

(This Meeting was Held In-Person & via Zoom due to COVID-19)

October 25, 2022 – AGENDA SESSION

President Steward called the meeting to order at 6:40 p.m. 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 all on the 5th of January 2022, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room or if you are joining us via Zoom, please use the raised hand function. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

ROLL CALL

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| ▪ Mr. Baxter – Present | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – 7:09 p.m. | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Steward – Present | |

The Clerk stated that Mr. Schroth is on his way.

DISCUSSION

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225, SECTION 59, SCHEDULE XII: STOP INTERSECTIONS, CONVERTING VARIOUS INTERSECTIONS OF DOWNING ROAD, GILMORE ROAD, CLAMER ROAD, LANGFORD LANE, PENN COURT, DARBY COURT AND PLAZA COURT TO STOP-CONTROLLED INTERSECTIONS BY INSTALLING NEW STOP SIGNS AND OTHERWISE UPDATING THE TOWNSHIP CODE

President Steward said that this came to Council at the request of residents who were concerned about speeding. This adds stop signs at the t-intersections throughout the neighborhood.

Councilwoman Keyes-Maloney asked if there will also be pavement markings.

Council President Steward responded – yes.

Councilwoman Keyes-Maloney suggested that “stop bars” be added to the Ordinance.

It was decided that “Stop Bars” will be added.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

2. RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

President Steward said that this is done when the Township receives a grant that was not included in the Budget adopted earlier in the year. This is the funding discussed two weeks ago related to the clean-up of Hibberts Automotive at Pennington and Parkway.

The Administrator added that the intent is to make it a passive park with benches and plantings.

The Council President added that the grant is for \$69,100.00.

There were no questions or comments from Council or the Public.

3. A RESOLUTION AUTHORIZING A MORATORIUM ON THE GRANTING OF ANY CLASS OF CANNABIS LICENSE IN EWING TOWNSHIP FOR ONE (1) YEAR

President Steward said that this came out of a conversation at a recent Council meeting. A Township Ordinance established the process by which cannabis businesses could seek an endorsement. It also set up a Cannabis Advisory Committee to set up the application process and to review the applications before making recommendations to Council. The sense of Council was to put a hold on accepting additional applications to allow time to see what happens with those that have already been endorsed and to allow time to review the Ordinance and the application process. Charles Latini (Township Planner) added that the Committee seemed to be supportive of this initiative as they also see areas that need improvement. In addition, this pause gives the Town the opportunity to create additional layers to the Ordinance that have not been done – monitoring and enforcement – because they are not there yet.

President Steward said that a question that came up yesterday in the Committee meeting was what would be done with the two manufacturing applications that came in prior to Council discussing this pause. The Committee heard these two applications yesterday. They were supportive of both applications. This draft Resolution would allow Council to consider any applications filed prior to the adoption of this Resolution. The application has been taken off the website so there have not been any new applications.

Mr. Latini added that the Committee was supportive of the two applicants. It was going to ask Council to review them. The write-up has not been finalized. These are manufacturing only based in two buildings in industrial areas in need of redevelopment – one on Robbins and the other on Dickinson.

Vice President Wollert said that no action was taken by the Committee yesterday.

President Steward said that she was incorrect - they did move to endorse, but the formal report has not been written yet.

The Vice President requested that in the phrase – “except that it will consider any applications received prior to the passage of the Resolution” – the word “will” be changed to “may”.

President Steward said that she is fine with that. The Council President pointed out that this would – there is one applicant, previously endorsed, who is considering a site change – allow for minor changes with any previously endorsed applications.

Councilwoman Keyes-Maloney asked for clarification – the fifth Whereas says that the Township will continue to accept applications...she does not know if that is accurate. Council may want it to say that the Township will not consider applications. Also, legally, what is in the pipeline would potentially have the right to redress and the Town certainly does not want that issue. The Councilwoman read her suggested language and then asked if Council wanted to clarify the site aspects.

President Steward said that that is covered in the last Whereas.

The Attorney said that is why she included a petition for review.

President Steward asked if it would be valuable to expressly state that the Township would not be accepting applications.

Council agreed.

The Council President said that another aspect that had been discussed is coming up with a more directed review process whether that is an RFP or a specific limited time instead of rolling applications.

Mr. Latini said that there are these two applications that are pending. There is also another one out there which was part of the RFP process. One dispensary was passed on. They had to wait until January because the Town hit its limit. Their application is in, where does that one stand?

The Council President, Councilwoman Keyes-Maloney, the Attorney, and the Township Planner discussed this application.

The Attorney said, in theory, it is a pre-existing application, it would be up to Council to decide what to do with it. The Attorney suggested a revision of the Ordinance, as Mr. Latini has alluded to, and said that she will circulate a draft. Some edits concern placing upper limits on other classes and making the fee refundable if an endorsement is denied.

President Steward mentioned the issue Mr. Latini raised. In theory, Council could endorse another retail in January, but with this Resolution, Council seems to be agreeing to not do that until the Fall with an RFP process. Would it be acceptable for that applicant to be a part of that process, or would they need to recompute?

