

AGENDA SESSION 5-13-13

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 THE 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 | |
| ▪ Ms. Keyes-Maloney – Present | Jim McManimon, Administrator |
| ▪ Mr. Schroth – Present | Joanna Brewster, CFO |
| ▪ Ms. Wollert – Present | Maeve Cannon, Attorney |
| ▪ President Hyser – Present | Kim Macellaro, Clerk |

PRESENTATION

1. Lt. Ron Lunetta (Officer in Charge) - Quarterly report

Lt. Lunetta stated he submitted the first quarter 2013 quarterly report to Council. President Hyser confirmed Council received the report. Lt. Lunetta discussed the January thefts and stated that burglaries have been going down. There was a decrease by seven in March from 2012 to 2013. Motor vehicles went up, several more in Capital Plaza. Lt. Lunetta stated there was one homicide this year in February over a drug deal. The perpetrator was arrested. President Hyser asked about the two arsons so far this year. Lt. Lunetta responded. President Hyser asked about the increase in other part one crimes - robbery and aggravated assault. Lt. Lunetta responded there was an increase from one to two in February. Vice President Baxter asked if the crime numbers are inclusive of what happens at the college. Lt. Lunetta responded yes. Vice President Baxter asked if it is possible to get only the college numbers and is it up or down over there. Lt. Lunetta said physical crimes are down at the college and he will provide the numbers to Council. President Hyser then asked if there is any information about the school system. Lt. Lunetta replied. There were no additional questions from Council and President Hyser thanked Lt. Lunetta for his report.

2. A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING APPROVING AND CONSENTING TO THE ISSUANCE OF NOT TO EXCEED

\$27,000,000 OF OBLIGATIONS BY THE EWING-LAWRENCE SEWERAGE AUTHORITY THROUGH THE 2014 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM – Robert Fuller, Executive Director ELSA/Christopher Langhart, Esq. of McManimon, Scotland & Baumann

President Hyser stated that Council did receive a memo from Bob Fuller regarding this. Chris Langhart (McManimon, Scotland & Baumann) stated that ELSA is asking Council to consent to ELSA's issuing bonds not to exceed \$27,000,000 for a period of twenty years to upgrade the treatment plants. These bonds will be issued through the NJ Environmental Infrastructure Trust. It is structured such that there should be minimal impact on the Township as you will have debt coming off and this debt coming on. It is not a one to one swap but it should be a minimal increase. The terms of the bond required that both Ewing and Lawrence approve. He further stated that they have Lawrence's consent and now need Ewing's.

Vice President Baxter asked for information on the minimal increase. Mr. Langhart explained. Bob Fuller (Executive Director of Ewing Lawrence Sewerage Authority) also explained that there will be no increase that the Townships will have to deal with. Councilwoman Keyes-Maloney asked Mr. Fuller to tell Council about some of the upgrades. Mr. Fuller discussed one of the changes - the introduction of UV treatment. The second thing we are going to do is concentrate on the plant improvements. He discussed the history of plant improvements over the years and the plans for this project. President Hyser asked about the upgrades to the pumping stations particularly in Ewing and if the money has already been bonded. Mr. Fuller said no, that money has not been bonded. President Hyser asked about the one on Sullivan Way. Mr. Fuller said that one has not yet been done. It has not been bonded. It is in our capital budget. It may have to be bonded; we will be looking for users to help with that one as well. He believes it will be 2015 for the initiation of the project on Sullivan Way. The Grant Avenue pumping station is over the horizon. We are working on Bear Tavern this year. Hopefully, we will have some of the debt service left over. We are committing now to \$1.5 million and we are looking at \$2.2 million. Some of it will have to be shared with Lawrence. Ewing pays the lion's share 60% and Lawrence 40%. Councilwoman Keyes-Maloney asked if the New Jersey Environmental Infrastructure Trust is the bonding agent. Mr. Fuller replied. Vice President Baxter asked for clarification about the \$400,000. Mr. Fuller said it is operating costs that we have been paying for almost 20 years. Vice President Baxter asked if this will be starting in 2015. Mr. Fuller replied our last payments on that will be in 2015. \$1.2 million in 2014 and in 2015 it is another \$1 million. So it takes us to \$2.2 million. Councilman Schroth asked Mr. Fuller to provide a copy of the WWTP Upgrade Project Engineer's Report dated April 1, 2013. Mr. Fuller replied he will send a copy over. There were no additional questions from Council and President Hyser thanked both Mr. Langhart and Mr. Fuller for their time and report.

