

AGENDA SESSION 9-9-2013

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.

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 – arrived 6:32 p.m. | Maeve Cannon, Attorney |
| ▪ Ms. Wollert – Present | Kim Macellaro, Municipal Clerk |
| ▪ President Hyser - Present | |

President Hyser stated for the record that Councilman Schroth is en route.

PRESENTATION

1. PRESENTATION OF CY2012 AUDIT – MERCADIAN – EUGENE ELIAS, WARREN BROUDY AND DIGESH PATEL.

Mr. Elias (Mercadian) introduced Warren Broudy and Digesh Patel. Mr. Elias stated that they reviewed the audit report with the Business Administrator and the Mayor. Mr. Elias then said that he appreciated the cooperation shown by the Administration. Mr. Broudy stated that the Township received an unmodified opinion which is the highest level. The audit was done according to state statute as required. There were no audit adjustments. The Current Fund surplus increased by \$725,000 to \$6.656 million; almost 16% of the Township’s 2012 operating budget.

Mr. Patel said that there was only one finding this year compared to the two findings last year. Both findings from last year were resolved. The finding this year - a deficit in the Recreation Fund - has already been addressed by management and as of right now the Recreation Fund does not have a deficit. The deficit was raised in the 2013 budget as well.

Councilman Baxter asked Mr. Patel if the deficit is reflected in 2012 or 2013.

Mr. Patel replied 2012, but a deficit is required to be raised in the succeeding year – 2013.

President Hyser asked for confirmation that it has been corrected. Mr. Patel responded – yes.

Councilman Baxter asked what was the second finding last year.

Mr. Patel replied that there were some old grants that were outstanding.

President Hyser asked Mr. Patel what is “accumulated absences”.

Mr. Patel replied that “accumulated absences” are days accumulated by Township employees for vacation and sick days. He then explained how these “accumulated absences” should be accounted for.

There were no further questions from Council.

President Hyser and Vice President Baxter both thanked the Administration and the CFO for their hard work.

DISCUSSION

- 1. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO MAKE APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) LOCAL PROGRAM IN THE AMOUNT OF \$10,476.00.**

Lt. Maruca (Ewing Police Department) stated that this grant money will be used to purchase computers for police cars.

Council and Lt. Maruca then discussed the procedure involved in applying for this grant.

President Hyser asked if the technology was not included in the bid specifications for the vehicles themselves.

The CFO responded that it was not included.

President Hyser asked if this technology was going in the newer vehicles.

Lt. Maruca responded that it will be going into the older cars.

Vice President Baxter asked Lt. Maruca how he decided where to use this money and asked if it had to be technological.

Lt. Maruca replied that the grant does not have to be used on computers; it is something that he discussed with the Officer-in-Charge.

Vice President Baxter asked the Lieutenant what the new computers will allow the police to do.

Lt. Maruca responded that primarily it is for officer safety - for look-ups during traffic stops. Secondly, it allows officers to stay visible and on the streets instead of having to come back to headquarters to write their reports.

Vice President Baxter and Lt. Maruca then discussed technical aspects of these computers.

President Hyser asked if the computers can be installed in-house.

Lt. Maruca replied - no.

President Hyser then asked the Lieutenant when is he looking to submit this grant application.

Lt. Maruca replied that it goes to the County next.

There were no additional questions from Council.

President Hyser asked the Clerk to move this to the Agenda for the following evening.

- 2. AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING THE LAND DEVELOPMENT ORDINANCE WITHIN THE TOWNSHIP.**

Mr. Latini (Township Planner) explained that the amendments to the Ordinance serve three goals: 1) to enhance the aesthetic appeal for both residential character and as an attractive place to do business 2) to be functional to improve environmental quality and to reduce energy consumption 3) to support diversity in terms of benefiting wildlife and strengthening ecological diversity.

Councilwoman Keyes-Maloney stated “great job” and then remarked that it is a nice balance between aesthetics and ecology – it is a “how-to”.

President Hyser agreed that it is comprehensive, easy to understand and to follow.

President Hyser then asked if the landscaping plan is often missing when applicants come before the Boards.

Mr. Latini replied that in the past the Township looked at aesthetics last. The way this Ordinance is written, they cannot come before the Board without landscaping plans.

President Hyser stated that this is a great Ordinance but it is only great if we are able to implement it. She asked if the landscaping plans will be made part of the resolution.

Mr. Latini replied that it will be a part of the formal resolution authorizing the project and will issue and record it as part of the deed with the approved development. Mr. Latini stated that the “fines” section will be updated as well. Councilwoman Wollert stated that the inclusion of the types of plantings is helpful to those coming before the Planning Board. Ms. Wollert stated that she wondered about enforcement and then stated that it is very comprehensive and asked if there has been any pushback.