The Attorney suggested that if Council establishes a new RFP process, that one would need to be rejected to clear the deck and then allow anyone who wants to, to compete. Councilman Baxter asked if their application come in last which was why it was held up?

President Steward replied – no, the Committee only endorsed to the limit set by Council.

Councilman Baxter said that those two – the Committee thought were the best two at that time.

The Council President said – yes.

Mr. Latini added – according to the scoring sheet.

President Steward said that it was not as if they were unacceptable, only the top two were moved forward. Council needs to be transparent with them. The intent here is to not endorse another retail for twelve months.

Councilwoman Keyes-Maloney said that Council needs to be very clear with the applicants – both the two manufacturing and the one in limbo - so they know specifically what Council has decided and why.

The Attorney said that it is really two different scenarios. With the retail applicant, only two endorsements were to be made. They did not make the cut. They have no further right or entitlement.

The Council President suggested that they should be denied at the next meeting, just to be clear.

The Attorney said that the two manufacturing applicants did everything they were supposed to do in good faith. There were no limits and no moratorium at the time of application. It would be appropriate for Council to consider the applications.

There were no additional questions or comments from Council.

Victoria Mark (Glendale section of Ewing) said that Mr. Latini just gave two addresses – is it Robbins? She thought Stokes was being considered.

Mr. Latini said – Robbins.

Sara Hendrickson (481 Walker Avenue) asked, including these three, how many is it for the entire Township?

President Steward replied that Council has previously supported one medicinal. In this process, Council has endorsed two retail licenses, four cultivation and manufacturing, and two micro cultivation and manufacturing. That does not include these two potential cultivation and manufacturing.

Ms. Hendrickson commented that the Township is not that big.

Councilwoman Keyes-Maloney clarified that they are doing different things.

President Steward added that the nature of business is very different.

At the request of a resident (speaking off-mike), President Steward repeated how many have already been endorsed by Council.

There were no additional questions or comments from the Public.

4. A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE COUNTY OF MERCER AND THE TOWNSHIP OF EWING FOR FIRE DISPATCH FOR EWING TOWNSHIP

President Steward said that this is a renewal of an existing relationship.

There were no questions or comments from Council or the Public.

5. A RESOLUTION AUTHORIZING A THREE (3) MONTH EXTENSION FOR THE OPERATION OF THE EWING ANIMAL SHELTER BY EASEL ANIMAL RESCUE LEAGUE

Council President Steward said that several years ago, the Township bid out a request for an operator to run the animal shelter. EASEL won the bid and has been operating the shelter for years. That contract is up and is currently out for bid again. This Resolution allows for a three-month extension at the current rates until such time that the RFP process is resolved.

There were no questions or comments from Council.

Sara Hendrickson (481 Walker Avenue) commented that the shelter building looks terrible and then suggested that the shelter be moved to one of the many vacant buildings in Town.

Council President Steward responded that the Township owns that building and does not need to expend additional money to rent or to acquire another building.

The Attorney added that it was designed and built specifically to be an animal shelter. It has heated floors and bays to accommodate the animal runs.

President Steward added that it is not glamorous, but it is well-outfitted for its purpose.

Victoria Mark said that she has gone there the last several weeks, and they told her that they are overrun. They do not have enough space. She was looking for a pet and they would not allow her in. They do not want people in there. Something needs to be done. It is not right.

Vice President Wollert stated that in both function and location, it is better than what the Township had before. The Township had an animal shelter over on Ingham Avenue. The Town put a lot of money into that. It just did not work. It was not a good situation. While this may not be as lovely as everyone would like it to be, it is certainly a 1,000 percent better. Also, the Town can monitor it more easily. It prevents the dropping-off of animals without anyone knowing about it. The Township was responsible for those animals. No one thinks it is ideal – it is not a doggy hotel – it is much, much better, and more functional. Vice President Wollert stated that she wanted to make the point – sometimes, be careful what you wish for. The Township has also put money into this. It has not been neglected.

Councilwoman Keyes-Maloney added that EASEL is also fostering and rehabilitating animals in homes which is a unique relationship for the State. Like anything, it is not always perfect. Through this relationship the Township can find homes for far more animals.

Victoria Mark (Glendale section of Ewing) said that she knows several people who foster; it is wonderful program. But that just emphasizes more that the place is inadequate. It needs to be bigger. It needs to be handled differently. It is just a mess over there. It is better than the worst but if the Township can spend one-half million dollars on a football field, the Town can do something for the animals.

Council President Keyes-Maloney said that any time you can foster will exceed even a magnificent shelter.

Ms. Mark said that her friend fosters cats; it is a great program. However, there are many animals that cannot go into a foster home. They are stuck there, and it is not a good environment.

Councilwoman Keyes-Maloney added that it is a great facility, and a great relationship. It allows EASEL, as part of the agreement, and if space is available, to be a temporary home for other animal shelters. It is good that other animals can be saved.

There were no additional questions or comments from the Public.

6. A RESOLUTION AUTHORIZING A MAINTENANCE GUARANTEE RELEASE FOR JAMES SANOCKI, 262 CLAFLIN AVENUE (BLOCK 179, LOT 336) – EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-I-094

President Steward said that this is a routine maintenance guarantee release. The property was maintained as specified. The release was recommended by the Township Engineer.