3. DISCUSSION OF THIRD PARTY POWER SUPPLIER – Mike Stoller of EMEX

President Hyser stated that we are currently served by Integris. Mr. McManimon confirmed this expires June 30th. Mike Stoller (EMEX - Energy Market Exchange) stated that EMEX is a DCA approved vendor for energy procurement. The DCA has approved local municipalities to use their reverse auction program to procure their electricity and bypass the RFP process which is usually used and allows passage with just a simple resolution. Mr. Stoller then explained what is in the information packet that he passed out to Council. He explained that we will not know who the low bidder will be until the auction starts. The same process was done for the lighting meters. President Hyser asked for confirmation that Mr. Stoller received a month's worth of bills from the Administration. Mr. Stoller replied yes. President Hyser asked if the fees are built into the prices that we are seeing or paid by the supplier. Mr. Stoller replied paid by the supplier.

Vice President Baxter asked what requirements were needed for EMEX become certified by the DCA. Mr. Stoller replied that he did not know, as certification was done at the executive level. He knows that there are stringent requirements that need to be met. The Attorney answered that she did reach out to DCA today and confirmed that EMEX is certified by the DCA to conduct on-line auctions. EMEX had to show DCA that they were approved by BPU, that they met all the necessary

criteria and then show that their on-line process met the requirements of the DCA pilot programs. Mr. Stoller added that EMEX has to constantly prove themselves as there are many energy co-op programs in New Jersey. EMEX has consistently beaten the other energy co-ops. Mr. Stoller then proceeded to explain the process between traditional energy procurement via the RFP process and the EMEX auction process. Mr. Stoller then stated EMEX will not hold the Township's feet to the fire. If we go ahead and do the auction tomorrow and then you do not like the results of the auction, the Township then can take a pass with no legal responsibility. Vice President Baxter asked the Attorney if there are other companies besides EMEX that do on-line auctions and have been approved by the DCA. The Attorney replied that there are several other vendors on DCA's list and a long list of vendors that are on BPU's list. Vice President Baxter asked who do we deal with after this goes through. Mr. Stoller said EMEX likes their clients to deal with them but you can always deal directly with the energy supplier if you prefer. Councilwoman Wollert asked the Attorney if we have to entertain other bids. The Attorney replied no, they are just the on-line provider – the vehicle for us to do our bids. The town is not paying the on-line company, they are being paid by the energy service provider. And the contract is with the energy service provider and the auction is non-binding. Councilwoman Wollert stated yes, we are not paying the on-line auction provider directly, but the cost is being rolled in – we are paying for it. She also asked about the stability of those companies that bid at the auction and what happens if a bidder goes out of business within the contract period. Does EMEX step in and guarantee the rate for the rest of the contract period or does it just go out to auction - what is EMEX's liability. Mr. Stoller said that all the companies involved with the auction are Fortune 500 Companies. These are the biggest players in the market. If they went belly up, we would step in and try to get you back on track with the same rate for you. It would depend on the market. Councilwoman Wollert then asked about the companies' ability to provide the power for whatever reason – how are we protected in that sort of situation, to maintain our source of energy. Mr. Stoller stated no one has ever asked him that question before. These companies do not make the energy themselves, they only provide it. He stated he did not see how this would happen. The Attorney stated they guarantee a certain amount of energy at a certain rate for a certain length of time. BPU does investigate these companies and they should be able to provide the necessary energy. It is something that will have to be in the contract. She believes BPU would step in with some sort of interim management plan but thinks there would also be some sort of auction process. Councilwoman Keyes-Maloney asked Mr. Stoller how many communities are using this on-line auction process. Mr. Stoller replied closing in on 100 communities since this auction process was approved in 2011. Councilwoman Keyes-Maloney asked if there were any clean-energy providers bidding. Mr. Stoller stated he wants to defer to his analyst as to what makes up their energy generation. If you require it, it will cost a lot more money for extra “green energy”. It is a luxury. If the Town gets some sort of credit for the green energy, then it could be worth it. Councilwoman Keyes-Maloney asked if you can set this as one of the parameters. Mr. Stoller replied – yes. Councilman Schroth asked Mr. Stoller to give the top five energy providers in this field. Mr. Stoller listed a few – but he stated it depends on who is “hungry” that day. Most likely when we go to auction, there will be more bidders than are currently showing on the reserve bid list. President Hyser stated it is important for Council to understand Council would be asked to act on this tomorrow evening as the rates from the auction can only be held for a certain length of time. Mr. Stoller explained this is a commodity that fluctuates daily. Rates can change significantly in a day, and then would have to have another auction. Expectation is that the auction is run tomorrow, then agree on the rates tomorrow night and then the next day have the contracts ready. President Hyser asked if Council would agree for both auctions tomorrow night. Mr. Stoller stated it is possible to have two winning estimates. President Hyser asked the Attorney about the procedure for the approval and the resolution process. The Attorney responded. Mr. Stoller said he would be happy to include Council and set them up to view the on-line auction and they would be able to ask questions of the analysts. President Hyser asked the CFO about the current rate we have with Integris. The CFO replied 11.16. Vice President Baxter asked the Attorney if anything else stood out when she looked at the contracts for the other communities. The Attorney replied the contracts vary but look pretty standard; she then went through some of the terms. But she would have to look at the terms once

