

January 8th, 2013 - REGULAR SESSION

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

ROLL CALL

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| ▪ Mr. Baxter – Present | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney - Present | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert - Present | |
| ▪ President Hyser – Present | |

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Don Apai (2181 Pennington Road) talked about the property tax rebate. Mildred Russell (119 King Avenue) talked about the room and board situation that we have in this municipality and the changing of zones and she asked that on behalf of the Ewing Park Brae Burn Civic Association, they are looking for Council’s help and they in turn will help them with this situation. She noted that times have changed, and we need to go back to the State Legislator and the entire State of New Jersey and that this will help all municipalities who are going through the same thing. Mr. Latini stated to Ms. Russell that all the promises of Administration pertaining to the pressures that her neighborhood is feeling are in progress. He said he has assembled a series of maps, looking at community character, size of homes and all the associated zoning attributes that can be applied to different neighborhoods to help them control the size of new homes and what these investors do when they come into our neighborhoods. By the end of the month, the Planning Board will be looking at it in their workshop and forwarding their recommendations. He also stated that the enforcement issue is a difficult task and he stated that we need to look at this from a legislative perspective. Ms. Della Sutton (57 Crescent Avenue) also spoke about the problems she is having in her neighborhood with the college kids, tearing down her mailbox five times this past year, they throw bottles, cans, eggs and garbage on her lawn. They have even taken checks out of her mailbox. She has called the police twice. Valorie Caffee (149 Pennsylvania Avenue) also spoke of damage that had been done to her property. She stated that this is not an isolated incident and these things happen all too often in the Ewing Park Brae Burn neighborhood. Drinking and young kids who do not make good decisions is a bad combination. Some kind of surveillance system might help counteract this kind of behavior. Wayne Kemper (retiree from the Ewing Township Police Department, 35 years) stated that he has worked many a night where they just had two officers who took care of the college kids and gave out summonses and the parents, when they came down to get their kids out of jail, they didn’t know they were getting drunk and carrying on. He stated that his suggestion would be to put two men on, it only takes two cars to handle this situation. Where you see a lot of kids, you go in there and break it up. It is not like you are going to get hit in the head, these kids are not violent, they are just silly. He said that he used to write about 500 tickets a month, mostly for drunkenness and disturbing the peace. He stated that these kids need to be pushed in the right direction. He said it is a job that needs to be done, and no one is willing to step up and do it.

CONSENT AGENDA

The Clerk presented the Consent Agenda for approval: (Resolution #13R-27/)

1. Approval of minutes of the meeting of December 10, 2012 (Agenda) and December 11, 2012 (Regular).

2. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$6,624.67 for April 11, 2011 to December 31, 2012 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 100% disabled veteran status since 04-11-2011.
3. A Resolution authorizing the conduct of an On Premise Merchandise Raffle sponsored by Incarnation St. James School Parent Teacher Association on April 13, 2013.
4. A Resolution authorizing the conduct of an On Premise 50/50 Cash Raffle sponsored by Incarnation St. James School Parent Teacher Association on April 13, 2013.
5. A Resolution authorizing the conduct of a Calendar Raffle sponsored by the Rotary Club of Trenton on April 18, 25, May 2, 9, 16, 23, 30 & June 6, 2013.
6. A Resolution authorizing the conduct of an Off Premise 50/50 Cash Raffle sponsored by The Pennington School Parents Association on April 13, 2013.
7. A Resolution authorizing the conduct of an On Premise Merchandise Raffle sponsored by The Pennington School Parents Association on April 13, 2013.
8. A Resolution authorizing the conduct of a Bingo Night sponsored by St. Ann's Parent Teacher Association on February 8, 2013.
9. A Resolution authorizing the conduct of a Merchandise Raffle sponsored by St. Ann's Teacher Association on February 8, 2013.
10. A Resolution authorizing a Refund, as recommended by the Township Construction Official for Certificate of Occupancy payment to Lorraine Coryell for \$125.00 for 10 Barbara Lane, Ewing, NJ08628.
11. A Resolution authorizing a Maintenance Guarantee Release for High Hotels Limited (Springhill Suites) (Block/225.02/Lot 1.02) Charles Ewing Boulevard Ewing Engineers Remington Vernick and Affiliates #1102 I 037.

There being no questions from Council or the public, President Hyser asked for a motion on the Consent Agenda. Ms. Wollert then moved the Resolution, seconded by Ms. Keyes-Maloney. Ms. Keyes-Maloney and Mr. Schroth both abstained from the meeting minutes of December 10, 2012 and December 11, 2012 due to them not being on Council at that time. There being no questions from members of council or the public, President Hyser called for roll call.

