

AGENDA SESSION 8-12-13

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

- | | |
|-----------------------------------|--------------------------------|
| ▪ Mr. Baxter – Present | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Joanna Brewster, CFO |
| ▪ Mr. Schroth – Present | Maeve Cannon, Attorney |
| ▪ Ms. Wollert – Arrived 6:49 p.m. | Rocky Peterson, Attorney |
| ▪ President Hyser – Present | Kim Macellaro, Municipal Clerk |

President Hyser stated for the record that Councilwoman Wollert is en route.

DISCUSSION

1. A RESOLUTION APPROVING THE TRANSFER OF TAX SALE PREMIUM TO THE MUNICIPALITY.

The CFO and the Attorney explained the process for a transfer of a tax sale premium to the Municipality.

Vice President Baxter asked what is the cost of these premiums.

The Attorney responded that in this case it is \$800, but the cost of a premium could be as much as a bidder is willing to put on the line.

Vice President Baxter then asked if this was for just one parcel.

President Hyser responded that it is just one block and lot.

There were no additional questions from Council.

2. A RESOLUTION AWARDED CONTRACT FOR 56 WINDYBUSH WAY STORM INLET REPAIR TO R. MOSLOWSKI EXCAVATING, INC. IN THE AMOUNT OF \$7,950.

The Attorney stated that this is self-explanatory.

There were no questions from Council.

3. **A RESOLUTION GRANTING PAUL E. BORNEMANN PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA911) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT JULY 31, 2013.**

President Hyser stated that we have seen this several times before.
There were no questions from Council.

4. **A RESOLUTION APPROVING CHANGE ORDER #1 FINAL TO MJF ELECTRICAL CONTRACTING FOR MUNICIPAL BUILDING SITE LIGHTING.**

President Hyser stated that this is an “increase” change order.
The Administrator explained that it is a \$700 Change Order for lighting.
President Hyser asked if it was still the same project.
The Mayor replied – yes and explained that the initial design for the parking lighting had two lights shining on the Police/Municipal Complex sign as you came in. With the new LED lighting, it was too bright. The Mayor said that he asked them to move some of the lights to illuminate the tank more.
President Hyser asked if the lighting project at the Municipal Building was complete.
The Mayor responded – yes, except for this one change.

There were no further questions from Council.

5. **A RESOLUTION APPROVING CHANGE ORDER #1 FINAL TO ARAWAK PAVING COMPANY FOR FY 2012 TRUST FUND IMPROVEMENTS TO EGGERTS CROSSING ROAD.**

The Administrator responded that it is a \$31,921.57 “reduction” that is being returned to the State.
President Hyser asked if this money could be used for other projects.
The Administrator responded that it was a State grant that could only be used for Eggerts Crossing Road.

There were no additional questions from Council.

6. **A RESOLUTION AUTHORIZING THE APPLICATION FOR A CAPACITY BUILDING SUSTAINABLE JERSEY GRANT BY THE EWING TOWNSHIP SUSTAINABLE GREEN TEAM.**

Councilwoman Keyes-Maloney explained that the Township Green Team is in the process of applying for a Sustainable Jersey Capacity Building Grant in the amount of approximately \$2,000. Council’s acceptance of the proposal is needed. The grant allows the Green Team to do some capacity building with the community around sustainable green practices in town.

President Hyser asked if the grant has already been written.
Councilwoman Keyes-Maloney responded that it has. There was a very tight timeframe to write the grant – less than two weeks.
President Hyser asked if the Township’s Grant Writer wrote it.
Councilwoman Keyes-Maloney replied – no, the Green Team wrote it because they came upon the grant offering late in the game and given the tight timeframe they wrote it on their own; but look forward to working with the Grant Writer in the future to facilitate projects.

President Hyser then asked if the Green Team worked with the Environmental Commission on this.

Councilwoman Keyes-Maloney responded that it was a Green Team initiative but they did appraise the Environmental Commission of their plans.

There were no additional questions from Council.

