

## JANUARY 9<sup>TH</sup>, 2012 AGENDA SESSION

Vice President Hyser called the meeting to order at 6:30 pm 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 3rd day of January, 2012.

### ROLL CALL

- |                              |                                |
|------------------------------|--------------------------------|
| ▪ Mr. Baxter - Present       | Jim McManimon, Administrator   |
| ▪ Ms. Hyser – Present        | Maeve Cannon, Attorney         |
| ▪ Mr. Murphy - Present       | Kim Macellaro, Municipal Clerk |
| ▪ Mr. Summiel - Present      | Joanna Mustafa, CFO            |
| ▪ President Wollert - Absent |                                |

### DISCUSSION

1. A RESOLUTION APPROVING TAX ABATEMENT FOR THE GARDENS AT BIRMINGHAM, LIMITED LIABILITY COMPANY SPONSORED AFFORDABLE HOUSING PROJECT – Administrator McManimon had Counsel explain this Ordinance. Attorney Cannon explained that it is a moderate income restricted rental property. It is an HMFA financed project and the applicant is requesting a forty year tax abatement. Mr. Summiel asked Mr. Ranke to come forward and explain his request. He asked Mr. Ranke about the 48 units and asked for the breakdown of 2, 3 and 4 bedrooms. Mr. Ranke explained. Mr. Baxter asked if Council needed to adopt a new Resolution of Need. Attorney Cannon explained that there are two options: the original resolution of need indicated the number of bedrooms and the current resolution provides for the revised bedrooms. HMFA said that they would accept a letter from her indicating that Council is ok with the new bedroom allocation. Vice President Hyser asked the Clerk to add this to the agenda for the following evening’s meeting. It was duly noted.

### CONSENT AGENDA

President Wollert presented the Consent Agenda for review.

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$3,512,880.86.
2. Approval of minutes of the meeting of July 11<sup>th</sup>, 2011 (Agenda), July 12<sup>th</sup>, 2011 (Regular Meeting), October 11<sup>th</sup>, 2011 (Agenda) and October 11<sup>th</sup>, 2011 (Regular Meeting).
3. A Resolution authorizing a Maintenance Guarantee Release for Carolyn Stokes Day Nursery (Block13/Lot 5) 1 Princess Diana Way-Ewing Engineers Remington Vernick and Affiliates#1102 I 021
4. A Resolution authorizing a Maintenance Guarantee Release for Rely Properties (Block 105/Lot 26) 1015 Whitehead Road Ext.- Ewing Engineers Remington Vernick and Affiliates #1102 I 023
5. A Resolution authorizing a Performance Guarantee Release for SDB Realty/Senior Star (Block 40.01/Lot 16, 17 & 18) – Ewing Engineers Remington & Vernick and Affiliates #1102 I 002

6. A Resolution authorizing a Refund, as recommended by the Township Construction Official, for a permit overpayment
7. A Resolution authorizing the conduct of an Off Premise 50/50 Cash raffle Sponsored by The West Trenton Volunteer Fire Company on March 24, 2012
8. A Resolution authorizing the conduct of an Off Premise 50/50 Cash Raffle sponsored by The Children's Home Society on May 5, 2012

Vice President Hyser commented that seeing no questions on the Consent Agenda, the Consent Agenda was established for action.

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

(None for this meeting)

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

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AUTHORIZE THE USE OF A THIRD PARTY DISBURSEMENT SERVICE ORGANIZATION FOR PAYROLL AND PAYMENT OF PAYROLL TAXES (2011) – CFO Mustafa explained.
2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO RESCIND CODE § 91-13 REGULATING OPEN CONTAINERS IN MOTOR VEHICLES (2011) – Attorney Cannon explained that this Ordinance was adopted a couple of years ago. Because it is a State Statute, the police still have the authority to enforce the law but not at the municipal level.
3. AN ORDINANCE AUTHORIZING THE EWING TOWNSHIP REDEVELOPMENT AGENCY TO ENTER INTO A PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT WITH SDB REALTY, LLC A/K/A SENIOR STAR ADULT MEDICAL DAY CARE FACILITY (“SDB”) IN WHICH SDB WILL PAY EWING TOWNSHIP, IN LIEU OF FULL PROPERTY TAXES, AN AMOUNT EQUAL TO A PERCENTAGE OF TAXES OTHERWISE DUE (2011) – Attorney Cannon explained that this went before the Redevelopment Agency for approval. It is a Pilot structured that it encourages businesses in the Redevelopment area to make improvements to their property. Vice President Hyser clarified that this is an Ordinance as opposed to a Resolution, previously heard, because of the Redevelopment Laws.

The Ordinances were approved for action.

**NEW BUSINESS**

President Wollert presented the New Business agenda for review.

1. RESOLUTION OF EMERGENCY TEMPORARY APPROPRIATIONS – CFO Mustafa explained.
2. RESOLUTION AUTHORIZING THE APPOINTMENT OF A BUSINESS ADMINISTRATOR
3. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP ATTORNEY TO MAEVE CANNON, ESQ.
4. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP ZONING BOARD ATTORNEY TO ALAN G. FRANK, JR., ESQ.
5. A RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP PLANNER TO CHARLES LATINI.

6. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP ENGINEER TO ROBERT MANNIX.
  7. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP SPECIAL TAX APPEALS ATTORNEY TO HARRY Z. HAUSHALTER, ESQ.
  8. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR RENT CONTROL ATTORNEY AND SPECIAL LITIGATION ATTORNEY TO EDWIN W. SCHMIERER, ESQ. OF MASON, GRIFFIN & PIERSON, PC
  9. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP PUBLIC DEFENDER TO ANTONIO MARTINEZ, ESQ.
  10. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP MUNICIPAL PROSECUTOR TO BERTHA SCOTT, ESQ.
  11. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP PLANNING BOARD ATTORNEY TO MICHAEL W. HERBERT, ESQ.
  12. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR A TOWNSHIP LABOR NEGOTIATOR TO ROCKY L. PETERSON, ESQ.
  13. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP CONFLICT PLANNER TO CHRISTINE COFONE.
  14. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP CONFLICT ENGINEER TO ALAIMO GROUP CONSULTING ENGINEERS
  15. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR SPECIAL LITIGATION ATTORNEY/CONDEMNATION BOARD TO CHARLES P. ALLEN, JR., ESQ.
  16. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR APPRAISAL SERVICES TO PETER E. SOCKLER.
  17. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR APPRAISAL SERVICES TO THOMAS A. DEMARTIN
  18. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ATTORNEY TO THE CABLE TELEVISION CITIZEN ADVISORY BOARD TO CHARLES ALLEN, ESQ.
  19. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR BOND COUNSEL TO EDWARD MCMANIMON, III, ESQ. AND MCMANIMON & SCOTLAND, LLC
  20. A RESOLUTION CONSENTING TO APPOINTMENT OF EUGENE ELIAS AS THE MUNICIPAL AUDITOR AND AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR AUDITING SERVICES TO MERCADIAN, P.C.
- Mr. Summiel asked the Township Attorney what constitutes a non fair and open contract. Attorney Cannon explained that everyone who enters into a non fair and open contract has to sign a certification bearing that they haven't made any contributions to any local political entity. She commented that Council is permitted by Statute to do it this way, as long as the people who receive the awards can satisfy the Pay to Play.
21. A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROGRAM FOR THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) STATE BLOCK GRANT PROGRAM ENFORCING THE UNDERAGE

**DRINKING LAWS** – Administrator McManimon commented that this is an annual grant where we have undercover police working on behalf of the township making sure that our liquor establishments are not serving underage individuals.

The New Business agenda was established for action.

### **STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC**

Ron Prykanowski (16 Thurston) wished everyone a Happy New Year and commended Mr. Summiel for his leadership as Council President last year. He wished Ms. Wollert and Ms. Hyser success for the coming years. He thanked Council for appointing Ms. Macellaro as the Township Clerk. He commended the Administration for appointing CFO Mustafa. He also thanked Attorney Cannon for her contribution to Council and her legal expertise. He made a suggestion that maybe all department heads should start submitting monthly reports to the Administration. He also commented that there is no need for the Administration to appoint their professionals every year. The Faulkner Act provides four year appointments. Vice President Hyser thanked Mr. Prykanowski for his comments and suggestions. Mildred Russell (119 King Ave) thanked Council and Administration for a fine job last year. She asked if the nuisance ordinance was going to be brought up again. She commented that there should be an ordinance against having basketball stands in the street. Vice President Hyser asked Counsel if the township has an ordinance with regard to basketball stands. Attorney Cannon replied that she doesn't think that there is an ordinance that particularly names basketball stands but she thinks there might be one relating to obstruction the passage of pedestrians and sidewalks. Administrator McManimon commented that Mrs. Russell has brought this up in the past and he will check into what ordinance is on the books that would relate to basketball stands. She also had a question about paper streets. George Steward (30 Gilmore Road) asked if the new policy on public speaking precludes him from asking another question that might be raised from another individual asking a question. Vice President Hyser explained that the initial intent was that for items intended for the Administration, you fill out a form that goes directly to Mr. Mcmanimon and he will follow up with you at a later time. The Clerk then clarified that if there is an item on the agenda that pertains to Administration, it would be answered that same evening. But if it is something that cannot be answered, Mr. McManimon would get back to you at a later time. He asked that Council keep an open dialogue with the public. Ron Prykanowski (16 Thurston Avenue) asked Council to address the "throw away" newspapers that we get. He feels that the township looks terrible and a lot of people don't pick them up and they wash into our drains. They are un-requested and unsubscribed to papers that he considers littering. Mr. Summiel asked Counsel if this falls under a solicitors permit. Attorney Cannon clarified that it is not a peddlers/solicitors license in the sense that they are not soliciting sales. Vice President Hyser commented that it would be looked into and hopefully establish an ordinance with regard to same.

There being no further comments, Attorney Cannon read a Resolution to Enter Into Closed Session for the purpose of discussing pending litigation in the matter of Kramer v. Ringel and to discuss a regulatory potential litigation with respect to Club Nuvo. At 7:22 pm Mr. Murphy moved to go into Closed Executive Session, seconded by Mr. Baxter. At 8:21 p.m. the public session was opened.

There being no further business, Vice President Hyser asked for a motion to adjourn. Mr. Murphy so moved seconded by Mr. Summiel. The meeting was adjourned at 8:22 pm.

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Kathy Wollert, Council President

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Kim Macellaro, Municipal Clerk