ROLL CALL

Ms. Keyes-Maloney	YES (abstaining from minutes)
Ms. Wollert	YES
Mr. Baxter	YES
Mr. Schroth	YES (abstaining from minutes)
President Hyser	YES

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (**Ordinance #13-01**) AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING TOWNSHIP CODE REGARDING THE ESTABLISHMENT OF THE EWING REDEVELOPMENT AGENCY (2013)

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on July 22, 1997, the Mayor and Council (the "Mayor and Council") of the Township of Ewing (the "Township") adopted Ordinance No. 97-14 amending and supplementing Chapter II, "Administration" of the Code of the Township to establish the Ewing Redevelopment Agency ("ERA"); and

WHEREAS, at that time, the Township had not yet obtained approval from the Department of Community Affairs, Local Finance Board (the "LFB"), in connection with the establishment of the ERA, as required by applicable law; and

WHEREAS, on February 8, 2000, after obtaining the necessary approval from the LFB, the Mayor and Council adopted Ordinance No. 00-01 amending and supplementing Chapter II, "Administration" of the Code of the Township to establish the ERA; and

WHEREAS, the provisions relating to the ERA are now set forth in Chapter 65 of the Township Code; and

WHEREAS, Section 65-2 of the Township Code provides, among other things, that the ERA shall have powers as are provided by the Redevelopment Law and by other ordinances of the Township "pertaining to redevelopment of the area of the Township commonly known as the Olden Avenue Redevelopment Area"; and

WHEREAS, on July 26, 2011, under the Redevelopment Law, the Mayor and Council adopted Resolution No. 11R-154, designating the properties located at Block 343, Lot 1.01, Block 374, Lot 4.02 and Block 365, Lot 9 on the Township's tax map (collectively, the "Parkway Avenue Redevelopment Area") as an area in need of redevelopment; and

WHEREAS, the Township is expected to adopt a redevelopment plan for the Parkway Avenue Redevelopment Area; and

WHEREAS, Township Code Chapter 65 appears to have provided for the establishment of ERA for the sole purpose of undertaking the redevelopment of the Olden Avenue Redevelopment Area; and

WHEREAS, the Mayor and Council now desire to amend certain sections of Chapter 65 of the Township Code to provide that the ERA shall serve as the redevelopment entity to implement redevelopment plans for, and carry out the redevelopment of, the Olden Avenue Redevelopment Area, the Parkway Avenue Redevelopment Area and any other redevelopment or rehabilitation areas that may be so designated by the Township, unless and until the Mayor and Council, by ordinance, specifically provide otherwise.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Ewing, County of Mercer, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.

2. Section 65-1B of the Township Code is hereby deleted and replaced with the following:

"It is hereby declared to be the policy of the Township to promote the health, safety, morals and welfare of the citizens of the Township by the creation of the Ewing Redevelopment Agency for the purposes of implementing redevelopment plans for, and carrying out of the redevelopment of, the areas commonly known as the "Olden Avenue Redevelopment Area", the "Parkway Avenue Redevelopment Area", and any other areas designated by the Township as areas in need of redevelopment or rehabilitation, and of holding, redeveloping, rehabilitating or disposing of the land in such areas in a manner that will encourage economical and socially sound development by private or public enterprise, or by a combination of both."

3. Section 65-2 of the Township Code is hereby deleted and replaced with the following:

“There shall be the Ewing Redevelopment Agency, which shall be designated as the redevelopment entity pursuant to and shall have such powers as are provided by N.J.S.A. 40A:12A-1 et seq. and by other ordinances of the Township pertaining to the implementation of redevelopment plans for, and the carrying out of the redevelopment of, the areas of the Township commonly known as the “Olden Avenue Redevelopment Area”, the “Parkway Avenue Redevelopment Area”, and any other area designated by the Township as an area in need of redevelopment or rehabilitation, unless and until the Mayor and Council, by ordinance, provide otherwise.”

4. Section 65-3 of the Township Code is hereby amended to provide that the defined term “Project Area” shall be deleted therefrom.

5. Section 65-5 of the Township Code is hereby deleted and replaced with the following:

“The Ewing Redevelopment Agency shall constitute a public body corporate and politic, exercising public and essential governmental functions, and shall have all the powers necessary or convenient to carry out and effectuate the purpose and provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40a:12A-1 et seq.”

6. This ordinance shall take effect as provided by law.

Mr. Baxter moved the Ordinance, seconded by Ms. Keyes-Maloney. Mr. Kevin McManimon of McManimon & Scotland gave a brief overview of the Ordinance. There were no questions from Council. Don Apai (2181 Pennington Road) stated that he attended the Planning Board meeting served on the Reuse Committee for the Naval Warfare Center for five years and this area has been talked about a great number of times. He stated that the problem was always that we were confined to the Naval Warfare Center. He said that it is good to see this come to fruition and he asked for their support. Mildred Russell (119 King Avenue) said she understands about the redevelopment, but she asked what are we going to do with what is already here. Mr. McManimon responded.

