

## August 4, 2016 – SPECIAL MEETING

President Schroth called the meeting to order at 5:32 p.m. 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.

Flag Salute

### President Schroth read the: OPEN PUBLIC MEETINGS STATEMENT

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this Special Meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian on August 2, 2016 for publication on August 4, 2016, filed with the Clerk of the Township of Ewing and posted in the Ewing Township Municipal Complex as required by law.

**THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE “STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC” SEGMENT OF THE MEETING. 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

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

### SPECIAL MEETING NOTICE

The Municipal Clerk read the Special Meeting Notice:

This Special Meeting has been called to deal solely with discussion/approval of (1) A Bond Ordinance Providing for the rehabilitation of Hollowbrook Community Center in and by the Township of Ewing, in the County of Mercer, New Jersey, appropriating \$4,300,000 therefor and authorizing the issuance of \$4,085,000 bonds or notes of the township to finance part of the cost thereof and (2) A Resolution amending Resolution #16R-112 to reauthorize settlement of foreclosure claim and to include additional accrued taxes and interest.

Ms. Macellaro further stated that no other action can be conducted and that formal action may or may not be taken.

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

Ron Prykanowski (16 Thurston Avenue) said that he heard the Open Public Meetings Statement for publication today and said that his understanding of the Open Public Meetings Act is that the meeting is held 48 hours after the publication.

If the publication is today, you don't have jurisdiction to have this meeting. Attorney Cannon said that it is transmittal to the newspaper which satisfies the notice requirements. President Schroth said that it was transmitted on the 2<sup>nd</sup> so that we are within the 48 hours.

George Steward (30 Gilmore Road) said that he is not sure what is on the agenda and relative to the discussion of the items and wants to save his remarks until he hears what is on the agenda. He did comment that even though this is within the bounds of notification, it is not transparent. Attorney Cannon said that for the record, it was posted on the website and transmitted to the paper all on the 2<sup>nd</sup> of August.

John Hoegl (8 Twining Lane) asked where the 4 million dollars is coming from, how did we get here and have contracts already been drawn up and what is the effect on the taxpayer. Administrator McManimon said that John has been part of the recommendations from the Green Team to make the Hollowbrook Center more efficient environmentally and we were in the process of doing that through our HUD grant, but because of the discovery of asbestos we had to accelerate this process to the point where we had to move all the tenants out of Hollowbrook under an emergency declaration. We initially came to Council and asked for 1 million dollars so we could hire Netta Architects and R&B. The bids came in yesterday and our goal is to be finished by December 17<sup>th</sup> so that our tenants, CYO, Meals on Wheels, a daycare, the County Nutrition Program, etc.) can move back in in January. In the process of this we have put on a new roof, new air conditioning units, new heating system (all environmentally and green team friendly), updating bathrooms for handicapped access and making another exit on the parking lot side. We estimated that the cost be as high as 4.3 million, but it didn't come in that high. We will introduce the Ordinance tonight but will only spend based on what the recommendation of the contract is. Attorney Cannon said that she just wanted to address the timing issue. Since the bids came in yesterday, the goal would be to award the contract at the Council's next meeting. However, as you know, every contract award requires certification of availability of funds from the CFO of the Township. She cannot certify to the availability of funds until this Ordinance is adopted. However, she continued, because of the time there has to be a 10-day period in which the introduction, second reading and adoption, thus the need for the special meeting this week and then cancelling next week's meeting to the following Tuesday, so that the 10-day period can happen and then upon Council's adoption of the Ordinance, the CFO can certify the funds and Council can address the issue of the award of contract. Administrator McManimon said that there will be a 20-day estoppel period as well. He said that the project won't start until September. He said we were happy that the price came in lower than expected. President Schroth noted that as far as the scheduling goes, in August we normally only have one meeting, so we couldn't just put this on a first regularly scheduled meeting and then have it followed by a second regularly scheduled meeting because there wasn't one. So to facilitate this process and keep this moving and given the issues at hand, this is why we are doing it this way tonight. Attorney Cannon explained that the bids themselves are still in the review stage. Councilman Baxter asked which tenants would be coming back in in January. Administrator McManimon said that Head Start we have not heard from yet, the Mercer County Nutrition Program (which is presently using the Pennington Road ballroom), there are a couple of churches, Meals on Wheels, food pantry for people who qualify for food, which is currently run by a church group. He said that the first one to go back in will be the CYO. Councilman Baxter is any of them are stuck in any leases right now. Administrator McManimon said no. They have made accommodations at other locations but are all anxious to come back.

