

## **AGENDA SESSION 6-10-13**

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.

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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.

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 | Joanna Brewster, CFO           |
| ▪ Mr. Schroth – Present       | Maeve Cannon, Attorney         |
| ▪ Ms. Wollert – Present       | Kim Macellaro, Municipal Clerk |
| ▪ President Hyser - Present   |                                |

President Hyser stated for the record that the Township Attorney is held up in traffic; the meeting can begin without her. The Township Attorney arrived at 6:37 p.m.

### **DISCUSSION**

1. A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,280,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

President Hyser stated that the total request is \$2,400,000 with a down payment of \$120,000 which is in the budget Council already approved.

- A. The Municipal Building – The Mayor explained that \$1,600,000 of the money requested is for the Municipal Building. \$800,000 of that is needed for new boilers and upgrades to the air conditioning units. Currently, the building is being heated by one twenty-two plus year old boiler. \$100,000 is needed to renovate the Court. The front and back entrances need to be made ADA compliant. OSHA is requiring ceiling tiles be replaced and vents cleaned. President Hyser asked about the maintenance of the old boilers. The Mayor responded that we cannot get parts - it is just outdated and is not worth fixing. President Hyser asked if the new boiler system will save us money in terms of efficiency standards. The Mayor replied that a new boiler would save us at least one third of what we spend now. President Hyser asked if our grant writer has looked into this. The Mayor responded – yes.

Councilwoman Keyes-Maloney asked the Mayor to provide details on the boiler specifications. The Mayor replied that the engineering firm will be handling the bid specs but the boiler will be high-efficiency. Councilwoman Keyes-Maloney then stated that a high efficiency boiler will help with green certification.

Councilwoman Wollert asked if there is going to be any effort to assess the duct work efficiency. The Mayor replied that there is about \$80,000 for this type of work.

Councilman Schroth asked if the one-third savings regarding the boilers is an annual savings or over its lifetime. The Mayor replied it is an annual savings.

Councilman Schroth then asked if the ceiling tile replacement is at the request of OSHA. The Mayor replied – yes, for a mold issue.

- B. 2013 Road Improvement Program – The Mayor explained that the \$600,000 is to pave the following: Carolina Avenue, Somerset Street, Sussex Avenue, Fran Avenue, Chauncey Avenue, Hillside Avenue and Esther Avenue. Last year we were able to pave an additional street as the bid came in lower than expected. The Administrator stated that grant money is being used to pave a portion of Mountain View Road from Mountain View Court to Route 29.

President Hyser asked if we had a rotating road paving schedule. The Administrator replied that he and the Engineer have it on file; it dates back to 1984. The Mayor stated that we try to repave the roads every twenty years. Some roads have been longer, and some twice over because of issues. President Hyser commented that Public Works only does patching; no paving.

- C. Unmarked Police SUVs – The Mayor explained we have not replaced any unmarked vehicles since 2001. It is costing money to fix and to try to keep these vehicles on the road. The Mayor said that he would like to get back on a replacement schedule. The CFO said that we will be going out to bid for three unmarked SUVs. President Hyser asked about the delivery date; the CFO responded that it would be toward the end of the year. President Hyser then asked who keeps the maintenance log. The Administrator responded that Tim Holt and Public Works keep the log.

Councilwoman Keyes-Maloney asked if Administration had an estimate of repair costs for this year. The Mayor responded that he will provide her the information tomorrow but believes it is substantial – over \$50,000.

Councilman Schroth asked if there is an average mileage or timeframe. The Mayor replied that every car we are looking at is over 100,000 miles. These are hard miles as the vehicles are constantly on the road.

- D. Replacement of Shades at Ewing Swimming Pool – The Mayor explained that the shades are deteriorating having been there as long as the pool has been in existence – since the 1950s. President Hyser asked if we are required to replicate what is currently there due to its historic nature. The Mayor replied that we cannot touch the structure. The CFO responded to President Hyser’s question that if it is over \$36,000 it will go out to bid unless it is under state contract. Councilwoman Keyes-Maloney asked about how many shades will we be purchasing. The Mayor replied roughly twenty-five but he will provide a more definitive answer tomorrow.