our auction is complete. Mr. Stoller said there would be someone available to help her after the auction if she had any questions.

There were no additional questions from Council.

President Hyser stated that Council will now discuss Ordinances for Second Reading due to paid consultants that are in attendance.

DISCUSSION

- 1. A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

The CFO said this is to be included into the 2013 Budget, grants that have been awarded since the adoption of the budget. The Public Justice Assistance Grants from '10 and '11 and the 2013 Clean Communities Grant. Councilwoman Keyes-Maloney asked what is the focus of these grants. The CFO replied that the Public Justice Assistance Grant is a reimbursable grant basically for the police department's supplies and expenses that is billed through the County from the State. They hold onto the money and reimburse it to us for police operating expenses. The Clean Communities Grant is for litter, graffiti and brush clean-up.

There were no additional questions from Council.

- 2. A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) FORD F250 PICK UP TRUCKS WITH SNOW PLOWS FOR USE IN THE DEPARTMENT OF PUBLIC WORKS FROM DFFLM, LLC PER STATE CONTRACT T2100, IN THE TOTAL AMOUNT OF \$62,850.00**

President Hyser stated that she is going to roll items 2 and 3 together as they are very similar. The CFO explained that the pickup trucks were requested by the Public Works Department in the 2013 Re-Appropriation Ordinance.

There were no questions from Council.

- 3. A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) FORD F350 PICK UP TRUCKS WITH SNOW PLOWS FOR USE IN THE DEPARTMENT OF PUBLIC WORKS FROM DFFLM, LLC PER STATE CONTRACT T2101 IN THE TOTAL AMOUNT OF \$65,678.00**
- 4. AN ORDINANCE OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, AMENDING THE REVISED ORDINANCES OF THE TOWNSHIP OF EWING, AMENDING SECTION 225-52, ENTITLED "SCHEDULE V: HANDICAPPED PARKING ON STREETS," TO ADD A HANDICAPPED PARKING SIGN ON A CERTAIN SECTION OF STOUT AVENUE**

President Hyser stated this was requested by a resident. The Police Department approves, validates and verifies the request. Council has that information.

There were no questions from Council.

- 5. A RESOLUTION EXTENDING THE TIME FOR THE RENEWAL OF TAXI AND LIMOUSINE LICENSES AND PLACING A MORATORIUM ON THE RECEIPT OF NEW LICENSE APPLICATIONS PENDING AMENDMENT OF THE TAXICAB AND LIMOUSINE LICENSING ORDINANCE.**

The Attorney explained that at the last meeting Council extended the moratorium until July 1. We have had two forums with the taxi drivers and the airport and had good input from the taxi drivers. We have been coordinating with Hamilton with whom we have a reciprocal relationship. Ewing has been doing the licensing for both townships for taxis and keeping the fees under our shared arrangement. An ordinance has been drafted but we are still waiting for some input from Hamilton to make sure we are all on the same page and then we will move forward. Hopefully, we will be able to move forward at the next meeting, but we do not want to make it too tight in terms of the renewals, as after the ordinance is adopted, they will have to get their renewal applications in.