#### **SPECIAL MEETING PURPOSE**

1. President Schroth read (Ordinance #16-13) A BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF HOLLOWBROOK COMMUNITY CENTER IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$4,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,085,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

President Schroth said that as just discussed slightly out of order, this is a bond ordinance that is being introduced tonight for the purpose of executing on the contract for the asbestos removal and renovations at the Hollowbrook Center. The bids just came in yesterday and we needed to know what those bids were before we could project a bond amount and move forward in this process. Administrator McManimon said that we are quite happy with the low bid. President Schroth asked for questions from members of Council. There were none. President Schroth asked for questions from members of the public.

George Steward (30 Gilmore Road) asked about the language of rehabilitation at Hollowbrook, is the \$4 million not just asbestos remediation, but a complete total rehab of Hollowbrook. Administrator McManimon said that there was asbestos throughout Hollowbrook when they did the investigation and we had to remove the roof to get to the asbestos. He said where we have asbestos related things that we had to remove, we are renovating that and by code we have to bring the building up to current code while we are renovating. Mr. Steward said that he remembers a line item in the capital budget that specifically was for the initial construction/rehab of Hollowbrook which he believes was \$1 million dollars and asked if we plan on using that money for that purpose. Administrator McManimon said that he doesn't remember that it was specific to the Hollowbrook. He further said we intended to use the HUD money to start the process. Mr. Steward said that he will bring his budget back with him in two weeks.

Ron Prykanowski (16 Thurston Avenue) said that he believes what Mr. Steward is asking is: Is the 1-million-dollar emergency appropriation part of this bonding issue. Administrator McManimon said no it was separately approved by Council as an emergency expenditure and we were estimating what the overall cost would be on top of that. Mr. Prykanowski said that then actually the overall cost is \$5.3 million dollars. Mr. McManimon said no not at all because the bid came in at \$2.83 so it is actually \$3.83 Million. Mr. Prykanowski asked if the building is worth this kind of money or would it be better if we tore it down and rebuilt it. Mr. McManimon said that because of the new DEP rules, we cannot tear down, we wouldn't be able to rebuild. Mr. Prykanowski asked about the swimming pool. Administrator McManimon said that we will rehab the pool, but it is not part of the bond. We closed the pool this summer because of the construction going on there.

John Hoegl (8 Twining Lane) asked if there is any thought on going solar. Administrator McManimon stated that we will look at that afterwards, but that he is open to the idea. Ms. Steward said that it is worth noting that they are putting LED lighting throughout the interior.

There were no other questions from Council or the public. President Schroth asked for a motion on the Bond Ordinance for 1<sup>st</sup> reading and introduction. Ms. Steward made a motion on the Ordinance, seconded by Mr. Baxter. President Schroth called for roll call.

ROLL CALL

Mr. Baxter YES

Ms. Steward YES

Ms. Keyes-Maloney YES (but

reserves the fact that she is not 100% happy with the process that we followed this evening and she understands the public's viewpoint in terms of having to schedule a special meeting. On balance, the benefits outweigh the detriments of having to follow a separate process, so for that reason I vote yes. But, do deference the fact that we will have to review and make any appropriate changes based on the facts and circumstances that we find out as we deliberate over the next 10 days).

President Schroth YES

2. The Clerk read (Resolution #16R-144) A RESOLUTION AMENDING RESOLUTION #16R-112 TO REAUTHORIZE SETTLEMENT OF FORECLOSURE CLAIM AND TO INCLUDE ADDITIONAL ACCRUED TAXES AND INTEREST.

Attorney Cannon explained that this Resolution is coming back before you again for the 1640 Pennington Road (the old former DeSantis property) that the town had to condemn and ordered to take down the building. If you recall Resolution #16R-112 was adopted on May 24, 2016 and authorized the settlement of the pending foreclosure and the payment of the outstanding taxes assuming that they closed on the sale of the property and paid the town by June 30th, and that did not happen. She further went on to say that she never heard anything for some time and then she heard last week from Chuck Allen, the attorney for the seller, that they would like to close this week. She told him that the Resolution expired and she would need to put before Council an updated Resolution with additional taxes and interest that has accrued. President Schroth asked if there were any questions from Council. There were none. President Schroth asked for any questions from the public. There were none. President Schroth asked for a motion on the Resolution. Mr. Baxter moved the Resolution, seconded by Ms. Keyes-Maloney. President Schroth called for roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Ms. Steward	YES
President Schroth	YES

**ADJOURNMENT**

There being no further business President Schroth called for a motion to adjourn. Ms. Steward so moved seconded by Ms. Keyes-Maloney. The meeting was adjourned at 6:04 p.m.

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David P. Schroth, President

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Kim Macellaro, Clerk