There were no questions or comments from Council or the Public.

7. A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE FOR 1871 PENNINGTON ROAD (BLOCK 259/LOT 19) – EWING ENGINEERS REMINGTON & VERNICK FILE NO. #1102-I-108

The Council President said that this was recommended by the Township Engineer. The improvements are complete.

There were no questions or comments from Council.

Sara Hendrickson (481 Walker Avenue) asked if these are new companies? Why does not the Township require Home Depot to put up a bond to clean their property? President Steward replied that Sanocki has developed other properties. It was the same process when the Home Depot property was developed. A maintenance bond is around the improvements. It is not about maintaining a property generally. That is a different process done through Code Enforcement.

There were no additional questions or comments from the Public.

8. A RESOLUTION APPROVING KYLE J. WEST AS A SENIOR FIREFIGHTING MEMBER OF THE WEST TRENTON VOLUNTEER FIRE COMPANY NO. 1

President Steward said kudos to Mr. West who has undergone his training and is looking to be another dedicated fire volunteer at West Trenton.

There were no questions or comments from Council or the Public.

9. A RESOLUTION GRANTING CARLOS SANTIAGO PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 45, 9MM SEMI-AUTOMATIC PISTOL SERIAL NUMBER BLAS577) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT NOVEMBER 1, 2022

Council President Steward said that this is recommended by the Chief of Police, and it is a practice of this Township to allow police officers, upon retirement, to keep their firearm.

There were no questions or comments from Council or the Public.

All Items were approved for Action.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$815,129.47 and to Pay Supplemental Bills per Resolution #22R-11 in the Amount of \$3,902.04

There were no questions or comments from Council or the Public.

The Bills List was approved for Action.

CONSENT AGENDA

Council President Steward presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for June 14, 2022 and June 28, 2022; Approval of Regular Session Minutes for June 14, 2022 and June 28, 2022
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,258.02 for August 1, 2022 3rd Quarter Taxes to CoreTitle LLC, Settlement Trust Account, 1300 Route 73, Suite 112, Mount Laurel, NJ 08054, for property owner Loginow G. Walter for Block: 223.08 Lot: 16 also known as 35 Crown Road. Property owner is approved for 100% disabled veteran exemption as of 8/15/2022. Overpayment is to be refunded to title company which executed 3rd quarter payment of taxes.

There were no questions or comments from Council.

Victoria Mark (Glendale section of Ewing) stated that, from now on, she would like to get a CD of the recordings.

President Steward said that she can make the request in the Clerk's Office.

There were no additional questions or comments from the Public.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

Council President Steward said that the first two have come back to Council from the Planning Board.

1. AN ORDINANCE AMENDING THE OLDEN AVENUE REDEVELOPMENT PLAN

Charles Latini (Township Planner), at the request of the Council President, provided a summary of the changes made to the Olden Avenue Redevelopment Plan. The Planning Board did find that the Ordinance, as amended, was consistent with the Township's Master Plan. The Board, he believes, did not make any comments regarding the changes to the Plan. Updates were made to some of the height requirements to meet more modern development standards. The other update is the addition of a property for potential acquisition which is with the full consent of the property owner who has an easement for a sign which is precluding the redevelopment of the parcel. The former sign owner Boehm, who is no longer in existence, will not engage in removing the sign. The neighborhood needs and deserves redevelopment.

There were no questions or comments from Council.

Victoria Mark (Glendale section of Ewing) asked what is the address?
President Steward replied that it is the Boehm sign on Princeton Avenue. Boehm does not own the property the sign is on; they have an easement to put that sign up. The people who want to redevelop the property need the sign to be removed. There is no reason for the sign as the business is not operating. This will provide another tool to help with negotiations to straighten that out.

There were no additional questions or comments from the Public.

2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 215 LAND DEVELOPMENT TO DEFINE AND REGULATE CONVENIENCE RETAIL, SMOKE SHOPS, TOBACCO SHOPS, VAPE STORES AND ANCILLARY SALE OF SMOKING PARAPHERNALIA

Council President Steward said that this is an effort to get ahead of challenges seen in other towns. This Ordinance would provide clarity, guidance, and give the Town enforcement tools for those businesses which are crossing the line as to what is allowed and not allowed.

Charles Latini (Township Planner) said that the main thing is defining the cannabis adjacent uses which the Ordinance does so the Township's convenience stores do not become vape shops. It also defines where these businesses can be. The Planning Board found this to be consistent with the Master Plan.

Vice President Wollert asked if it limits these shops to certain zones as the old Ordinance did.

Mr. Latini replied – yes, they are limited to operating in certain zones. This Ordinance refines those zones.

Councilwoman Keyes-Maloney added that there are guardrails around the time, place, and manner where these products can be sold. It eliminates the grey areas.

Councilman Baxter said that he would like these businesses taken out of the Business Neighborhood zone. These products should not be in the small store fronts that abut neighborhoods.

Mr. Latini said that he is generally in agreement with Mr. Baxter. They are taking a harder look at those pockets of zoning that are neighborhood approximate.