7. A RESOLUTION AWARDING CONTRACT FOR ONE (1) CAT GENERATOR (OR EQUIVALENT) AT THE WEST TRENTON VOLUNTEER FIRE COMPANY AND ONE (1) CAT GENERATOR (OR EQUIVALENT) AT THE EWING SENIOR AND COMMUNITY CENTER IN THE AMOUNT OF \$284,300

The Administrator explained that this is in the Capital Budget approved by Council earlier this year. It is a follow-up to the troubles caused by Hurricane Sandy. The Ewing Senior and Community Center generator will be gas powered; West Trenton Fire Company will be diesel.

President Hyser asked, because the West Trenton Fire House has been used as a Red Cross Shelter in the past, have we applied for FEMA funds to buy the generator instead of using Township funds.

The Administrator replied that the FEMA money available now is being used for other purposes. This generator will operate the firehouse doors besides the ballroom and kitchen which the Red Cross would use. It was determined that we have to pay for it on our own.

President Hyser asked how many bids were there.

The Administrator responded that there were three bids. This was the lowest of the three responsive bidders.

President Hyser then asked what is Alternate Bid #2.

The Administrator responded that Alternate Bid #2 is a gas tank for the fire company – a back-up tank – in case we run out of diesel and are not able to get a delivery; we can keep the firehouse running.

President Hyser asked if this was inclusive or a separate bid.

The Administrator responded that it was a separate bid.

There are no additional questions from Council.

8. A RESOLUTION APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF EWING AND TOWNSHIP OF HAMILTON FOR THE COORDINATION AND SHARING OF TAXI LICENSING AND INSPECTION DUTIES AND FEES.

The Attorney explained that this is a follow-on to the taxi ordinances that are now in second reading. This is a shared services agreement with Hamilton to allocate the increased fees and duties.

President Hyser asked if Hamilton has already approved the ordinances that are before us this evening.

The Attorney replied – yes.

President Hyser then asked if Hamilton has adopted this resolution.

The Clerk replied that Hamilton has already adopted their shared services agreement.

President Hyser stated that she was curious about the effective date on the Resolution.

The Attorney replied that Hamilton has the exact same shared services agreement.

Vice President Baxter asked how were the terms of the agreement decided.

The Attorney replied that the Clerks communicated it to their respective administrations. The Attorney then summarized some of the terms of the agreement.

Vice President Baxter asked if the increased duties mentioned are duties which we are already doing.

The Attorney responded – yes.

President Hyser, the Attorney and the Clerk then discussed the placard, the stickers and the medallion in terms of fees and who is going to provide them.

The Attorney recommended that this Resolution be adopted and then amended as necessary regarding the placard, stickers and medallions.

Councilwoman Keyes-Maloney asked that when we send Hamilton a copy of the shared services agreement we inform them that we will be following up with them regarding possible amendments.

There were no additional questions from Council.

9. AN ORDINANCE AMENDING THE EWING TOWNSHIP SALARY ORDINANCE ESTABLISHING THE SALARY AND POSITION OF PART-TIME ARMED MUNICIPAL COURT ATTENDANT IN THE EWING TOWNSHIP MUNICIPAL COURT.

The Mayor explained that the Township looked at several models for Court security; an armed guard is necessary as per the guidelines of the AOC (Administrative Office of the Courts). The Township of Lawrence adopted this particular model for an armed court attendant; it freed up a police officer. This will be a part-time position about fifteen hours a week with no benefits. Right now, Ewing has a full time active duty police officer working in the Courtroom.

President Hyser asked if the retiring police officer will be replaced with a civilian.

The Mayor responded – correct, a licensed armed civilian.

President Hyser then asked how is it working in Lawrence.

The Mayor replied that it is working well; been in place for three years.

Vice President Baxter asked if the Attorney is working on the criteria for the hiring process.

The Mayor replied – not the hiring process, but is working on tweaking a job description that we borrowed from another Township.

Vice President Baxter asked if this person is going to be a civilian or a retired law enforcement officer.

The Mayor responded that it will be a retired law enforcement officer as the attendant has to be licensed. There will be a cost savings.

President Hyser asked what is the approximate cost savings for the Township if this Ordinance passes.

The Mayor replied that we are looking at \$25 an hour as opposed to a full time police officer – the savings are significant. This will also alleviate the problem of having to pull an active duty police officer off the streets to be in the Courtroom.