President Hyser inquired about the pool finances. The CFO responded that the current pool season just started so it is too early to tell. At this point, revenue is about \$24,000 for pool memberships; she will provide the expenditure information tomorrow. President Hyser stated that she has mixed thoughts about this as the pool ran a deficit last year. She stated that she is trying to balance how it is running financially versus the expense of these pool shades. The Mayor responded that his administration is taking drastic action to stop the financial bleeding. President Hyser said she wanted to see how the pool ran financially this year without any construction going on before paying for the installation of the new shades as long as the old shades will not be a liability for the Township. The Mayor responded that he is willing to wait a year on the installation of the new shades. President Hyser requested that the CFO provide a comparison between this year and last and a report of revenue versus expenditures for this year.

Councilwoman Wollert stated that she believed the pool is a valuable asset to the community and replacing the shades is not too much to ask the Administration to do this year. We have put a lot of money into the facility; by enhancing the facility, it will help build membership.

- E. Hollowbrook Community Center Renovations – The Mayor explained that we are looking to do some renovations at Hollowbrook such as painting. We are first on a list to get a \$125,000 facelift free of charge. We are looking into putting in a computer center and proposing to move the library to where the computer center will be. The Mayor said that we want to make Hollowbrook as vital to the community as the Community and Senior Center but with a different focus. President Hyser asked what will the bond money be used for. The Mayor replied that we will make it ADA compliant, fix the elevator, fix a portion of the roof, and fix a section of the pool.**
- F. Paper Folding Machine – the CFO explained that tax and sewer bills are sent out to Pitney Bowes for folding, stuffing and mailing. Each mailing costs about \$2,000. Acquisition of this machine will pay for itself over the lifetime of the machine.**

The Clerk moved this item to the Agenda for tomorrow evening.

- 2. (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.**

The Attorney explained why no action will be taken on this tomorrow night. Tax liens not sold are retained by the Township. Any party can inquire which liens are being held by the Township. The Township can sell but only at full market value. There are stringent notice requirements. The Attorney said that if Council is interested in moving this forward, we would then notice the landowner, advertise and prepare the Resolution.

President Hyser stated that the particular property involved is located at 1723 Seventh Street and the Attorney added that the amount of the lien is \$4,700.00. Vice President Baxter asked why this is not held over to the usual end of year tax sale to save the advertising cost.

The Attorney responded that this tax lien was not sold at last year's lien sale. If it is sold during the year, we can get the revenue now; there is a buyer. If it is held to the end of the year, there might not be a buyer.

Vice President Baxter stated that he is not in favor of it - his opinion is that all tax lien sales should be held at the same time.

There were no further questions from Council.

- 3. A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON AND PLACE TO PLACE TRANSFER OF BUDDY'S SHAMROCK TAVERN, INC. (1102-33-026-006); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO OMAHI, LLC.**

The Attorney explained that this Resolution and the following Resolution are both transfers of liquor licenses. If transferred now, the liquor licenses can be renewed as usual in June with the new owners. The Police do a full background check and confirm the buyers are in compliance with the stringent restrictions concerning liquor licenses. It is the Attorney's understanding that the police have vetted and approved both transfers.

President Hyser stated that the buyer of Buddy's liquor license plans to open a liquor store in the Deli Delights shopping plaza on the corner of Spruce and Ewingville Road and that Marsilios is located on the corner of Bear Tavern and West Upper Ferry Road.

There were no questions from Council on these items.

- 4. A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON AND PLACE TO PLACE TRANSFER OF ALL CALL INN, LLC (1102-33-017-004); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO MARSILIOS KITCHEN, LLC**

**5. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING'S USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF A CONTRACT FOR THE PRIVATE COLLECTION OF MUNICIPAL COURT DEBT.**

The Attorney explained that this is a very regulated type of procurement governed by the Administrative Office of the Courts. You are allowed to procure a private vendor to collect when your municipal court debt reaches a certain level and you have exhausted your court collection efforts. This private vendor is allowed to charge 22 percent. As it is a form of concession, we will do this by competitive contracting so we are able to evaluate the potential vendors.

President Hyser asked how much is outstanding from our court system.

The CFO replied that about \$1.4 million is outstanding of which \$600,000 is municipal and will stay in the Township's coffers. It does not cost the Township anything – the 22 percent is collected on top of the fine.

The Mayor stated that this process is the same process as a tax lien sale except it starts at 22 percent and bids down.

Councilwoman Keyes-Maloney asked if the Court first does their own collection process.

The Attorney stated that the Court has to first exhaust their authorized collection process. After a year, it is considered uncollectable and then it can be sent out.

Councilwoman Wollert stated that this \$1.4 million in outstanding fines is rather static and asked if we had tried this before.