President Steward asked Councilman Baxter if he was comfortable moving this forward tonight.

Councilman Baxter replied – yes.

There were no additional questions or comments from Council.

Victoria Mark (Glendale section of Ewing) asked, if a cannabis manufacturer is in a joint business and residential zone, is there anything that says how far away a cannabis business needs to be from a house?

President Steward replied – no. The only radius in there is proximity to another licensee, a school or park.

The Attorney clarified that it is not churches or parks.

Ms. Mark stated that Head Start is a concern...that is what is going to be looked at...

Mr. Latini said – yes.

Nash Patel (1602 Pennington Road – via Zoom) asked if this Ordinance limits the number of legal cannabis businesses.

Council President Steward replied that the Township Ordinance put a limit on the number of retail licenses. It does not currently set a limit on the other categories. But it is something that Council is discussing in taking this moratorium. It is at Council's discretion to endorse or not to endorse. The Ordinance sets a maximum (only for retail) not a minimum.

Mr. Patel asked if in 2022-2023 those numbers were exceeded?

The Council President replied that in the first year, for cannabis-related businesses – retail, Council endorsed two businesses. The Ordinance authorized the endorsement of two retail the first year. Council is discussing taking a one-year moratorium on additional endorsements and using that time to look at how Council wants to move forward with this process. Under the Ordinance, another could be endorsed next year but that would be at the discretion of next year's Council. It would be at least a year before another is endorsed.

Mr. Latini said that Mr. Patel is the entity that, as discussed earlier, is in the queue. President Steward said that since the limit has been reached, Council will not be able to endorse any additional this year; this includes any applications that are pending. It is likely that the process next year will be that folks can reapply if Council chooses to do any endorsements next year.

There were no additional questions or comments from the Public.

3. BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A VACANT LAND PARCEL IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Council President Steward said that this is for a vacant land purchase on Carlton Avenue which will potentially be used for open space. It is not the Township's desire to develop this property. It is a flag lot with a narrow entrance from Carlton with a large lot behind.

There were no questions or comments from Council or the Public.

4. BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION IN THE AGGREGATE AMOUNT OF \$300,000 FOR SECTIONS 3(d)(ii), 3(e)(ii) and 3(f)(ii) OF BOND ORDINANCE #22-13 PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF THE AGGREGATE AMOUNT OF \$285,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The Administrator explained that this is for the additional cost to purchase the fire trucks and for ADA improvements at Armstrong Park softball fields.

There were no additional questions or comments from Council or the Public.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney reported that the Trunk or Treat will be held this coming Saturday at the College of New Jersey – Lot 4.

The Administrator added that the Administration will be sending out a phone message this afternoon especially because of its new location. Because of the fire at the Ewing Senior & Community Center it had to be moved. The College was generous in allowing it to be held there. It is on the website and Facebook.

Councilwoman Keyes-Maloney added that at the end of it, the winners of the Scarecrow Scavenger Hunt will be announced.

Councilman Schroth reported that the Ewing Drug & Alcohol Alliance will be holding a townhall meeting next Tuesday from 6 to 8 p.m. in the Council Room to discuss marijuana. Contrary to recent discussions about the legalization of marijuana and its use, this program will discuss the downside of marijuana and its negative health effects. This meeting is being held in conjunction with the Mercer County Prevention Coalition.

There were no additional Commission & Committee Reports.

President Steward said that the Veterans Day Service will be held on Veterans Day at 11:00 a.m. behind the Municipal Building. The Patriotic Committee puts together a wonderful program.

The Council President noted that the next Council Meeting will be held on November 22nd. There are other things going on earlier in the month and it has been tradition to hold only one meeting in November.

There were no additional announcements.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Richard Fletcher, Sr. (24 Orchard Avenue, Pennington – owner 13 Dawes Avenue) thanked Council for presenting the Proclamation on Childhood Cancer last month and for having his granddaughter, Charlotte, at the meeting. Only four percent nationally goes to childhood cancer; it was to bring awareness.

Mr. Fletcher said that the Township will have big shoes to fill if, and when Jim McManimon retires; he can call him a true friend.

Mr. Fletcher said that there is a problem with school buses speeding on Dawes. He called the Rick Bus Company six or seven times and was told to call the Police. Mr. Fletcher commented that you would think that the company would sit down and speak with the driver after being given a bus number. Mr. Fletcher said that after a conversation with Rick Bus Company, he called Ewing Police. The officer did not seem thrilled that the bus company told him to call them. The officer said he would pay Rick Bus Company a visit and tell them that the driver would be ticketed, if caught. He also put up a speed sign. This has been going on a while. Mr. Fletcher asked if it is possible to put in a speed bump. It is not only the buses, but people use Dawes as a cut-through and they fly through there.