Councilwoman Wollert stated that she has a concern regarding public employees working after retirement for a public entity – what is the Township’s liability if the pension rules are not followed correctly.

Council had further questions regarding the pension, who this Court Attendant works for, who pays the salary, and who creates the job description and does the hiring.

Attorney Peterson explained how this will work.

There were no additional questions from Council.

10. AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY, VACATING THE UNNAMED ALLEY WAY RUNNING BETWEEN NORTH OLDEN AVENUE EXTENSION AND THE PORTION OF OLD OLDEN AVENUE KNOWN AS “SHORT OLDEN AVENUE” IN THE TOWNSHIP OF EWING

The Attorney explained that this came about from a complaint by the property owner who owns both sides of the alley way. Cars are cutting through the alley instead of turning at the light. The Police Department has no public safety concerns with vacating this unnamed alley.

Council then discussed the location of this alley.

There were no further questions from Council.

CONSENT AGENDA

Council President Hyser presented the Consent Agenda for review.

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$8,076,251.02.
2. Approval of minutes of the meeting of May 13, 2013 (Agenda), May 14, 2013 (Regular), May 28, 2013 (Agenda) May 28, 2013 (Regular), June 10, 2013 (Agenda) and June 11, 2013 (Regular).

- 3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1426.96 for August 1, 2013 tax quarter over payment to Lacovara, Joseph Jr., 12 Ronit Drive, Ewing, NJ 08628, for property owner Lacovara, Joseph Jr., for Block: 587 Lot: 6 also known as 12 Ronit Drive due to overpayment.**
- 4. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$245.70 for August & November, 2013 tax quarters for over payment to Nix II., Frederick, 205 North Main Street, Hightstown, NJ 08520, for property owner Nix II., Frederick, for Block: 139 Lot: 67 also known as 16 Brae Burn Drive due to lower assessment.**
- 5. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$357.86 for August & November, 2013 tax quarters for over payment to Scott-Fellows, Evelyn, 16 Ravine Road, Ewing, NJ 08628, for property owner Scott-Fellows, Evelyn for Block: 423 Lot: 106 also known as 16 Ravine Road due to lower assessment.**
- 6. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$215.50 for August & November, 2013 tax quarters for over payment to Murray, Sharyn, 288 Clamer Road, Ewing, NJ 08628, for property owner Murray, Sharyn for Block: 459 Lot: 52 also known as 288 Clamer Road due to a house fire on January 20, 2013.**
- 7. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$347.48 for August 1, 2013 tax quarters for over payment to McCrae, James W., 1176 Lower Ferry Road, Ewing, NJ 08618, for property owner McCrae, James W., for Block: 468 Lot: 172 also known as 1176 Lower Ferry Road due to overpayment.**
- 8. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$229.95 for August 1, 2013 tax quarters for over payment to Zuccarelli, John, 18903 S.E. Federal Hwy, Tequesta, FL 33469, for property owner Zuccarelli, John, for Block: 21.01 Lot: 18 also known as 396 Stokes Avenue due to overpayment.**
- 9. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$172.58 and CANCELLATION in the amount of \$345.15 for April 1, 2013 sewer bill for over payment to Scott-Fellows, Evelyn, 16 Ravine Road, Ewing, NJ 08628, for property owner Scott-Fellows, Evelyn for Block: 423 Lot: 106 also known as 16 Ravine Road due to meter removed in November 2012 and overpayment.**
- 10. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1837.95 for August 1, 2013 tax quarters for over payment to CoreTitle LLC, 1300 Route 73, Suite 112, Mt. Laurel, NJ 08054, File# CT13-4334 for property owner Roth, Irving, for Block: 229.07 Lot: 15 also known as 37 Bayberry Road due to overpayment.**
- 11. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1225.63 for August 1, 2013 tax quarters for over payment to Alastick, John M., 108 Lakedale Drive, Lawrenceville, NJ 08648, for property owner Alastick, John M., for Block: 135 Lot: 245 also known as 42 Keswick Avenue due to overpayment.**
- 12. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1758.17 for August 1, 2013 tax quarters for over payment to Stevenson, Marianne, 531 Greenway Avenue, Ewing, NJ 08618, for property owner Stevenson, Marianne, for Block: 280 Lot: 69 also known as 531 Greenway Avenue due to overpayment.**
- 13. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1481.46 for August 1, 2013 tax quarters for over payment to Horling, James & Carol, 1451 St. Georges Ave Rt 6, Rahway, NJ 07065, for property owner**

Horling, James & Carol, for Block: 314 Lot: 16 also known as 408 Greenway Avenue due to overpayment.

