

February 12, 2013 - REGULAR SESSION

President Hyser called the meeting to order at 7:00 pm and read the Open Public Meetings Statement:

Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

**C. Flag Salute**

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 2<sup>nd</sup> 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 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     | Maeve Cannon, Attorney         |
| ▪ Mr. Schroth - Present           | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert - Present (7:04 pm) |                                |
| ▪ President Hyser -Present        |                                |

**STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Charles Green (979 Bear Tavern Road) wanted to know what the difference is between an Agenda meeting and a Regular meeting because on the agenda session it stated that “formal action may be taken”. Attorney Cannon stated that this language is being added to the agenda to protect Council in the event they should want to act on something at the agenda session. She further stated that these meetings are already advertised and they fit the criteria of a public meeting under the Open Pubic Meetings Act. The public is informed as to what is on the agenda by the Clerk sending out and posting the Agenda the Friday before the meeting. By saying that formal action may be taken, is letting the public know that formal action may be taken.

President Hyser announced that Council would be going into Closed Executive Session tonight at the end of the meeting. It was decided after the Clerk had already posted the agenda.

**CONSENT AGENDA**

The Clerk read the Consent Agenda: **(Resolution #13R-45/)**

- 1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$5,044,521.45.
- 2. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1197.60 for February 1, 2013 tax quarter to Azore, Karen, 9 Browning Avenue, Ewing, NJ, 08638, for property owner Azore, Karen, for Block: 139.01 Lot: 1 also known as 9 Browning Avenue due to overpayment.
- 3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1782.35 for February 1, 2013 tax quarter to Duerr, Steven J. & Deborah J., 8 Beth Ann Way, Ewing, NJ, 08638, for property owner Duerr, Steven J. & Deborah J., for Block: 581 Lot: 11 also known as 8 Beth Ann Way due to overpayment.
- 4. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$1686.59 for February 1, 2013 tax quarter to Picerno Steven, 507 Howell Avenue, Ewing, NJ, 08628, for property owner Picerno, Steven, for Block: 384 Lot: 5 also known as 507 Howell Avenue due to overpayment.

Ms. Wollert then moved the Resolution, seconded by Mr. Baxter. There were no questions from Council or the public.

**ROLL CALL**

Mr. Baxter	YES
Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
President Hyser	YES

**ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

- 1. The Clerk read **(Ordinance #13-03)** AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 VEHICLES AND TRAFFIC, ARTICLE VIII § 225-52 SCHEDULE V: HANDICAPPED PARKING ON STREETS (2013)

President Hyser stated that this was a request from a resident who lives on Pasadena Avenue. The validity of her request was verified by our police department.

Mr. Baxter then moved the Ordinance, seconded by Ms. Keyes-Maloney. Seeing no questions from the Council or the public, President Hyser asked for roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Mr. Schroth	YES
Ms. Wollert	YES
President Hyser	YES

2. The Clerk read (Ordinance #13-04) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 VEHICLES AND TRAFFIC, ARTICLE VIII § 225-48 SCHEDULE I: NO PARKING ANYTIME (2013)

Administrator McManimon gave a brief explanation. This is for Kirkbride Avenue, off of Calhoun Street.

Ms. Wollert then moved the Ordinance, seconded by Mr. Schroth.

**ROLL CALL**

Mr. Schroth	YES	
Ms. Wollert	YES	
Mr. Baxter	YES	
Ms. Keyes-Maloney	YES	
President Hyser		YES

3. The Clerk read (Ordinance #13-05) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 VEHICLES AND TRAFFIC, ARTICLE VIII SCHEDULES, § 225-49 SCHEDULE II: EMERGENCY NO PARKING TO ADD ADDITIONAL EMERGENCY NO PARKING LOCATIONS AND TO DELETE HOURS OF PROHIBITED PARKING (2013)

Attorney Cannon stated that this amends the schedule (225-49) of our Ordinances, which lists the streets on which parking is prohibited either on one side of the street or both sides of the street during an emergency situation, more specifically in this case, snow.

Mr. Schroth then moved the Ordinance, seconded by Ms. Keyes-Maloney.

Councilman Baxter asked for clarification on whether it is just for snow emergency. Attorney Cannon replied that when the road is snow covered, there is no parking on either one side or both sides of the street, as referenced in the Ordinance. Councilman Baxter asked how the residents would be notified that this is going into effect. Administrator McManimon explained that this will be advertised in the Ewing Observer, The Fourth Estate and will also go on the webpage. Councilman Baxter also asked about encouraging the residents to utilize the reverse 911 system to which Administrator McManimon replied that it is being advertised in the Ewing Observer. There were no additional questions from Council and no questions from the public. President Hyser called for roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES	
Mr. Schroth	YES	
Mr. Baxter	YES	
Ms. Wollert		YES
President Hyser		YES

4. The Clerk read (Ordinance #13-06) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO REPEAL CHAPTER 211 AND ESTABLISH RULES, REGULATIONS AND PENALTIES FOR ANY PERSON OR ENTITY ENGAGING IN THE SALE OF USED GOODS AND EQUIPMENT IN THE TOWNSHIP OF EWING (2013)

President Hyser stated that this request comes from our Police Department. Attorney Cannon stated that this Ordinance will provide a licensing requirement for anyone who sells used goods in the town, with some exceptions. President Hyser wanted to make it clear that this does not affect a homeowner who has a yard sale or sells something on EBay but more related to the five or six businesses in our town who take goods in that are secondhand and looks to make a profit. Attorney Cannon agreed.