Mr. Fletcher said that Public Works needs to walk around the parks a bit better. At Moody Park, by the swing sets, lights were on during the day and there was garbage all over the park. Rebar is sticking out of the railroad ties that are there. If a child fell on that...the parks need to be made safe for the residents. In the seven years he has been there, no one has ever trimmed the dead tree limbs behind his house. Township leaves are throughout his property along with garbage. A month and a half ago, he spoke with the Administrator because when they were mowing grass, they hit an aluminum can. It shot through his fence – he has a one-year-old and a two-year old and two dogs in his backyard – he does not need that happening. Mr. Fletcher said that last Thursday a Township employee, moving grass, ran into his fence and destroyed it. The employee never came to his house and never said anything to the Director of Public Works. The Administrator sent the Director and a Supervisor over the next day. However, he had to fill out a tort claim and get estimates; it is a lot of aggravation to get something fixed all because the employee did not do what he was supposed to do – grass is supposed to be blown away from residences.

Mr. Fletcher said that he applied for a permit to put an awning and a roof on the house in October 2018. No one in Construction got back to him.

He spoke with the Administrator because they were putting the roof on that weekend. He was told, by the Administrator, to go ahead and start and he would contact the Construction officials. The roof was put on that weekend. May of 2022, he received a \$2,000 fine. He came in and spoke with the Administrator and the Construction Official. After a week, the Office Supervisor called and said everything was taken care of – there is no fine. Three weeks ago, he received a certified letter - a \$8,500 fine. He again came in and spoke with the Administrator. The Office Supervisor said that it had been taken care of and it should never have happened. The Construction Official handed him a letter stating that his permit was denied in February 2019. He applied October of 2018. The 2019 letter said that the construction was going into the foundation of the house. It was not done that way. October 1st he again spoke with the Administrator and asked him if he had gone out to the house to check the columns. He would not say. Three weeks later, he still has not heard anything from Construction officials.

The Administrator said that it will all be taken care of tomorrow.

Mr. Fletcher said that he wanted to bring this to Council's attention as Ewing Township employees are out of control with stuff like this. Another Code Enforcement inspector stopped by his house and told him that the Township will take his house for abandonment. Mr. Fletcher told him that the house is being fixed up for his daughter, the taxes are paid in full, and the grass is cut every week. The inspector asked if the daughter is on the deed which she is. It was not on the inspector's copy, and he was told to bring a copy to the Tax Office. The Tax Office had the same copy of the deed he had; the daughter was listed.

Mr. Fletcher said that this harassment by Township employees needs to stop. He is fed up with Township employees telling him that he has not done something right. Mr. Fletcher mentioned a friend in Mountainview who had a furnace put in. The Township inspected it ten years later.

Mr. Fletcher said that there are a lot of employees in this Township. It should not take four months for a permit or four years to tell him that he has a fine. He also mentioned seeing Township employees sitting in vehicles at Moody Park with the engines running for five hours straight. Others have noticed employees just standing around at the brush drop-off or taking ten minutes to pick-up brush at one house. Supervisors need to be out there checking on their employees. In Mountainview, they were mowing dust, but ignoring the weeds and the garbage that needs to be picked-up.

Mr. Fletcher said that he wanted Council and the Administration to know that residents will be watching, and he will be calling.

Mr. Fletcher asked if marijuana is allowed in Township parks? They smell it all the time. President Steward replied – no, that can be cited.

Mr. Fletcher said that the Police do their job, they were right there to stop fireworks from continuing to be shot off.

Victoria Mark (Glendale section of Ewing) said that she wanted to add to what Mr. Fletcher said. It is very true what he said about personnel. Some committees are inconsiderate when it comes to the public. The public is second class and is not respected. It is even seen here; Council went after Ms. Moon. It is the attitude overall that needs to be adjusted and it starts at the top. Maybe, that will help have people work. She sees people sitting around all the time when they should be doing work – the trucks are just sitting there. Council had brought up that they could be tailed.

Councilman Baxter said that Council approved GPS trackers a long time ago.

President Steward asked Ms. Mark to let them know if she sees someone taking advantage. Ms. Mark said that supervisors should know what is going on. That is not her job. Overall, it is the whole mentality – it is a superiority. If she goes into Zoning, they do not want to answer questions. It is an attitude. It is not everywhere; the Clerk's Office seems fine. It just needs to be adjusted; a lot of the committees need to be adjusted. They need to be talked to about how to deal with the public and how not to be disrespectful and they are.

Eric Reitzel (25 Blossom Drive – via Zoom) asked if the leaf and brush policy has changed since last year. He had to pay his landscapers an additional \$200 to have his leaves hauled away. Mr. Reitzel said that he knows there are some environmental concerns and perhaps manpower issues in Public Works, but there must be a better way. Are other options being looked at? There are people on fixed incomes that cannot afford this and do not have the ability to do it themselves.

President Steward replied that there has not been a change. The restrictions that went in place last year remain in effect. Council and the Administration continue to discuss if there is a better way.

She understands the frustration, but they have also heard positive feedback from people who appreciate that the leaves are not clogging up the streets. The action the Town took was to come into compliance with the State DEP which, although it does not necessarily require the bagging of leaves, required the Town to come up with a solution so that leaves are not lying in the street for an extended period. They are always happy to hear suggestions. The Administration has ordered equipment that is supposed to be here in December that might help with future pick-ups. President Steward added that there is no requirement that leaves need to be removed. The Township's environmental groups prefer that residents mulch their leaves. If you have ten oak trees, that may not be an option, but there are times when they can be left.