Mr. Latini responded – no, there has not been much pushback; it is pretty standard. President Hyser asked, if after our action tomorrow night, this will go back to the Planning Board.

Mr. Latini responded – correct.

There were no additional questions from Council.

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

The CFO explained that this is a 2013 Drunk Driving Enforcement Fund Grant through the State of New Jersey that is to be included in the 2013 Budget; it is money already received.

There were no questions from Council.

4. A RESOLUTION FOR A PLACE-TO-PLACE TRANSFER (EXTENSION OF PREMISES) FOR PAULIE ANNA ROSE RESTAURANT (LICENSE NO. 1102-33-019-002).

The Attorney explained that this is a clean-up resolution. Paulie Anna Rose had expanded their patio area but their liquor license had not been updated to include that expansion. This is just to bring their liquor license in line with the improvements to their patio.

President Hyser stated that she saw there were comments from the Police Department and asked if Code Enforcement had any comments.

The Administrator explained that he met with George Weiger and confirmed with Mr. Ernie that there were no issues.

There were no further questions from Council.

President Hyser stated that because it is related, we will jump to Item Eight.

8. A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF SHRI GOVINDA COMPANY (1102-32-009-003); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO GIANT WINE AND LIQUOR LLC.

The Attorney explained that this company fell on hard times; a receiver, Charles Waldron, was appointed by the Court. The receiver is selling the liquor license.

There were no questions from Council.

President Hyser then went back to Item Five on the Agenda.

5. A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN EWING TOWNSHIP AND THE MERCER COUNTY IMPROVEMENT AUTHORITY FOR CURBSIDE COLLECTION OF RECYCLABLES FOR THE TERM OF FIVE YEARS (5) ON JANUARY 1, 2014 THROUGH DECEMBER 31, 2018.

The Administrator explained that he met with Dan Napoleon from MCIA. It is a renewal of the very successful recycling program. The Township fee to the County will remain flat for 2014 and then will gradually increase years two through five. It is very successful having the County coordinate; it is cheaper than we would be able to do it.

Councilwoman Keyes-Maloney stated that as liaison to the Green Team, she finds that folks enjoy the recycling program and then stated that the schedule of pick-ups on the MCIA website is very helpful. The

Administrator commented that Mr. Napoleon came to a Green Team meeting to answer questions and to take suggestions.

President Hyser asked the Administrator if there was any explanation given as to why there is an approximate \$6,000 increase in costs each year.

The Administrator responded that the costs to manage the program are increasing. MCIA bid out the work - Central Jersey won the bid. Central Jersey's costs are going up too. It was negotiated to keep the costs flat in the first year; with the two percent cap in mind.

Vice President Baxter stated that he knows MCIA is running the program and that shared services help us; he asked if we had looked at other carriers to see what the costs were.

The Administrator responded that MCIA bid out the work for other carriers. There were three interested groups – Central Jersey was the lowest.. Waste Management runs the transfer station itself. Not as many bid as bid in the past.

President Hyser asked the Administrator if the MCIA gave any indication of the increase or decrease in the amount of recycling tonnage over the years. The

Administrator replied that there were four municipalities that showed an increase and Ewing was one of them. President Hyser

then asked if the increase was significant. The Administrator

responded that it was nominal and explained that MCIA is working on a food recycling program that will greatly benefit Ewing. The transfer station for food waste will be built in Ewing instead of in Delaware.

President Hyser, the Administrator, and Councilwoman Wollert then discussed recycling at the College and taxes the College pays on houses owned but not on their campus.

There were no additional questions from Council.

6. A RESOLUTION CONSENTING TO THE APPOINTMENT OF CAROLYN TONIC-ROBINSON TO THE SENIOR CITIZEN ADVISORY COMMISSION.

The Administrator explained that Ms. Tonic-Robinson is replacing a deceased member.

President Hyser asked if she was actively involved.

The Administrator responded – absolutely.

There were no additional questions from Council.

7. A RESOLUTION GRANTING FRANK PROVENZANO PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA905) UPON HIS RETIREMENT FOR THE EWING TOWNSHIP POLICE DEPARTMENT SEPTEMBER 1, 2013.

President Hyser stated that we have seen this type of item before.

There were no questions from Council.

President Hyser said that Item Nine will be next as we already discussed Item Eight.

- 9. A RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) UNMARKED CHEVROLET TAHOE SSV 4X4'S FOR USE IN THE POLICE DEPARTMENT FROM DAY CHEVROLET AND MUNICIPAL EQUIPMENT ENTERPRISES AS PER STATE CONTRACT.**

The CFO explained that these three vehicles had already been approved in our Capital Budget; this is just the method of procurement.