There were no questions from Council.

6. **A RESOLUTION PERMITTING LEVY CONSTRUCTION COMPANY TO WITHDRAW ITS BID TO PERFORM THE EWING TOWNSHIP MUNICIPAL BUILDING BATHROOM RENOVATIONS DUE TO MISTAKE PURSUANT TO N.J.S.A. 40A:11-23.3**

The Attorney stated bids were received and then immediately after the bids were received, Levy indicated that they had made an error in the calculation of their bid – they had left out an item in their calculation. N.J. statute allows a bidder within five days of the opening of the bids to ask for the withdraw of their bid as long as they outline reasons for it and show it is a hardship. The difference between Levy's bid and the other bidders is about \$50,000 - \$100,000. This is only about a \$300,000 job so it was a fairly significant amount of money. In consulting with the engineer, it was felt that their request was legitimate and they did make a legitimate error. The process is to first allow them to withdraw their bid and award the bid to the next lowest bidder.

7. **A RESOLUTION AWARING CONTRACT FOR EWING TOWNSHIP MUNICIPAL BUILDING BATHROOM RENOVATIONS TO PJM MECHANICAL CONTRACTORS IN THE AMOUNT OF \$301,282.00**

The Attorney explained that PJM is the next lowest bidder. Their bid was responsive and complied with the specifications and was within the Engineer's estimate. There is a certification of funds from the CFO. The recommendation of Administration is to make the award to this vendor. President Hyser asked the Administrator if this was for the renovation of eight bathrooms. The Administrator responded by listing the areas included in the renovations. The Attorney wanted to point out to Council that PJM is a Ewing business as well as the lowest bidder. The Administrator stated this is a continued effort by the Mayor, Administration, and Council to upgrade the bathrooms to the current ADA standards, and then continue with the front and back entrances. Councilman Schroth asked if the public bathrooms now are non-compliant with the ADA. The Administrator responded that the public bathrooms were built compliant however there are now new ADA requirement standards. He then mentioned that we are also going to paint the bathrooms, take out the twenty-two year old wall paper and make it more user friendly. Councilman Schroth stated he understood, but it is costing taxpayers money. The Mayor reiterated that it must be made compliant with today's code.

There were no additional questions from Council regarding items 6 and 7.

8. **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 114 BUILDING CONSTRUCTION, ARTICLE III PROPERTY MAINTENANCE CODE**

President Hyser stated this relates to the use of roofs for parties and things other than general maintenance. The Town has received several complaints of residents sitting on their roofs, with chairs and tables, sunbathing, having parties. The Attorney explained that the town has already adopted a property maintenance code for construction related purposes. What we are doing here is adding an ordinance violation as well regarding the use of the roof top. The code already requires for any open surface above 30 inches you have to be compliant with railings etc. so you cannot use your roof like a deck. If you do, you can be cited individually, as well as the property owner, for having an inappropriate deck. President Hyser asked for confirmation concerning the potential for a criminal complaint. The Attorney explained that a violation of the ordinance will be enforceable in Municipal Court.

Having lawn furniture, sunbathing, using your roof as a deck is a violation of property of maintenance code; but it would also be a violation to be inconsistent with the property maintenance code. President Hyser stated she spoke with Mr. Erney and he indicated that the first violation would be a warning, and the second violation would be an automatic summons. The reason for that is because there will be a public education component to this. He will add it to his annual fire registration packet sent out to rental properties. The police will also include this information in the packet that they send out as well. Please note, that we are not singling out rental properties – this is for homeowners as well. Councilwoman Keyes-Maloney asked in terms of the ordinance violation, what would someone be potentially facing. The Attorney responded that for any violation of an ordinance in our town, you can be fined up to \$2,000 at the discretion of the Municipal Court Judge. There is also discretion for incarceration. It would be some sort of fine, public service. He looks at past history. Councilwoman Keyes-Maloney asked if we would want to inform the College of New Jersey of this. President Hyser responded that she has spoken to the College and the College is very much on board with this. Councilwoman Wollert stated that Belmar's ordinance included interior furniture being placed outdoors. She asked if we have anything on our books; although it could be difficult to tell what is indoor and what is outdoor furniture. The Attorney responded she is not aware of any.

There were no further questions from Council.