Mr. Reitzel said that he can appreciate the cleaner streets, but he has a lot of trees and leaving the leaves for a long time would ruin the grass. It is still not an option for landscapers to use the Township dump.

Council President Steward said that commercial landscapers took great advantage of the brush drop-off site. Some were even removing their license plate to make them look like residents. You were paying them money to remove leaves and then paying again through taxes.

Mr. Reitzel mentioned young adults congregating on Orchid Drive late at night playing loud music.

President Steward said that she will pass that along to the Police Department.

Sara Hendrickson (481 Walker Avenue) said that she attended a DEP meeting. In 2023, they are going to raise the inland flood zone two feet. The Township will have a year before implementation. Ms. Hendrickson said that the Town should not wait a year and should start doing it now.

The Attorney said that an Ordinance needs to be adopted by, she believes, 2023. Council will see a draft Ordinance at the next meeting because a draft needs to be transmitted to the DEP. Ms. Hendrickson said that she understands that it cost money to rake leaves. She watches out for the storm drains, and she has a hard enough time to get the storm drains cleaned in front of homes. She does not recommend putting leaves in the street because she has seen the flooding. Ms. Hendrickson also suggested that more guards need to be put on the storm drains.

President Steward said that this is the genesis of why the DEP put in these regulations.

Ms. Hendrickson added that when she was cleaning out Rambling Creek Park, she noticed that Public Works ran over several cans and shredded them. She tried to clean up as many as she could because it was around the playground equipment.

Maeve Cannon (Township Attorney) introduced Katie McDuff, a new attorney in her office.

There were no additional questions or comments from the Public.

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Steward asked for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Mr. Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 8:08 p.m.

Sarah Steward, Past President
(President in 2022)

Kim J. Macellaro, Municipal Clerk

(This Meeting was Held In-Person & via Zoom due to COVID-19)

November 22, 2022 – AGENDA SESSION

President Steward called the meeting to order at 6:33 p.m. 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 all on the 5th of January 2022, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room or if you are joining us via Zoom, please use the raised hand function. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

ROLL CALL

- | | |
|-------------------------------|------------------------------------|
| ▪ Mr. Baxter – Present | Joanna Mustafa, CFO |
| ▪ Ms. Keyes-Maloney – Present | Maev Cannon, Attorney |
| ▪ Mr. Schroth – Present | Susan Bate, Deputy Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Steward – Present | |

PRESENTATION – Presentation of CY2021 Audit – Mercadien – Matthew Daly and Digesh Patel

President Steward stated that the Township is required to conduct an annual audit of its finances. The Township has contracted with Mercadien for that purpose. The Council President then introduced Matthew Daly and Digesh Patel.

Mr. Patel said that the audit has been completed and submitted to the State. It was an unmodified opinion which is the highest level of assurance that you can get on a Financial Statement Audit. This year, the Town also had a Single Audit for the expending of grant funds over \$750,000.00. There were no findings on either the Financial Statement Audit or the Single Audit.

Mr. Daly said that in 2021, Total Assets increased from about ninety-six and one-half million to around one hundred fifteen point three million. A lot of that was related to cash increases that were the result of the bond anticipation note that was issued in 2021 and then some American Rescue Plan funds that were available during the year. Total Liabilities also increased from about ninety point two million to one hundred eight point one. The new bonds, improvement authorizations for the Capital Fund, are included in that difference from 2020. The Township was able to recoup the surplus anticipated in the Budget and operations were strong which resulted in a one million dollar increase in the Fund Balance. Mr. Daly said, regarding the Single Audit, there were about \$902,000 in federal expenses and \$963,000 in State expenses. They tested two major programs. One being, on the State side, the Municipal Aid Program – NJDOT projects and the CGBD program on the federal side. There were no findings or recommendations.

President Steward said that this is Council’s favorite kind of audit report to get and then gave kudos to the CFO and her team who work hard to keep the Township on the straight and narrow in complying with all the requirements. She also thanked the Mayor, the Administration, and anyone else who contributed to that effort. It is a lot of work to be audited. Residents should be proud that no concerns were raised.

Councilman Baxter asked, in terms of the public part of the CDBG, how can the Township get more public input so they can determine how they want those funds spent?

Mr. Daly responded that it is a bit difficult because it depends on what the allocation will be annually in both the five-year plan and the annual plan for the funds. Mr. Daly then made a few suggestions.

Councilwoman Keyes-Maloney thanked the auditors for both reviews. The unitary review is always the one you wonder about. The Town expended a significant amount of federal and state funds. It is good to see that the Town utilized the funds appropriately.

Mr. Daly added that this year's Single Audit was the first in many years. Usually when that happens, there is a chance for something to fall by the wayside in terms of all the compliance and regulation that you need to keep up with on each individual program. They do not test every program, but they do go through internal controls. It is a good sign that those programs that were the most material – making-up seventy to eighty percent of the total value – were operating...

President Steward added, for the benefit of the Public, that the Township does not get to decide which programs are checked; the auditors do.

Councilwoman Keyes-Maloney added that it is important and keeps the Town in better stead going forward.