The Mayor responded that we spoke about it but did not implement.

The Administrator added that this is a new procedure allowed to municipalities.

There were no additional comments from Council.

**6. AN ORDINANCE CONFIRMING ORDINANCE #58-23 RELEASING, EXTINGUISHING AND VACATING THE PUBLIC RIGHTS IN A CERTAIN UNNAMED ALLEY.**

The Attorney explained that this is a 1958 Ordinance. During a title search, the title company requested a copy of this Ordinance. Proof of advertising was not with the Ordinance and it could not be located in a newspaper search. The title company asked Council to reconfirm the 1958 ordinance. It is the Attorney's belief that the title company would not insure the property without this reconfirmation by Council. Council and Administration then discussed the location of this unnamed alley.

There were no additional comments from Council.

**7. A RESOLUTION OF THE TOWNSHIP OF EWING SUPPORTING EFFORTS TO EDUCATE AND ENGAGE THE PUBLIC ON THE DANGERS OF IDLING AND SUPPORTING POLICIES TO AMELIORATE IDLING.**

The Mayor commented that he supports this resolution 100%. Initially, the Green Team wanted this to be in the form of an Ordinance and he said that he could not support an ordinance because he would not have the manpower to enforce it. The Mayor then stated that we encourage it as far as the Town is concerned; we tell our Public Works force to turn their trucks off.

President Hyser then read the Resolution.

Councilwoman Keyes-Maloney stated that together these three resolutions will allow us to obtain NJ Green Sustainability Certification. She further stated that this focuses on educating folks that you could be in violation of the law to idle besides being an environmental issue.

Peter Boughton (119 Florence Avenue – Chair of the Green Team) commented that we wanted to make sure that our police force did not have to chase down idling violations. There is a process whereby County health officials investigate these violations.

There was not additional comment from Council or the Public.

**8. A RESOLUTION OF THE TOWNSHIP OF EWING PLEDGING TO CONTINUE TO ENGAGE IN AND SUPPORT APPLICATION OF PRINCIPLES OF SUSTAINABILITY.**

The Mayor commented that he and our Planner support this. It will be incorporated into our Master Plan. The Planning Board is working on changes before it is put into the Master Plan. Hopefully, this will be done by October or November and then it will come back before Council for final adoption.

Mr. Latini (Township Planner) commented that this is a good resolution. The Planning Board, through previous iterations of Master Plan, has already embraced a lot of the principles of sustainability.

Councilwoman Keyes-Maloney stated that this is a priority item for New Jersey Sustainability Certification. Since the community has already embraced these principles, it was an easy action to proceed down the road to certification and she hopes all of Council is on board for this resolution.

Peter Boughton (119 Florence Avenue) introduced two of the leadership team - Joanne Mallowney and Joseph Mirabella. Mr. Boughton stated that we have developed an elected leadership team and some traction. We think we have proven ourselves, are reasonable and progressive. We worked in concert with Administration and Council and said to the Mayor that perhaps it is time to put us on the same plane as other Boards such as Zoning and Planning which have three year terms. Mr. Boughton further stated that we have confidence now that we have a Planner in Mr. Latini who shares many of the values that many of us share. Sustainability shows that we are a progressive community and it is a way to encourage college-educated professional people to settle in Ewing.

There were no additional comments from Council or the Public.

**9. A RESOLUTION AMENDING RESOLUTION #09-94/8 TO PROVIDE THAT GREEN TEAM MEMBERS SHALL HAVE THREE YEAR TERMS.**

President Hyser stated that this resolution provides for three year staggered terms. Councilwoman Keyes-Maloney stated that this will allow for continuity of leadership and sustainability within the group. The Green Team came to her and asked for this. The Councilwoman said the Administration has been great working with the Green Team in the certification process and the Green Team hopes for successful submission on June 15<sup>th</sup>.

Vice President Baxter asked how many points will these three resolutions give the Township towards New Jersey Sustainability certification.

Peter Boughton (119 Florence Avenue) responded that certification takes 150 points and he believes these three actions comprise fifty points.

Councilwoman Keyes-Maloney explained the point process for certification. These three resolutions are ten points each; however, including other actions, the Township has more than enough points for certification.

Mr. Boughton then stated that in the future there is an opportunity for a higher level of certification; to gradually encourage the Administration to take action that is not feasible now. Initial certification lasts three years. Renewal will take further action. It is an involved process and takes a team to work on this.