The Administrator added that these will replace three detective cars that will be sold at auction.

There were no questions from Council.

- 10. A RESOLUTION SUPPORTING THE USE OF A "NO PASSING ZONE" ON ROUTE NJ 175 IN THE TOWNSHIP OF EWING AS RECOMMENDED BY NJDOT.**

The Administrator explained where this zone is located and that the State wants it to be a "no passing zone" especially given the upcoming construction on Scudder's Falls Bridge.

There were no questions from Council.

- 11. A RESOLUTION APPROVING CHANGE ORDER NO. 4 FOR THE EWING SENIOR & COMMUNITY CENTER BOILER REPLACEMENT CONTRACT AMOUNT OF \$3,128.30**

The Administrator explained that he spoke with Ted Forst. It comes out of the HUD grant from last year. When the contractors tried to fire up the boilers it was noticed that a piece of equipment was missing. The contractor put in the part and the boilers are now working.

President Hyser, Councilwoman Wollert and the Administrator then discussed why the part was not included in the original bid specifications and why was the contractor not liable.

There were no additional questions from Council.

- 12. AN ORDINANCE AMENDING THE EWING TOWNSHIP SALARY ORDINANCE ESTABLISHING COMPENSATION OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF EWING.**

President Hyser stated that this is a housekeeping issue to correct an error in one of the salary items.

There were no questions from Council.

- 13. A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF GREEN LANE PROJECT.**

The Administrator stated that he asked the Engineer to pick a road so we can apply for the 2014 grant. Green Lane was chosen.

President Hyser asked how did the Engineer pick Green Lane.

The Administrator replied that the Engineer based it on the condition of the road. NJDOT limits the roads that can be considered. Scenic Drive was also looked at, but we decided to hold off on it because of the upcoming work on Scudder's Falls Bridge. The next road that needed work, that was a "long" road, was Green Lane.

Vice President Baxter asked when they "stripe" the road after repaving, if the "buffer" for walking will be taken out.

The Administrator replied that they will repave the road as it is currently; it will be more visible. We are discussing the safety issues with the entrance/exit to the College. There is not much room to widen, to slow people down, or to allow parking in front of the VFW. Right now we are just looking to get the money to repave the road because it is about \$300,000 to \$400,000.

Vice President Baxter commented that he would like to see a pedestrian walkway near the College.

The Administrator responded that he can ask the Engineer to take a look at it in the future, but there is not much room unless you are going to "take" property. The one side is owned by the College.

There were no additional questions from Council.

The Clerk moved all of the discussion items to the following night's agenda.

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 \$12,372,300.53
2. Approval of minutes of the meeting of June 25, 2013 (Agenda) July 2, 2013 (Special), July 8, 2013 (Agenda), July 9, 2013 (Regular).
3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$375.00 for August 1, 2013 tax quarter to Swiczak, Theodore S. & Patricia A., 18 Fran Avenue, Ewing, NJ, 08638, for property owner Swiczak, Theodore S. & Patricia A., for Block: 225 Lot: 57 also known as 18 Fran Avenue due to overpayment.
4. A Resolution authorizing Great Woods Drive Neighborhood Block Party Committee to hold a block party/road closing on September 22, 2013 from 12 noon to 6 p.m.
5. A Resolution authorizing the Township of Ewing to reduce the performance bond(s) of MKJK LLC Site Plan (Block 40.01, Lot 9) – Ewing Engineer Remington, Vernick & Arango Engineers RV&A #1102 I 038.
6. A Resolution authorizing a Refund, as recommended by the Township Construction Official in the amount of \$125.00 to Eugene Taylor, 4 Westwood Drive, Ewing, NJ 08628 for a certificate of occupancy payment for 4 Westwood Drive, Ewing, NJ 08628 that was paid and owner decided not to sell their home.
7. A Resolution authorizing a Refund, as recommended by the Township Construction Official in the amount of \$125.00 to John & Serena Priest, 1715 Seventh Street, Ewing, NJ 08638 for a certificate of occupancy payment for 1715 Seventh Street, Ewing, NJ 08638 that was paid and owner decided not to sell their home.
8. A Resolution authorizing a Refund, as recommended by the Township Construction Official in the amount of \$50.00 to Aldo Bartra, 1439 Buford Drive, Yardley, PA 19067 for a rental registration payment for 18 Pennwood Drive, Ewing, NJ 08638 that was paid twice and is only required to pay one time each year.