ROLL CALL

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

2. The Clerk read **(Ordinance #13-02) AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, ADOPTING A REDEVELOPMENT PLAN FOR THE PARKWAY AVENUE REDEVELOPMENT AREA (2013)**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on July 26, 2011, under the Redevelopment Law, the Mayor and Council (the “Mayor and Council”) of the Township of Ewing (the “Township”), adopted Resolution No. 11R-154, designating the properties located at Block 343, Lot 1.01, Block 374, Lot 4.02 and Block 365, Lot 9 on the Township’s tax map (collectively, the “Parkway Avenue Redevelopment Area”) as an area in need of redevelopment and authorizing and directing the Township’s Planning Board (the “Planning Board”) to prepare a redevelopment plan for the Parkway Avenue Redevelopment Area pursuant to N.J.S.A. 40A:12A-7f; and

WHEREAS, the Planning Board caused CWL Planning, LLC (the “Planning Consultant”) to prepare a redevelopment plan for the Parkway Avenue Redevelopment Area; and

WHEREAS, the Planning Consultant prepared a redevelopment plan for the Parkway Avenue Redevelopment Area (the “Parkway Avenue Redevelopment Plan”); and

WHEREAS, on October 23, 2012, the Mayor and Council adopted Resolution No. 12R-183 authorizing and directing the Planning Board to review the Parkway Avenue Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7e and to report back to the Mayor and Council its findings, conclusions and recommendations within 45 days; and

WHEREAS, since the Planning Board caused the Parkway Avenue Redevelopment Plan to be prepared pursuant to N.J.S.A. 40A:12A-7f, in accordance with Resolution No. 11R-154, the Mayor and Council need not have referred the Parkway Avenue Redevelopment Plan to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7e, and the 45 day review period set forth therein did not apply to the Planning Board’s consideration of the Parkway Avenue Redevelopment Plan; and

WHEREAS, nevertheless, prior to the adoption of a redevelopment plan, the Planning Board is required to issue a report to the Mayor and Council identifying any inconsistencies between the proposed redevelopment plan and the Township’s Master Plan, and making any other recommendations it deems appropriate; and

WHEREAS, the Planning Consultant informally presented the Parkway Avenue Redevelopment Plan to the Planning Board at a regular meeting on November 1, 2012; and

WHEREAS, the Planning Board further discussed the Parkway Avenue Redevelopment Plan at a regular meeting on December 6, 2012; and

WHEREAS, a public hearing held on January 3, 2013, the Planning Consultant formally presented the draft Parkway Avenue Redevelopment Plan, dated December 31, 2012, to the Planning Board; and

WHEREAS, during the January 3, 2013 public hearing, the Planning Board reviewed the Parkway Avenue Redevelopment Plan and considered the testimony of the Planning Consultant; and

WHEREAS, after conducting its review and concluding the public hearing, the Planning Board adopted a resolution finding that the Parkway Avenue Redevelopment Plan is not inconsistent with the Township’s Master Plan and recommending that the Township adopt the plan, with certain minor, non-substantive, grammatical changes; and

WHEREAS, the Mayor and Council hereby find that the Parkway Avenue Redevelopment Plan is in the best interests of the Township and now desire to approve and adopt the Parkway Avenue Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Ewing, County of Mercer, State of New Jersey, as follows:

7. The aforementioned recitals are incorporated herein as though fully set forth at length herein.
8. The Parkway Avenue Redevelopment Plan, dated December 31, 2012 and revised through January 8, 2013 (to incorporate comments the Planning Board made regarding the December 31, 2012 draft), a copy of which is on file with the Municipal Clerk and is incorporated herein by reference, is hereby approved pursuant to N.J.S.A. 40A:12A-7.
9. If any part of this Ordinance shall be deemed invalid, such part shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

10. This ordinance shall take effect as provided by law.

Ms. Wollert moved the Ordinance, seconded by Mr. Schroth. Mr. Kevin McManimon explained that in 2011 the governing body had adopted a resolution designating Parkway Avenue Redevelopment area as an area in need of redevelopment. This Ordinance is the procedural mechanism by which this governing body approves and adopts the redevelopment plan.