9. AN ORDINANCE CONVEYING AN APPROXIMATELY 4 ACRE PORTION OF THE PROPERTY KNOWN AS 410 FOURTH STREET AND A 6 ACRE PORTION OF THE PROPERTY KNOWN AS THE TOWNSHIP COMPOSTING FACILITY TO THE EWING TOWNSHIP REDEVELOPMENT AGENCY IN ORDER TO FACILITATE REDEVELOPMENT WITHIN THE OLDEN AVENUE REDEVELOPMENT AREA IN CONFORMITY WITH THE OLDEN AVENUE REDEVELOPMENT PLAN

The Attorney said that the inventory before you has some blanks because I did not have the description until late today. Tomorrow you will have the correctly described parcels. Both have some environmental issues. The Mayor said the one site – the compost site – will be used for the recycling of food products, for feed for animals and for fertilizer. It will not stay on the property except for separation and will be processed within a 24 hour period. This will allow us to put it back on the tax roll and collect \$4.50 a ton for host benefits we have currently with the MCIA. The attorney clarified by saying the organic material is the next level of recycling. Princeton already has a diversion program for organic waste. The Town receives a host benefit fee. We go through a private facility, we get host benefit fee as well as taxes. President Hyser asked if the compost will be available for residents to utilize. The Mayor replied. President Hyser asked if we will have to maintain the same number of containers or will there be savings as not needing as many containers for brush. The Mayor responded.

There were no additional questions from Council.

All discussion items were approved for action.

CONSENT AGENDA

President Hyser presented the Consent Agenda for review.

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$4,466,252.47.
2. Approval of minutes of the meeting of April 8, 2013 (Agenda) and April 9, 2013 (Regular).
3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1072.47 for May 1, 2013 tax quarter over payment to Candelario, Lauro & Lilia, 1 Penn Court, Ewing, NJ 08628, for property owner Candelario, Lauro & Lilia, for Block: 491 Lot: 59 also known as 1 Penn Court due to overpayment.

4. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1682.82 for May 1, 2013 tax quarter over payment to Bennett, Lois, 2 Stem Court, Ewing, NJ 08638, for property owner Bennett, Lois, for Block: 193.01 Lot: 64 also known as 2 Stem Court due to overpayment.
5. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1096.73 for May 1, 2013 tax quarter over payment to Sunrise Title Services, 81 Main Street, Hackettstown, NJ 07840, File #7319, for property owner Bowers, Jason T., for Block: 490 Lot: 22 also known as 32 Gilmore Road due to overpayment.
6. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1405.70 for May 1, 2013 tax quarter over payment to Baylog, Julianne R., 60 Mabel Street, Ewing, NJ 08638, for property owner Baylog, Julianne R., for Block: 189 Lot: 120 also known as 60 Mabel Street due to overpayment.
7. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$2359.43 for May 1, 2013 tax quarter over payment to Stovall, Samuel & Kelly, Kevin, 102 Jacobs Creek Road, Ewing, NJ 08628, for property owner Stovall, Samuel & Kelly, Kevin, for Block: 530 Lot: 58 also known as 102 Jacobs Creek Road due to overpayment.
8. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$294.00 for April 1, 2013 sewer bill over payment to Linden Square Realty, LLC, 2 Greyhound Court, Kendall Park, NJ 08824, for property owner Linden Square Realty, LLC, for Block: 370 Lot: 1 Qual: T0002 also known as 171-189 Scotch Road due to overpayment.
9. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1492.52 for May 1, 2013 tax quarter over payment to Williams, Robert, 1065 Pennington Road, Ewing, NJ 08618, for property owner Williams, Robert, for Block: 442 Lot: 247 also known as 1065 Pennington Road due to overpayment.
10. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1206.59 for May 1, 2013 tax quarter over payment to Joseph, Ryswick, 2273 Spruce Street, Ewing, NJ 08638, for property owner Joseph, Ryswick, for Block: 102 Lot: 6 also known as 2273 Spruce Street due to overpayment.
11. A Resolution authorizing Spring Meadow Homeowners Association to hold a parade/block party/road closing on June 1st, 2013.
12. A Resolution authorizing Simmons Family Reunion to hold a parade/block party/road closing on August 10th, 2013.
13. A Resolution authorizing the conduct of an On Premise merchandise Raffle sponsored by The Thomas J. Carnevali Jr. Memorial Foundation on June 10th, 2013.
14. A Resolution authorizing the conduct of an On Premise 50/50 Cash Raffle sponsored by BPOE Trenton #105 on September 21, October 19, November 9, December 14, 2013, January 11 & February 9-16, 2014.
15. A Resolution authorizing a Performance Guarantee Release for Our lady of Good Counsel (Block 411/Lot 20) 137 West Upper Ferry road- Ewing Engineers Remington & Vernick and Affiliates #1102 I 040.
16. A Resolution authorizing a Performance Guarantee Release for Litin Su (Block 118.04/Lot 14) 1735 North Olden Avenue- Land Use App #PB11-010
17. A Resolution authorizing a Refund, as recommended by the Township Construction Official, for a senior citizen discount on a permit.