Mr. Baxter then moved the Ordinance, seconded by Ms. Wollert.

Charles Green (979 Bear Tavern Road) asked for clarification as to what this deals with to which Attorney Cannon read from the Ordinance all the items that this pertains to. Seeing no other questions from the public or Council, President Hyser called for roll call.

**ROLL CALL**

Ms. Wollert	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
President Hyser	YES

5. The Clerk read (Ordinance #13-07) AN ORDINANCE GRANTING A TAX ABATEMENT AND AUTHORIZING EWING TOWNSHIP TO ENTER INTO A PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT WITH TWO PETERS INC, TO PAY EWING TOWNSHIP, IN LIEU OF FULL PROPERTY TAXES, AN AMOUNT EQUAL TO PERCENTAGE OF TAXES OTHERWISE DUE.

President Hyser asked the Redevelopment Agency Director, Tyrone Garrett, if he wanted to speak about this Ordinance. He merely said that it is self explanatory and he would be willing to answer any questions the public or Council might have. Attorney Cannon gave a brief explanation.

Ms. Wollert then moved the Ordinance, seconded by Ms. Keyes-Maloney.

President Hyser asked a question about the Redevelopers Agreement being dated September 6, 2011. She asked if the abatement begins upon passage of the Ordinance, or does it date back to the Redevelopers Agreement. Attorney Cannon responded that the pilot agreement starts at the completion of the improvements. Mr. Garrett stated that he should be paying the full amount of taxes to date to which Mr. McManimon responded that he is up to date. Charles Green (979 Bear Tavern Road) asked why he is entering an agreement to not pay his taxes, when he is current with paying his taxes now. Mr. Garrett explained that the Redevelopers Agreement had been created a year ago and due to some issues with the owner and his legal Counsel, somewhere along the line, the ball was dropped. The Redevelopers Agreement was created to allow them to apply for a Pilot Agreement. The Pilot will allow them to offset their improvement costs. So the dollar amount that they would normally pay to the township for taxes is offset by the Pilot Agreement. There were no additional comments from Council or the public. President asked for roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES
Ms. Wollert	YES
Mr. Baxter	YES
Mr. Schroth	YES
President Hyser	YES

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

(None for this meeting)

**NEW BUSINESS**

1. The Clerk read **(Resolution #13R-46) A RESOLUTION AWARDING GRANT WRITING AND ADMINISTRATIVE SERVICES CONTRACT TO RESOURCE DEVELOPMENT NETWORK FOR HUD AND NON HUD RELATED GRANTS IN AN ANNUAL AMOUNT OF \$64,800**

Administration McManimon explained that we bid this out and received four responses and three were for doing both grant writing and HUD work and one was for just HUD work. The person who responded for just HUD work has withdrawn their proposal. The three that were left were ranked by our attorney (Megan Schwartz), our purchasing agent and himself and they rated this company the best based on cost and experience.

Mr. Baxter then moved the Resolution, seconded by Mr. Schroth.

Seeing no questions from the public or Council, President Hyser asked for roll call.

**ROLL CALL**

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Ms. Wollert	YES
President Hyser	YES

At this time President Hyser announced that this concluded our regular meeting and asked for a motion to enter into Closed Executive Session. Ms. Wollert moved to enter into Closed Executive Session, second by Ms. Keyes-Maloney. Attorney Cannon read the resolution into the minutes. At 7:34 p.m. Council entered into Closed Executive Session.

At 7:41 p.m. Mr. Schroth moved to enter back into regular session, seconded by Ms. Keyes-Maloney. It was agreed by a unanimous voice vote.

President Hyser made an announcement that the Mayor, along with Council Vice President Baxter and herself were able to deliver 413 pounds of food to Mercer Street Friends and they very much appreciated their efforts and she also asked Council about setting a date to have a picture taken of Council. She asked that everyone send to the Clerk the dates that would work them.

**ADJOURNMENT**

There being no further business President Hyser called for a motion to adjourn. Ms. Wollert so moved seconded by Mr. Schroth. The meeting was adjourned at 7:43 p.m.

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Hilary Hyser, President

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Kim Macellaro, Municipal Clerk