for the talent show listed on the Bills List. He thought it was paid for by donations. Mr. DeAngelis replied it was separate; not paid for out of our funds but, anything to do with the municipality has to show on the Bills List. Ms. Keyes-Maloney wanted clarification that donations for the talent show are in a separate account. Mr. DeAngelis responded correct. There were no further questions from Council.

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

(None for this Meeting)

**ORDINANCES FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION**

**1. AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF EWING PERTAINING TO SIGN REGULATIONS (2013)**

Chuck Latini explained Council had asked for recommendations from the Planning Board regarding the sign ordinance. The Planning Board has three recommendations, which he explained.

Councilman Baxter wanted to know how a proprietor gets his name on the blue road signs on I95. Mr. Latini replied that he would contract with DOT directly. There were no additional questions from Council.

**2. TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 151 DEEDS, PLOTTING OF, §151-1. PRESENTATION OF DEED OR TITLE; FEE AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE AND CHAPTER 172. FEES, § 172-13 TO ELIMINATE THE REQUIREMENT THAT DEEDS BE PRESENTED TO THE TOWNSHIP ENGINEER AND REQUIRE THAT A SURVEY OF THE PROPERTY CONVEYED BE PRESENTED TO THE TAX ASSESSOR AND TO REMOVE THE DEED PLOTTING FEE FROM THE FEE SCHEDULE**

President Hyser stated this is a housekeeping issue from the Assessor. There were no questions from Council.

**NEW BUSINESS**

**1. A RESOLUTION APPOINTING SUSAN BATE AS REGISTRAR OF VITAL STATISTICS**

President Hyser asked if there was a certain time frame to take the test. Mr. McManimon replied he believed it was six months. President Hyser asked the Clerk if she was okay with Ms. Bate taking on this additional role. The Clerk responded yes. Vice President Baxter wanted to know why Ms. Bate is being appointed before she passes the exam. Mr. McManimon explained we have to appoint a Registrar. By state standards, we have to have someone by the end of the month. The process is to appoint and then they need to pass the exam. Vice President Baxter asked if Ms. Bate will be working out of the Clerk's Office. Mr. McManimon replied yes. The Deputy in the Health Department will be doing most of the work, however, we need someone to do the work when the Deputy is out of the office.

Councilwoman Wollert inquired as to which office Ms. Bate would be working out of. She and the Administrator discussed past history when the Registrar was in the Clerk's office. There were no further questions from Council.

**STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC**

(There were no Comments from the Public)

**CLOSED SESSION**

(There was no Closed Session)

**ADJOURNMENT**

There being no further business, President Hyser asked for a motion to adjourn. Vice President Baxter so moved seconded by Councilwoman Wollert. The meeting was adjourned at 7:39 pm.

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**Hilary Hyser, Council President**

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**Kim Macellaro, Municipal Clerk**