President Hyser stated there will be an additional item – #18 - a resolution authorizing the NJ State Police to hold its Annual 5K Run. It is a late addition as it

came to the Clerk's Office at about 4:00pm and she had to get it signed off by all the appropriate departments. Vice President Baxter, Councilwoman Keyes-Maloney and President Hyser asked questions about the Bills List. The CFO and the Administrator responded. There were no additional questions from Council and the Consent Agenda was approved for action.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this meeting)

ORDINANCE(S) 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 SEXUAL ORIENTED BUSINESSES, BAIL BOND AGENTS, BODY ART, CONSIGNMENT SHOPS, CHECK CASHING, MASSAGE PARLORS AND PAWN BROKERS (2013)

President Hyser stated that we have two memos from the Planning Board Attorney: 1) indicates what we are reviewing is in fact constitutional and 2) it is in compliance with our Land Development Ordinances.

President Hyser asked Township Planner Latini if there is other information from the Planning Board.

Mr. Latini stated there are some slight amendments and he explained them. One recommended change is that instead of saying SA3 Zone put OARP3 so we know it is the Olden Avenue Redevelopment Plan and not the future Parkway Avenue Redevelopment Plan. Another recommended change is in the measurements between the businesses section, mention property line to property line. Another amendment is in the section, establishment should be owned and operated by a licensed operators, add where applicable by the appropriate authority, and the last recommended change was a typo correction. President Hyser stated it was an unanimous vote by the Board that recommends the passage of the ordinance changes at our next Council Meeting which will be tomorrow night along with the public hearing. The changes were consistent with the Master Plan and thus the changes to the Land Ordinances are appropriate. President Hyser then asked if there will be amendments to the Olden Avenue Redevelopment Plan to make it consistent. Mr. Latini replied that the amendments are ready to be put in a Resolution, but due to vacations and deadlines not ready as of yet. It should be ready by the next Council meeting.

There were no further questions from Council and the Ordinance was approved for action.

2. AN ORDINANCE REAPPROPRIATING \$60,000, PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE, IN ORDER TO PROVIDE REDEVELOPMNET EXPENSES FOR THE TOWNSHIP OF EWING, COUNTY OF MERCER, IN THE STATE OF NEW JERSEY. (2013)

President Hyser said Council has already had a lengthy discussion about this at our last meeting; the public hearing on this will be tomorrow night.

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

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Donald Apai commented on the Property Tax Rebate for this year. Last year's was moved back to May, and now moved back to August. The problem is that the budget from the Governor does not include the Property Tax Rebate for 2014. They postponed the 2013 one and eliminated the 2014 one. So we are out about \$700. This is going in the wrong direction. It puts this year's budget out of balance. We lost all that money that should be coming back to us as tax payers in next year's budget. I would suggest you send a resolution to the Legislature and to the Governor that this is no way to improve the property taxes in the State of New Jersey.

There were no further comments from the Public.

CLOSED SESSION

At 8:15 p.m., Councilwoman Jennifer Keyes-Maloney moved the resolution to go into Closed Session, seconded by Councilwoman Wollert. It was agreed by unanimous voice vote. The Attorney then read the resolution. At 8:32 p.m. Council moved back into open session, moved by Councilwoman Wollert and seconded by Councilman Schroth.

ADJOURNMENT

There being no further business, President Hyser asked for a motion to adjourn. Councilwoman Wollert so moved seconded by Councilwoman Keyes-Maloney. The meeting was adjourned at 8:32 p.m.

Hilary Hyser, President

Kim J. Macellaro, Municipal Clerk