The Mayor reminded the Green Team that now that we have the fence around the garden to not drive up next to your garden plot to avoid having to spend money fixing tire ruts.

President Hyser thanked the Green Team for all their work and stated she is glad that the Green Team is working hand in hand with the Environmental Commission. The Administrator then listed the various projects that the Administration has done to help the Green Team with their efforts.

The Clerk moved all items, except number two, to the Agenda for tomorrow evening.

## CONSENT AGENDA

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$10,124,269.22.
2. Approval of minutes of the meeting of April 23, 2013 (Agenda) and April 24, 2013 (Regular).
3. A Resolution authorizing Kingdom Church to hold a parade on June 15<sup>th</sup>, 2013.

There were no questions or comments from Council.

## ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this meeting)

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

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 9 AUTHORITIES ARTICLE I EWING-LAWRENCE SEWERAGE AUTHORITY § 9-1 CREATION; MEMBERS COMPENSATION TO ADD ALTERNATE MEMBERS

Councilwoman Wollert questioned section (c) and asked what constitutes a disqualification.

The Attorney responded by explaining “conflict of interest”.

Councilman Schroth asked if “Ewing” should be added to paragraph (c).

The Attorney said yes, it should be added and thanked the Councilman for catching the typo.

President Hyser confirmed with the Attorney that Council would still be able to move forward with this for tomorrow evening.

There were no further questions from Council.

## SECOND READING, PUBLIC HEARING AND FINAL ADOPTION OF AMENDED ORDINANCE

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 BAIL BOND AGENTS, SECOND HAND SHOPS, CHECK CASHING, AND PAWN BROKERS, BODY ART, AND ADULT ESTABLISHMENTS

President Hyser stated that the Planning Board met last Thursday and there was full agreement that this does conform with the Master Plan and Municipal Land Use Law.

Mr. Latini (Township Planner) explained that the Planning Board found this to be consistent with the Master Plan and recommends that it be moved forward. There was some discussion on including another zone, but ultimately did not act to recommend this to you. Mr. Latini stated that the only real change was to add the word “would” to the definition of antique dealer. There was consensus that the changes recommended by Council and the Public were good changes and made the Ordinance better.

President Hyser asked if there were any changes made to the second-hand goods dealer section as we are seeing marked items that look as if a change had been made. Mr. Latini responded – no; that change had been made previously.

The Attorney stated that this definition of second-hand goods dealers as seen in the drop box does not appear to be the correct version of the definition.

President Hyser explained that there was a clerical situation at the office of the Planning Board attorney and the latest version of the Ordinance was not able to be provided for this meeting. President Hyser, Council, The Attorney and The Township Planner then discussed this clerical issue.

Vice President Baxter and President Hyser then discussed the documentation from the Planning Board Attorney.

Councilwoman Keyes-Maloney inquired about two definitions: Second-hand goods dealer – should the last sentence be changed to “and shall not include consignment or antique dealers”. Public and private schools – should “Pre-K” be added.

Both changes were agreed to.

There were no further questions from Council.

President Hyser asked Mr. Latini and the Mayor as to how soon we will get the updated documents from the Planning Board Attorney.

The Mayor replied tomorrow morning and then asked Council to support this Ordinance. It is good for the Township. The Mayor understands that some have reservations, but we have nothing now. We need something to hang our hats on as right now we would have a tough fight with these types of businesses through the Zoning Board.

Councilman Baxter asked Mr. Latini why does the term “second-hand dealers” include pawn brokers and not consignment and antique dealers.

Mr. Latini responded that pawn brokers are a form of second-hand dealing. With the other two, there are distinct differences between them and second-hand dealers.

There were no additional questions or comments from Council.

#### **NEW BUSINESS**

(None for this meeting)

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

(There were no comments from the Public)

#### **CLOSED SESSION**

At 7:57 p.m. the Attorney read the Resolution to enter into Closed Session.

President Hyser called for a motion to enter into Closed Session. Ms. Wollert so moved, seconded by Mr. Baxter. It was agreed to by unanimous voice vote.

At 8:18 p.m. Ms. Keyes-Maloney made the motion to reopen the Council Meeting, seconded by Mr. Baxter. It was agreed to by unanimous voice.

#### **ADJOURNMENT**

There being no further business, President Hyser asked for a motion to adjourn. Mr. Schroth so moved, seconded by Mr. Baxter. The meeting was adjourned at 8:19 p.m.

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Hilary Hyser, President

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Kim J. Macellaro, Municipal Clerk