Councilman Schroth thanked the auditors for their excellent work and for coming tonight and explaining this to Council in terms that everyone could understand and for reaffirming the outstanding work of the Mayor, the Administration, and the CFO.

President Steward asked if there are any compliance changes on the horizon that the Town should pay more attention to in the coming year.

Mr. Daly replied that a Best Practice is to always check the DCA Local Finance Notices. Beyond that, continuing compliance on the COVID-related funding is always important – that funding can last through 2026. In terms of the Financial Statements, GASB 68 and 75 (pensions and the health benefits plans) increases in the premiums; it is always good to look at those annually – what the contribution is and the cost-benefit of participation in the state plan versus other plans.

Vice President Wollert thanked the auditors for an excellent job and thanked the CFO, particularly. In years past, prior to her being the CFO, the Town did have some bumps in the road. It has been a pleasure when the audit is completed to see that the Township is complying.

President Steward added especially in such a crazy time with the pandemic and programs coming in and out and trying to maintain a compliance mindset.

There were no additional questions or comments from Council for the auditors.

QUARTERLY REPORT - Police Chief – Albert Rhodes

Chief Rhodes stated that the current force stands at sixty-eight officers with five in the Academy. Reports are that they are all doing well. The Chief reported that Calls for Service increased slightly (about 200 to 300 calls) compared to the 3rd Quarter last year. Arrests are up dramatically, almost one hundred percent, 214 from 117. Summonses are 1,162 as opposed to 574 last year and Motor Vehicle Stops are 1,140 as opposed to 371. The large spike is probably attributed to the Department now having a solidified command staff in place. The officers have jumped on board with the plan and productivity is way up.

Chief Rhodes next highlighted some of the things going on with the Patrol and Detective Bureaus. The fixed radar post message signs have finally arrived. Captain Boller met with Public Works this week to identify locations where they will be placed. They should go up shortly. The Department has completed its additional training in mental health and special needs de-escalation and crisis stabilization along with the standard in-service trainings. The Department is taking part in a Pedestrian Enforcement Initiative. It is a grant. Some of these enforcement measures will be very visible; some will not – undercover officers will be utilized. There will be notice to the Public.

President Steward said that this is safe driving as to not hit pedestrians, not safe walking.

The Chief responded that it is vise-versa also. If they encounter pedestrians who are jaywalking, they could be cited.

Chief Rhodes said that schools are back in session. He had a meeting with the outgoing Superintendent and thanked him for his cooperation with the Police Department. He has met with Dr. Gentile; a great relationship has been started with the schools. The School Board will be paying for an updated camera system that will be operated in Dispatch. Dispatch will continue to monitor all the schools and allow access if need be.

The Chief said that the Dispatch Center currently has nine dispatchers and one supervisor. There has been some comings and goings – it has been difficult to hold positions. Three positions are vacant. They do not have any qualified applicants right now. The Records Bureau is fully staffed and the new Records filing system should be coming in shortly. It had been on back-order.

Chief Rhodes said that the Community Response Unit had a very successful National Night Out. They also conducted a Youth Academy which garnered a lot of positive feedback. The Chief thanked Council for coming to the graduation.

There was an Overdose Awareness Event at the Community Center. The organizer said that it was one of the best-ever hosted in Ewing. They participated in Community Police Safety Night at the campus along with Community Fest. The partnership with TCNJ has been excellent. There has been constant communication between himself and Chief Grant. Chief Rhodes said that currently they do not have an active K-9 Unit due to some retirements, resignations, and others being out long-term sick. The Chief said that he will be discussing with the Mayor moving forward with the K-9 Unit. Some grant opportunities are available right now.

The Chief next discussed the upcoming Fourth Quarter. The Department will need to do its Year-End Reporting to the Prosecutor's Office and the Attorney General's Office involving Use of Force, Internal Affairs, Recruitment, and ICE relations. The Department is waiting for a certified Civil Service Hiring List for the next round of hiring. There are some applicants in the background process because of the Ordinance for transfers that Council allowed. It looks promising for a couple of people. They will also be calling for a Lieutenant's Exam as they almost exhausted that list. They are projecting that they will need to promote lieutenants over the next several years. There will be one more meeting with a new prospective pastor for their Chaplain Program – Pastor Gilmore from Central Church on Pennington Road. That will give them two chaplains. The chaplains had been very helpful; they come out to the scene and assist the Public. They have also helped the officers.

Council President Steward thanked the Chief for the hiring update. Making changes to that Ordinance was discussed at length. Council will continue to want to hear how it is going with allowing potential transfers; whether it is a tool that should be renewed or...

Vice President Wollert asked how many police officers are currently working in the schools. Chief Rhodes replied that no police officers are assigned to the schools. The School District elected to hire private armed security. All have a law enforcement background. They do an excellent job. There are liaisons within the Detective Bureau and the CRU does a lot of in-school trainings.

The Vice President asked, with regards to the de-escalation training, will there be a dedicated group of officers that would be called on to do that kind of work?

The Chief responded that right now, all officers state-wide, are required to be trained. There is a pilot program called Arrive Together that is coming to Mercer County. The Prosecutor has asked the Department if it was interested in participating. The Chief needs additional information, but it teams an officer with a mental health professional. They ride around together and respond to these calls together. All the officers are trained. It is something the Department did prior to the mandatory training.

