

November 12, 2013 - AGENDA SESSION

Acting President Baxter called the meeting to order at 6:01 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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| ▪ Ms. Keyes-Maloney – Present | Jim McManimon, Administrator |
| ▪ Mr. Schroth – Present | Joanna Brewster, CFO |
| ▪ Ms. Wollert – 6:23 p.m. | Maeve Cannon, Attorney |
| ▪ Acting President Baxter - Present | Kim Macellaro, Municipal Clerk |

Acting President Baxter announced that former President Hyser has stepped down to take a position in the Administration and we thank her for her service. He further stated that he is now sitting in her seat as Acting President and finishing out the rest of the year. We will still follow the same protocol for the rest of the year.

DISCUSSION

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

CFO Mustafa stated that these are grants received or awarded to the township which were not included in the 2013 Township budget. Ms. Keyes-Maloney stated that one of the add-ins is a small sustainable Jersey grant that the Green Team was able to work with the Administration and ascertain early this year.

- 2. A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION SITE.**

Acting President Baxter stated that this is pretty much standard business. Administrator McManimon commented that these are all technology issues that are no longer of use to us. He noted some of the items. He further stated that we have been very successful with govdeals.com. Acting President Baxter asked Administration about the proceeds of the auction. Administration McManimon said that it goes back to the general revenue of the town.

3. A RESOLUTION AUTHORIZING CY2013 BUDGET TRANSFERS.

CFO Mustafa stated that by statute in November and December of each calendar year we can move money from one appropriation line to another. Some lines may have surplus and others may be a little short so this allows us to move money around.

4. A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE RENEWAL AGREEMENT FOR A PORTION OF THE HOLLOWBROOK COMMUNITY CENTER TO THE COUNTY OF MERCER NUTRITION PROGRAM

Acting President Baxter stated that this is a shared service with the County. It helps provide needy families with some help with their nutritional needs. Mayor Steinmann stated that this is an ongoing shared service for about ten years now held at the Hollowbrook Community Center. Ms. Keyes-Maloney asked if this counts as part of our shared service. Administrator McManimon said yes.

5. AN ORDINANCE REAPPROPRIATING \$45,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE, IN ORDER TO PROVIDE FOR ADDITIONAL FUNDING FOR INDOOR BLEACHERS AT THE EWING SENIOR AND COMMUNITY CENTER GYM AND REPAIRS TO TOWER 33 SKY ARM FOR WEST TRENTON VOLUNTEER FIRE COMPANY, IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY

CFO Mustafa commented that this is closing out one old Ordinance from 2008 and reappropriating excess funds from an Ordinance from 2013 were items that we bid out came in under what we originally anticipated. So we are moving that money and reappropriating it to the two items that we need. Administrator McManimon said that the bleachers at the ESCC are old and out of compliance. The second half is the Tower 33, a 100' tower at West Trenton Fire Company. While this is being fixed, Pennington Road Fire Company will be covering for us. Ms. Keyes-Maloney asked for a breakdown of what the bleacher cost vs. the actual repairs to the tower will be. CFO Mustafa said that the sky tower will be approximately \$24,500 and the remaining monies will be for the bleachers. Mr. Schroth asked about the bleachers and them not being in compliance and how long have they not been in compliance. Administrator McManimon stated that it is safety regulations and the sides of the bleachers are unsafe. The changes will be railings along the sides, all old bleachers coming out and new ones being put in.

6. A RESOLUTION GRANTING BRIAN PARKER PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA910) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT OCTOBER 1, 2013

Acting President Baxter said that we get these resolutions from time to time. As the police officers retire they request to have their service weapon. There were no questions.

7. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 114 BUILDING CONSTRUCTION, ARTICLE II CERTIFICATES OF OCCUPANCY, § 114-3 CODE INSPECTION PRIOR TO SALE, LEASE OR OTHER TRANSFER OF REALTY, §114-4 INSPECTION, AND ARTICLE III PROPERTY MAINTENANCE CODE §114-7 ADOPTION OF STANDARDS BY REFERENCE; PLUMBING AND MECHANICAL AMENDMENTS

Administrator McManimon said that this Ordinance is being requested by Mr. Erney to bring them all into compliance with the calendar year. Attorney Cannon explained the changes to this Ordinance.

8. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 284 RENTAL PROPERTY, ARTICLE I LANDLORD REGISTRATION, §284-2 CERTIFICATE OF REGISTRATION

Attorney Cannon explained that this Ordinance will conform the dates so that they are all consistent with the code. They will all be January 31st when registration has to be completed.

9. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 172 FEES, § 172-11 OFFICE OF FIRE PREVENTION

Attorney Cannon said that this will also bring the due date for the inspection fees to January 31st each year.

10. A RESOLUTION OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, APPROVING THE INSTALLATION OF A TEMPORARY OFFICE TRAILER FOR PARKWAY AUTO, LOCATED AT 9-11 CHELSEA AVENUE, BLOCK 61, LOT 27, BECAUSE OF A FIRE THAT RESULTED IN THE OFFICES BEING DESTROYED.

Acting President Baxter stated that this request came from the business owner. Attorney Cannon commented that the business owner has requested permission to install a 12 foot by 35 foot office trailer on the left side of their driveway, approximately 40 feet off the street. They will not be tied to existing water or other facilities. This is to prepare the smoke damaged facilities and this resolution will permit a 90 day use of this trailer and after that they can come back and ask for an additional 90 days.

11. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING AMENDING CHAPTER 172, FEES

Acting President Baxter said that he believes this is something the Administration was looking at comprehensively and trying to bring out fees in accordance with some of the local municipalities in the area, as a lot of our fees were outdated. Attorney Cannon explained that this comes from the Health Department who did a survey of the surrounding areas and what the prevailing permitted rates are. It covers everything from dog licensing to copies of death and birth certificates and marriage license. Also included are the inspection fees for retail food establishments, pool inspections, well installations and vending machines. Acting President Baxter asked about a chart that he had asked Administration to make up. Administrator McManimon said that he had the chart in his office and he would give them all a copy.

12. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 151, §151-1 PRESENTATION OF SURVEY OF PROPERTY, TO ELIMINATE THE REQUIREMENT THAT A SURVEY OF THE PROPERTY CONVEYED BE PRESENTED TO THE TAX ASSESSOR UNLESS A SURVEY HAS BEEN PREPARED IN CONNECTION WITH THE TRANSACTION

Attorney Cannon explained that some months ago this Ordinance was amended to remove the requirement that a \$20.00 fee be paid for the plotting of your deed. At the same time when that was done, at the suggestion of the Assessor's office, they asked that we require that surveys that are prepared in connection with the transfer property be submitted to the Assessor's Office to see whether permits were obtained and improvements were made. We have since learned, and at the time, the belief was that every title company and bank required a survey in connection with the transfer of the property. That is apparently no longer the case. Given that fact, the intention was not to put additional cost or burden on the property owners to prepare a survey, so the Ordinance is now that if a survey is being prepared in connection with the transfer we request that a copy be submitted, otherwise it is not required. Attorney Cannon stated that a complaint first came in to Councilman Schroth who brought it to her attention and then they both followed up with some real estate attorneys in the area and confirmed the fact that title companies no longer require that surveys be prepared. The cost of a survey is around \$400. Acting President Baxter thanked Councilman Schroth for following up on this.

13. AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 55, OFFICERS AND EMPLOYEES, SECTION 2, RESIDENCY REQUIREMENT, TO INCORPORATE PROVISIONS OF N.J.S.A. 40A: 9-1.1 ET SEQ. REGARDING RESIDENCY AND INCORPORATE THE NEW JERSEY FIRST ACT'S REQUIREMENT OF PRINCIPLE RESIDENCY IN THE STATE OF NEW JERSEY

Acting President Baxter said that this was a law put into effect in September 2011. Attorney Cannon stated that these amendments are going to do two things. It will bring the residency Ordinance into compliance with the current status of the state statute regarding municipal residency ordinances. At the same time it will also put everyone on notice of the New Jersey First Act which requires that regardless of whether you live in the municipality or not, you must live in New Jersey if you are a public employee. Acting President Baxter said he understands from our Business Administrator, that every employee will be getting a memo about this. Administrator McManimon stated that every employee will be getting a memo with their paycheck this Friday.

14. AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF "HOST FEES" TO THE TOWNSHIP OF EWING TO PROMOTE THE PUBLIC WELFARE OF THE COLLEGE OF NEW JERSEY COMMUNITY AND THE CITIZENS OF THE TOWNSHIP OF EWING AND THE STATE OF NEW JERSEY

Mayor Steinmann explained that this will be an ordinance that codifies the Campus Town. They will be making payments in lieu of taxes. In 2016 when they come on line PRC will pay \$390,000 to Ewing Township of which Ewing will keep all but 5% and has an escalating cost every year after that, according to the CPI. There have been long conversations and the attorney was present for them as well as the tax adjusters. Attorney Cannon explained that all of the land is tax exempt because it is State property. The property is being leased to PRC to construct the campus town project under a public private partnership which is a specific statute that all of the improvements in a public private partnership that are used for educational purposes are tax exempt and therein lies the debate as to how much of that project is actually taxable or non-taxable. So this Ordinance codifies the agreement between the parties as to what the "host fees" will be. Councilwoman Keyes-Maloney asked about the properties use and what does the college plan on putting there. Mayor Steinmann stated that they will have some retail there, a pizza shop, a 7-eleven, a Barnes and Noble bookstore (which serves as student bookstore), a hoagie shop and 450 beds of dormitory space. Square footage is approximately 125,000. Attorney Cannon added that there will be a Health facility, a gym for the use by college only. Councilwoman Keyes-Maloney thanked the Administration for being so nimble about coming up with a way to address potentially an impact on the town in a unique way.

15. AN ORDINANCE PROVIDING FOR THE REGULATION AND LICENSING OF BODY ART ESTABLISHMENTS WITHIN THE TOWNSHIP OF EWING

Attorney Cannon explained that this is a return to you of the Ordinance previously considered and that the fee structure has changed, but all other language has stayed the same. The one body art establishment in the town attended a meeting and expressed that he thought the fees were too high. Otherwise this just codifies the state statute. There were no questions from Council.

All items under discussion were approved for action at the regular meeting.

CONSENT AGENDA

Council Acting President Baxter presented the Consent Agenda for review.

- 1. Authorization for the Chief Financial Officer to Pay Township Bills in the Amount of \$1,382,589.93.**
- 2. A Resolution Authorizing the Conduct of an On Premise 50/50 Cash Raffle Sponsored by BPOE Trenton #105.**

3. **A Resolution Authorizing the Conduct of an Off Premise 50/50 Cash Raffle Sponsored by Boheme Opera Guild, Inc.**

There were no questions on the Consent Agenda.

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 REVISED ORDINANCES OF THE TOWNSHIP OF EWING, AMENDING SECTION 225-52, ENTITLED "SCHEDULE V: HANDICAPPED PARKING ON STREETS," TO ADD A HANDICAPPED PARKING SIGN AT 41 STOUT AVENUE (2013)**

Acting President Baxter stated that this comes to Council from time to time. There is a vetting process that we go through and the police officers look at it and one of the things you cannot have is a driveway to be awarded a handicapped parking spot. There were no further questions from Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Judith Peoples (295 W. Upper Ferry Road) spoke of the resignation of Hilary Hyser and moving to the Administration. There were a lot of questions raised to her and in her own mind. She said that she knows from personal experience that in other arms of government you cannot make such a move. The school board members cannot go to work for the Board of Education. She registered an objection to what appears to be legal but doesn't look to good in the eyes of the public about what happened with the administration hiring a member of council to work for the administration directly. She stated that she finds it particularly ironic that Ms. Hyser will be in charge of hiring and screening people for positions just as she was not.

ADJOURNMENT

There being no further business, Acting President Baxter asked for a motion to adjourn. Ms. Wollert so moved seconded by Mr. Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 6:46 p.m.

Kevin Baxter, Acting President

Kim J. Macellaro, Municipal Clerk