9. A Resolution authorizing the conduct of an On Premise 50/50 Cash Raffle sponsored by PEI Kids on October 18, 2013.
10. A Resolution authorizing the conduct of an Off Premise 50/50 Cash Raffle sponsored by PEI Kids on October 18, 2013.
11. A Resolution authorizing the conduct of an On Premise Merchandise Raffle sponsored by PEI Kids on October 18, 2013.
12. A Resolution authorizing the conduct of an Instant raffle sponsored by BPOE Trenton #105 from October 18, 2013 through October 17, 2014.
13. A Resolution authorizing the conduct of an On Premise 50/50 Cash Raffle sponsored by Mount Carmel Guild of Trenton on October 25, 2013.
14. A Resolution authorizing the conduct of an On Premise 50/50 Cash Raffle sponsored by New Jersey Federation of Women's Clubs on October 21 & 28, 2013.
15. A Resolution authorizing the conduct of an On Premise Merchandise Raffle sponsored by New Jersey Federation of Women's Clubs on October 28, 2013.

Vice President Baxter asked about the item for Samzies Uniform.

The CFO replied that it is for a new police officer who started in July. The Township provides the initial basic uniform.

There were no further questions 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 EWING TOWNSHIP SALARY ORDINANCE ESTABLISHING THE SALARY AND POSITION OF PART-TIME ARMED MUNICIPAL COURT ATTENDANT IN THE EWING TOWNSHIP MUNICIPAL COURT (2013)

The Attorney explained that municipal courts are required to have an armed court attendant. This Ordinance will create a part-time, non-benefit position to allow us to put the police officer (who earns substantially more) back on the street. The rate is \$25 per hour, not to exceed twenty hours per week and will only serve when the Court is in session.

President Hyser asked when does Administration hope to fill this position.

The Administrator stated that as soon as it becomes law, they will look to hire someone to be able to get the police officer back on the street.

Vice President Baxter asked about the requirements to fill this position.

The Administrator replied that right now we are looking at retired police officers but it does not prevent any retired law enforcement person from applying.

President Hyser asked if we are looking at hiring more than one attendant.

The Administrator replied that we are starting with one and then see what is needed.

Vice President Baxter commented that he prefers that it is open to all retired law enforcement.

The Administrator responded that that was relayed to the Judge; it is the Judge who will interview the candidates as the attendant will be an employee of the Court.

President Hyser stated that this person will be an employee of the Court and not of the Township in case there are any issues with the retirement benefits.

The Administrator replied that it will be a retired police officer. The Judge has to decide if that person has the correct demeanor to be in the Courtroom.

Vice President Baxter asked where is the money coming from to pay for this position.

The Administrator replied that the Court will put it in their budget; the Court is generating revenue for the Township. The Judge will have the hiring authority for this position.

Councilwoman Wollert commented that there might be a need for more than one person up front because of vacation and illness.

The Administrator responded that we initially talked about having three. The Court Administrator will schedule and make sure they do not go past nineteen and one-half hours per week.

There were no further questions from Council.

2. **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 (2013)**

President Hyser explained that the owners of the property indicated that they want to control the traffic cutting through. The Police Department has no objections. The Attorney stated that she has a copy of the map if needed.

There were no questions from Council.

NEW BUSINESS

1. **A RESOLUTION TO CANCEL OUTSTANDING CHECKS**

The CFO stated that this is a housekeeping issue.

Councilwoman Keyes-Maloney asked that if someone came forward, we would just issue a new check.

The CFO responded – correct.

There were no further questions from Council.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Peter Boughton (119 Florence Ave.) asked if developers could be given a "landscaping checklist" before they come before the Zoning and Planning Boards. Charles Latini (Township Planner) replied that there is a "checklist".

Ron Prykanowski (16 Thurston Ave.) commented on the "missing part" for the boiler. The bid specifications should be checked to see if the part is mentioned. If it is mentioned, then the contractor should pay for it. If it is not mentioned, the Engineer should be responsible. Either way the Township, or in this case, the federal government should not be responsible.

President Hyser asked the Administrator to review the specifications again.

CLOSED SESSION – A Resolution to Enter Into Closed Executive Session

At 7:26 p.m., Ms. Wollert made a motion to enter into Closed Executive Session, seconded by Mr. Baxter. It was agreed by unanimous voice vote. The Attorney then read the Resolution for going into Closed Executive Session.

At 9:12 p.m., Ms. Wollert made a motion to close the Closed Executive Session, seconded by Mr. Baxter. It was agreed by unanimous voice vote. At 9:13 p.m., Ms. Keyes-Maloney made a motion to enter back into Open Session, seconded by Ms. Wollert. It was agreed by unanimous voice vote.

ADJOURNMENT

There being no further business, President Hyser asked for a motion to adjourn. Ms. Wollert so moved, seconded by Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 9:13 p.m.

Hilary Hyser, President

Kim J. Macellaro, Municipal Clerk