

APRIL 8, 2014 – REGULAR SESSION

President Baxter called the meeting to order at 7:40 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

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 1st day of April, 2014.

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.

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 Mustafa, CFO |
| ▪ Ms. Steward – Present | Maeve Cannon, Attorney |
| ▪ Ms. Wollert – Present | Kim Macellaro, Clerk |
| ▪ President Baxter – Present | |

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

There were no statements or comments from members of the Public for items not on the agenda.

CONSENT AGENDA

The Clerk read the Consent Agenda: (Resolution #14R-75/)

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$5,219,657.18 and to Pay Supplemental Bills per Resolution #14R-44 in the Amount of \$334.47.
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the amount of \$55.30 for April 1, 2014 sewer bill to Harris, Barry & Chasonnay, 16 Stratford Avenue, Ewing, NJ, 08618, for property owner Harris, Barry & Chasonnay, for Block: 122.01 Lot: 552 also known as 10 Kern Avenue, for overpayment of April 1, 2014 sewer bill.

3. A Resolution Authorizing the Conduct of an On Premise 50-50 Cash Raffle Sponsored by the Junior League of Greater Princeton on May 3, 2014.
4. A Resolution Authorizing the Conduct of an On Premise Merchandise Raffle Sponsored by the Junior League of Greater Princeton on May 3, 2014.
5. A Resolution Authorizing the Conduct of a Bingo Sponsored by The Credit Union of New Jersey on June 6, 2014.
6. A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by The Credit Union of New Jersey on June 6, 2014.
7. A Resolution Authorizing the Conduct of an On Premise 50-50 Cash Raffle Sponsored by PTA Incarnation School on November 8, 2014.
8. A Resolution Authorizing the Conduct of an On Premise Merchandise Raffle Sponsored by PTA Incarnation School on November 8, 2014.
9. A Resolution Authorizing St. John's Baptist Church to hold a Block Party/Road Closing on July 19, 2014 (with a rain date of July 20, 2014) for a Car Show.

There were no questions or comments from Council or the Public. Mr. Schroth then moved the Resolution, seconded by Ms. Keyes-Maloney. President Baxter asked for a roll call.

ROLL CALL

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #14-04) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 211 SALE OF USED GOODS AND EQUIPMENT TO PROVIDE FOR ELECTRONIC REPORTING TO POLICE OF USED GOODS OR EQUIPMENT PURCHASED BY DEALERS

The Attorney explained that this came at the request of the Police Department to assist them and other police departments in the recovery of stolen items. It is a nation-wide directory of used items. Currently, dealers are required to photograph the item and the seller's driver's license and fax it to the Police Department. The Attorney explained that this will allow the licensed second-hand dealers to enter the information into this database.

There were no questions or comments from Council.

Rebecca Lynn (1008 River Road) asked who are the people responsible for faxing over this information to the Police - does it include recycling companies.

The Attorney responded no, for this Ordinance, it is licensed second-hand dealers for goods such as jewelry.

The Mayor added that there is a State law that requires scrap metal yards to verify where the scrap metal came from before they can take it.

There were no other questions or comments from members of the Public.

Ms. Wollert then moved the Ordinance, seconded by Ms. Steward. President Baxter called for a roll call.

ROLL CALL

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

2. The Clerk read (Ordinance #14-05) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 TRAFFIC REGULATIONS, TO PROHIBIT LEFT TURNS FROM THERESA STREET ONTO ROUTE 31 AND TO PROHIBIT LEFT TURNS AT DULY APPROVED SITE PLANS WHERE A LEFT TURN PROHIBITION IS PLACED IN RIGHT-OF-WAY

The Attorney explained that this Ordinance cleans up the old reference to Food Town which is now Shop Rite, and it prohibits a left turn from Theresa Street onto Route 31. The State had already placed a sign there as Route 31 is a state highway, this updates our Ordinance so the Police can write tickets. Throughout the Township, numerous site plans were approved with the condition that left turns be prohibited coming out of private businesses. The Attorney explained that this Ordinance prohibits all such left turns at duly approved site plans where a left turn prohibition is placed in a right-of-way. It is in place of a mass listing of each individual place where there is this prohibition.