ROLL CALL

Mr. Schroth	YES
Ms. Wollert	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	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-28**) A RESOLUTION APPROVING CHANGE ORDER #1 FINAL TO RICHARD T. BARRETT PAVING COMPANY FOR 2012 ROAD IMPROVEMENT PROGRAM-CONTRACT 2 (BANCHOFF PARK ACCESS DRIVEWAY)

Ms. Wollert then moved the Resolution, seconded by Mr. Baxter. Mr. McManimon explained that this is a reduction in the pavement at Banchoff Park. At the time it was priced out, the cost of fuel was higher. 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

2. The Clerk read (**Resolution #13R-29**) A RESOLUTION APPROVING CHANGE ORDER #1 FINAL TO RICHARD T. BARRETT PAVING COMPANY FOR 2012 ROAD IMPROVEMENT PROGRAM-CONTRACT 4 (NEW TRENT STREET BASKETBALL COURT)

Ms. Keyes-Maloney then moved the Resolution seconded by Ms. Wollert. Mr. McManimon explained that this is a reduction due to fuel cost adjustment. There were no questions from Council or the public.

ROLL CALL

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

3. The Clerk read (**Resolution #13R-30**) A RESOLUTION APPROVING CHANGE ORDER #1 FINAL TO TOP LINE CONSTRUCTION CORP. FOR 2012 ROAD IMPROVEMENT PROGRAM-CONTRACT 3 (CARLTON AVENUE HOCKEY RINK)

Ms. Keyes-Maloney then moved the Resolution seconded by Ms. Wollert. Mr. McManimon stated that this is a slight increase. There was a decrease for fuel cost but there was an issue with the thickness of the asphalt which created an increase. There were no questions from Council or the public.

ROLL CALL

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

4. The Clerk read (Resolution #13R-31) A RESOLUTION GRANTING CHIEF ROBERT A. COULTON PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 21, .45 CAL. SEMI-AUTOMATIC PISTOL SERIAL NUMBER RYA887) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT ON FEBRUARY 1, 2013

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

Administrator McManimon explained that this is past practice of the town to receive their firearms and the Chief is retiring February 1st, 2013. Pat Valentine (70 Crescent Avenue) wanted to know what happens to the firearms upon the passing of the Officer. Mr. McManimon responded that the Officer owns the firearms and has to register and carry his own license, as if he bought it as a private citizen and when he passes it is up to his family to either get it re-registered to the new owner or turn it in and have it melted. There were no questions from Council.

ROLL CALL

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

5. The Clerk read (Resolution #13R-32) A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE.

Ms. Wollert then moved the Resolution seconded by Mr. Schroth.

President Hyser explained that this is computer equipment that we have stripped all its use of and we will be donating it and recycling it. Mr. McManimon explained that all memory has been pulled out of it and we will see if there is any value to anyone who wants to buy it and if it isn't purchased we will donate it to the Rescue Mission of Trenton, who strips whatever is left of it, such as copper wire, etc. There were no questions from Council or the public.

ROLL CALL

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

6. The Clerk read (Resolution #13R-33) A RESOLUTION AWARDDING CONTRACT FOR LIGHT PLANT TRUCK TO SUTPHEN CORPORATION D/B/A EMERGENCY EQUIPMENT SALES LLC IN THE AMOUNT OF \$179,942.06.

Mr. Schroth then moved the Resolution seconded by Ms. Wollert.

Administrator McManimon explained that this is part of the capital ordinance of 2012 approved by Council. We currently have a light plant truck that is 25 plus years old and much smaller. There were no questions from Council or the public.

ROLL CALL

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

7. The Clerk read (Resolution #13R-34) A RESOLUTION AUTHORIZING AND APPROVING 2013 SHARED SERVICES CONTRACT FOR HEALTH SERVICES BETWEEN THE TOWNSHIP OF EWING AND THE TOWNSHIP OF HAMILTON.

Ms. Keyes-Maloney then moved the Resolution seconded by Mr. Baxter. Administrator McManimon explained that this is a shared services agreement with Hamilton. Our health department does not provide these services. He explained that there were 90 occasions in 2012 where township residents utilized these services. There were no questions from Council. Valorie Caffee (149 Pennsylvania Avenue) asked what shared services were offered. Mr. McManimon responded.

ROLL CALL

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

President Hyser announced that during the Reorganization meeting of January 1st, 2013 Council voted for all of Council meetings to begin at 7:00 pm. Previously the second meeting of the month began at 7:30 pm. For reasons of consistency, we are now going to start the regular meetings at 7:00 pm and on the second Tuesday, the Board of Health will begin at 6:30 pm.

ADJOURNMENT

There being no further business President Hyser called for a motion to adjourn. Ms. Wollert so moved seconded by Mr. Baxter. The meeting was adjourned at 7:40 p.m.

Hilary Hyser, President

Kim Macellaro, Clerk