- 14. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1349.63 for August 1, 2013 tax quarters for over payment to Mc Manimon, Megan, 59 Kyle Way, Ewing, NJ 08628, for property owner Mc Manimon, Megan, for Block: 365 Lot: 2.01 Qual: C0532 also known as 59 Kyle Way due to overpayment.**
- 15. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1613.29 for August 1, 2013 tax quarters for over payment to Hadge, Joseph, 170 W. Upper Ferry Road, Ewing, NJ 08628, for property owner Hadge, Joseph, for Block: 423 Lot: 85 also known as 170 W. Upper Ferry Road due to overpayment.**
- 16. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1353.55 for August 1, 2013 tax quarters for over payment to Monato, Emily, 608 Latona Avenue, Ewing, NJ 08618, for property owner Monato, Emily, for Block: 447 Lot: 30 also known as 608 Latona Avenue due to overpayment.**
- 17. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1768.61 for August 1, 2013 tax quarters for over payment to Eternity Investments LLC, 354 S. Broad Street, Trenton, NJ 08608, for property owner Eternity Investments LLC, for Block: 309 Lot: 27 also known as 352 Concord Avenue due to overpayment.**
- 18. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1194.30 for August 1, 2013 tax quarters for over payment to Trident Land Transfer Co. of NJ, 1409 North Kings Highway, Cherry Hill, NJ 08034, for property owner Collins, Eddie L., for Block: 81 Lot: 134 also known as 25 Rosedale Avenue due to overpayment.**
- 19. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1,888.10 and CANCELLATION in the amount of \$4,806.94 for the period of August & November 1, 2013 to Carmichael, Frank M. & Norma L., 19 Chelmsford Drive, Ewing, NJ 08618 for property owner Carmichael, Frank M. & Norma L., for Block: 509, Lot: 2 also known as 19 Chelmsford Drive. Refund due to 100% disabled veteran status as of April 3, 2013.**
- 20. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$78.50 for October 1, 2013 sewer bill for over payment to Byrd, Jane, 83 Kyle Way, Ewing, NJ 08628, for property owner Byrd, Jane for Block: 365 Lot: 2.01 Qual: C0732 also known as 83 Kyle Way due to a payment made in error on October 1, 2013 sewer bill.**
- 21. A Resolution authorizing the conduct of an Off Premise 50/50 Cash Raffle sponsored by SERV Foundation, Inc. on November 18, 2013.**
- 22. A Resolution authorizing the conduct of an Off Premise 50/50 Cash Raffle sponsored by Victorians of Villa Victoria Academy on December 14, 2013.**
- 23. A Resolution authorizing the conduct of an On Premise 50/50 Cash Raffle sponsored by Central and South Jersey Affiliate of Susan G. Komen For the Cure on September 15, 2013.**
- 24. A Resolution authorizing a Refund, as recommended by the Township Construction Official, for a Senior Citizen Discount in the amount of \$246.50 to Ralph Ferguson Jr., 88 Mountain View Road, Ewing, NJ 08628 for a senior citizen discount for 88 Mountain View Road, Ewing, NJ 08628 that was paid inadvertently.**

25. A Resolution authorizing a Refund, as recommended by the Township Construction Official, for a Certificate of Occupancy payment the amount of \$250.00 to Philip Scratchard, 299 & 301 Upper Ferry Road, Ewing, NJ 08628 for two certificate of occupancy payments for 299 & 301 Upper Ferry Road, Ewing, NJ 08628 that was paid and owner decided not to sell their home.
26. A Resolution authorizing a Refund, as recommended by the Township Construction Official, for permits in the amount of \$166.00 to Mary Lynn Spedding, 102 Upper Ferry Road, Ewing, NJ 08628 for a deck permit #20130012 on 102 Upper Ferry Rd, Ewing, NJ 08628 that was paid for and resident decided not to build the deck.
27. A Resolution authorizing Celestial Church of Christ to hold a block party/road closing on September 22, 2013.
28. A Resolution authorizing a Performance Guarantee Release for Christina Seix Academy (Block 322/Lot 7, 78 & 79)- Ewing Engineers Remington & Vernick and Affiliates #1102 I 006.