There were no questions or comments from Council or the Public. Mr. Schroth then moved the Ordinance, seconded by Ms. Wollert. President Baxter called for a roll call.

ROLL CALL

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

3. The Clerk read (Ordinance #14-06) A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$5,994,176.10 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,694,467.29 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

President Baxter stated that we just heard the Mayor give a long explanation of the various capital improvements.

Joseph Schmeltz (343 Hillcrest Avenue) stated that he wants to go on record in support of this bond ordinance.

Rebecca Lynn (1008 River Road) asked what is going to be put in place of the tennis courts at Moody Park.

President Baxter responded that at this point grass will be put there.

Ms. Lynn asked if there is some reason why the tennis courts are being taken out.

President Baxter replied that it is the cost of repair.

Ms. Lynn then asked why the courts are just not left as is.

President Baxter said that the tennis courts are not playable. It is a liability.

President Baxter then asked Ms. Lynn if she had seen the courts lately.

Ms. Lynn replied, no, but she has seen a lot of kids playing there.

President Baxter stated that we applied for a grant, but did not get it.

Ms. Lynn then asked where will the summer camps at Moody be held.

The Administrator responded that there are no summer camps run at Moody for tennis. The Administrator added that the summer camps are held at the Ewing Senior and Community Center and the courts at the ESCC are getting a makeover. The Administrator explained that he had met with Green Acres to get a grant for Moody Park but it was given to Trenton instead. The Administrator then discussed what is going to be left at the Moody site.

Ms. Lynn asked if there will be public access to the tennis courts at the high school.

The Mayor added that the tennis courts at Ewing High School are owned by the Township. The High School uses them through a shared service agreement. Banchoff Park is also used a lot so there will be plenty of tennis courts. The Mayor said that in the future we will apply for grants and then see what will be done at Moody.

Councilman Schroth asked the Mayor what is the timetable for fixing the tennis courts at the Senior Center.

The Mayor replied that we are hoping to go out to bid in the middle of May if this bond ordinance is passed and get started in June and hopefully we will be able to get some use out of these courts this year. The Mayor added that we are also hoping to get our credit rating upgraded.

There were no additional questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Ordinance, seconded by Mr. Schroth. President Baxter asked for a roll call.

ROLL CALL

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

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

1. The Clerk read (**Ordinance #14-03**) **AN ORDINANCE FOR THE CALENDAR YEAR 2014 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) (2014)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township of the Ewing in the County of Mercer finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.0 % increase in the budget for said year, amounting to \$1,085,717.92 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget, shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the township of Ewing in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Ewing shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,266,670.91 and that the CY 2014 municipal budget for the Township of Ewing be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

STATEMENT

This Ordinance to permit an increase in the Municipal Budget to 3.5% over the previous year's final in cap appropriations and to establish a CAP bank in accordance with law.

The CFO stated that each year we are given a cost-of-living allowance by the State; this year, it is one-half percent. The CFO then explained that by Ordinance we are allowed to increase that percentage to three and one-half percent which helps us with our appropriations as most items do not go up more than that; any difference between what we budget and that allowed three and one-half percent can be used for the next two years.

There were no questions or comments from Council.

Ms. Wollert made a motion to open the public hearing, seconded by Ms. Steward. It was agreed by an unanimous voice vote. There were no questions or comments from the Public. Ms. Wollert then made a motion to close the public hearing, seconded by Ms. Keyes-Maloney. It was agreed by an unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Ms. Steward. President Baxter asked for a roll call.

ROLL CALL

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

NEW BUSINESS

1. The Clerk read Resolution (Resolution #14R-76) A RESOLUTION AUTHORIZING THE TOWNSHIP TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH EASEL, A NONPROFIT ANIMAL WELFARE ORGANIZATION, FOR PLACEMENT OF TRAILER AT SHELTER.

The Attorney explained that this is a license, not a lease agreement; it gives EASEL permission to place their trailer next to the Animal Shelter but it is revocable if that space is needed by the Township.

There were no questions or comments from Council or the Public. Mr. Schroth then moved the Resolution, seconded by Ms. Keyes-Maloney. President Baxter called for a roll call.