There were no 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 AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 342 TAXICABS AND LIMOUSINES (2013)

The Attorney explained some of the changes included in this Ordinance and in the related fee/rate structure Ordinance that follows.

There were no questions from Council either on this item or the next item.

2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 172 FEES § 172-24 TAXICABS AND LIMOUSINES TO CHANGE OWNER LICENSE AND APPLICATION FEES FOR TAXICAB OWNERS AND TO UPDATE TAXICAB RATES AND CHARGES FOR TAXI CAB SERVICES TO THE PUBLIC (2013)
3. AN ORDINANCE AMENDING SECTION 215-8, DEFINITIONS, TO INCLUDE OUTDOOR CAFES AND PUBLIC PLAZAS AND ADDING SECTION 215-64 TO INCLUDE OUTDOOR CAFES (2013)

President Hyser explained that the Planning Board found that it was consistent with the Township's Master Plan and the Planning Board agreed with the Township Planner's recommendation that this Ordinance be adopted.

The were no questions for the Township Planner.

Councilwoman Keyes-Maloney commented that this is well laid out and she hopes businesses will take advantage of this option.

There were no further questions or comments from Council.

**4. AN ORDINANCE AMENDING THE EWING TOWNSHIP SALARY
ORDINANCE ESTABLISHING COMPENSATION OF OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF EWING (2013)**

The Attorney explained that the Administrator and Municipal Clerk are not covered by any collective bargaining agreement. By statute, the Municipal Clerk cannot be deprived of any increase of salary that other municipal employees have received without due cause. This Ordinance provides for an increase in salary for the Municipal Clerk and the Administrator.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Ron Prykanowski (16 Thurston Avenue) stated that every week a number of houses come on the market via short sales or abandonment. A Certificate of Occupancy is required to sell the house. Neither the buyer nor the seller will pay this fee. Mr. Prykanowski suggested that the Ordinance be amended to allow for a courtesy certificate of occupancy inspection – not to waive the fee but instead issue a lien. When the buyer knows what they are up against they are in a position to negotiate and will be more willing to buy the house. Mr. Prykanowski also suggested that the Code Enforcement officer be empowered to waive any fees/fines if the buyer is willing to accept any code violations. The seller is not going to pay; the buyer should not be penalized with a fine if they are willing to accept the code violations. Mr. Prykanowski stated that this may shorten the time on the market and also help get these houses back on the tax rolls.

Mr. Prykanowski then suggested that the grass cutting ordinance should be amended to be all encompassing; include the backyard.

President Hyser stated that it was her understanding that it was all encompassing. The Administrator replied that when the Township sends out its contractor, it is all encompassing.

President Hyser then asked the Administrator when the Health Department/Code Enforcement goes out on calls for high grass do they report on both the front and backyards.

The Administrator replied that they do and he then asked Mr. Prykanowski to let him know of any properties where the backyard is not cut.

There were no additional comments from the Public.

CLOSED SESSION –Resolution to enter into Closed Executive Session

President Hyser stated that there was a need to enter into Closed Session. At 7:12 p.m., Ms. Keyes-Maloney moved to enter into Closed Session, seconded by Ms. Wollert. It was agreed by a unanimous voice vote. The Attorney then read the reason for the Closed Session – conduction interviews for the Deputy Municipal Clerk position. At 9:13 p.m., Ms. Keyes-Maloney moved to enter back into regular session, seconded by Ms. Wollert. It was agreed by a unanimous voice vote.

ADJOURNMENT

There being no further business President Hyser called for a motion to adjourn. Mr. Baxter so moved, seconded by Ms. Wollert. The meeting was adjourned at 9:14 p.m.

Hilary Hyser, President

Kim Macellaro, Municipal Clerk