ROLL CALL

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

2. The Clerk read (Resolution #14R-77) A RESOLUTION AWARDDING CONTRACT FOR ENVIRONMENTAL CONSULTATION SERVICES TO MAGA SUSTAINABILITY, LLC IN THE AMOUNT OF \$5,810 FOR SUSTAINABLE EWING GREEN TEAM VISIONING AND STRATEGIC PLAN PREPARATION.

The Attorney explained that this authorizes an agreement with Maga; three parties were interviewed and Maga was determined to be in the best interest of the Township. Maga will assist the Green Team in the drafting of their strategic plan as well as being present at public meetings and also assisting the Green Team in creating an environmental vision for the Township.

There were no questions or comments from Council or the Public. Ms. Wollert then moved the Resolution, seconded by Ms. Keyes-Maloney. President Baxter asked for a roll call.

ROLL CALL

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

3. The Clerk read (Resolution #14R-78) A RESOLUTION APPROVING CHANGE ORDER #2 FINAL FOR THE MUNICIPAL BUILDING BATHROOM RENOVATIONS TO PJM MECHANICAL CONTRACTORS.

The Attorney explained that this is a change order to reduce the cost of this project by about \$2,400 and also to close out the contract with the adoption of this change order.

There were no questions or comments from Council or the Public. Ms. Steward then moved the Resolution, seconded by Mr. Schroth. President Baxter asked for a roll call.

ROLL CALL

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

4. The Clerk read (Resolution #14R-79) A RESOLUTION TO REFUND PROPERTY TAXES FOR THE FIRST AND SECOND QUARTER OF 2014 FOR SELECTED SOUTH FORK TOWNHOUSE PROPERTIES.

The Attorney stated that there were a number of homeowners displaced after the explosion at South Fork. The Attorney explained that the Assessor has already met with these homeowners and reduced their assessment.

There were no questions or comments from Council.

Rebecca Lynn (1008 River Road) asked for an explanation as to how the homeowners were selected and also asked if it is a reduction in their assessment or a refund on taxes already paid.

The Attorney replied that the Assessor has already reduced the assessments on the properties and this is a refund that were prepaid. It is only for properties that were deemed to be uninhabitable.

Ms. Lynn asked how many is that and what is the effect on the budget of the municipality.

President Baxter responded that it is for twelve properties.

The Administrator added that there are twelve on this list; there were also some at the last meeting. There are twenty-four homes that are uninhabitable. The Administrator stated that once a CO is issued after the property is rebuilt, it will be reassessed. Their taxes are not being reduced on the land.

The CFO then added that the variation to the assessed valuable taxes of the town is just slightly under three million dollars for the reduced assessments. On the projected tax rate for 2014, it is a \$38,000 impact on our taxes.

There were no additional questions or comments from the Public. Ms. Wollert then moved the Resolution, seconded by Ms. Steward. President Baxter asked for a roll call.

ROLL CALL

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

5. The Clerk read (Resolution #14R-80) RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) FORD F350 PICK UP TRUCK FOR USE IN THE DEPARTMENT OF PUBLIC WORKS FROM CHAS S. WINNER D/B/A WINNER FORD AS PER STATE CONTRACT T2101

The Administrator explained that this is a replacement of a vehicle with just short of 200,000 miles on it that just stopped running and we were not able to repair it. The Administrator added that it is a heavy duty vehicle that will only be used for construction.

The Mayor then commented on Councilwoman Wollert's comment from the Agenda Session. The Mayor stated that multi-purpose trucks, in most cases, do not work very well. It is a waste of money to put a snow-plow on this vehicle. Another reason why we did not put on a snow-plow is that snow-plows take a heavy beating and if it breaks down, then we will be out of a heavy duty truck.

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Resolution, seconded by Ms. Wollert. President Baxter called for a roll call.

ROLL CALL

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

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business President Baxter called for a motion to adjourn. Ms. Keyes-Maloney so moved, seconded by Ms. Wollert. The meeting was adjourned at 8:06 p.m.

Jennifer Keyes-Maloney, President

Kim Macellaro, Municipal Clerk