Councilman Baxter asked if the schools still hire officers for different events.

Chief Rhodes replied – yes. Whenever there is an event at a school, officers are working it at the schools' request. They have also hired an officer for traffic control at Ewing High and Fisher. As a Police Department, they make sure there is a police presence throughout the day at all the schools. They just do not have dedicated officers like they used to.

Councilman Baxter asked, regarding arrests being up, what type of crime is involved.

Chief Rhodes replied that it is just arrests in general; a lot of it comes from the increased motor vehicle activity and suspicious persons activity. A lot of warrant arrests for previously reported crimes...failure to appear. New activity is up slightly. The Chief added that he has further information on that breakdown, but part of the problem is that they switched national reporting types from the regular UCR to NIBRS based. It just takes a while for the data to catch up. These two systems do not talk to each other very well. It will be a year or two for accurate reports out of NIBRS. The Chief had not provided those reports to Council because the data is all over the place.

Councilman Baxter asked the Chief when the next hiring round will be.

Chief Rhodes responded that the recruits took the last test over the summer. The scores have been posted, but they have not been able to get a certified list from Civil Service. He is expecting it in a week or two and then they can begin the next round. The next Academy is in February. The process is a little different this year – a PT test needs to be passed before access to the Academy. That test will be given in December. They are in a time crunch to get that done.

Councilman Schroth asked how do those numbers balance out with expected retirements?

The Chief explained that they are continuously playing catch-up until they can get a few good classes through. There was a slowdown because of the pandemic and the State took part in the twenty and out. The Department lost some people that they were not expecting to lose for another five years, and any day someone could come in and want to take that twenty and out option or get out of the business for some other reason. It has been difficult. For this last round of hiring, they asked for sixty names from Civil Service and only got twenty-eight responses. This is a statewide issue. Recruitment is difficult right now.

Councilwoman Keyes-Maloney thanked the Chief for always being so responsive to questions. She said that she loves the Department's social media and how they get the word out to the community. Having the officers do things in the community makes a difference. And this is being done while understaffed. Is there anything Council can do to try to help with recruitment? The Ordinance will help a little, but it will take a while to dig out. Chief Rhodes said that Council's continued support goes a long way. People want to work for a Police Department that is supported by their mayor and their administration. A lot of what you see the officers doing, community meetings and different events, is them on their own. It does not take any prodding. Great people work in the Department. A lot of it is not put on social media because they are not doing it to flaunt themselves.

There were no additional questions or comments from Council for the Police Chief.

Sara Hendrickson (481 Walker Avenue – via Zoom) asked the Council President if a police officer retires after twenty years, do they get their full pension?

The Chief replied that after twenty years, they do not get a full pension. They get fifty percent and they do not get benefits.

There were no additional questions or comments from the Public.

Council President Steward thanked the Chief for coming tonight and for everything that he does.

President Steward asked Council if they were comfortable going into Closed Session now as one of the professionals needed for the Closed Session has a family obligation this evening. President Steward spoke with Counsel; the Closed Session should last for a total of ten or fifteen minutes. Two items need to be discussed. The Council President apologized to the Public as they usually do not have a Closed Session at this point in an agenda. Council agreed.

CLOSED SESSION

1. The Attorney read (Resolution #22R-201) A Resolution Excluding the Public from a Public Meeting for the purposes of:
 - a. Lewis vs Ewing Township et al. – Settlement Negotiations & to Receive the Advice of Counsel
 - b. FMBA Contract Negotiations & to Receive the Advice of Counsel

At 7:05 p.m., the Attorney said that this is a Resolution to enter into Closed Executive Session under the Open Public Meetings Act to consider two matters: Lewis vs Ewing Township et al. to discuss settlement negotiations and to receive the advice of Counsel; the second is to discuss FMBA contract negotiations and to receive the advice of Counsel. Both matters are matters under the Open Public Meetings Act from which the Public can be excluded. Minutes of the Closed Session will be made available to the Public if, and when appropriate when the matter is concluded.

At 7:06 p.m., Councilman Schroth made a motion to enter into Closed Executive Session, seconded by Vice President Wollert. It was agreed by unanimous voice vote.

At 7:38 p.m., Vice President Wollert made a motion to close the Closed Executive Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote.

At 7:39 p.m., Councilwoman Keyes-Maloney made a motion to enter back into Open Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote.

DISCUSSION

1. **BEST PRACTICES WORKSHEET 2022**
DISCUSSION PURPOSES ONLY – NO ACTION REQUIRED

President Steward said that this is put out by the Department of Community Affairs Local Government Services. It is an inventory of Best Practices that the State recommends municipalities consider. This worksheet goes through where the Town is in terms of adopting these best practices. No action is to be taken on this.

Councilwoman Keyes-Maloney asked if this is tied to the Township's aid?

The CFO replied – yes, it is a certain percentage. Thirty-four and above there is no loss of aid. The Town is good.

Council President Steward added that it is a point scoring system.

The CFO added that there are also a lot of non-point scoring questions; they are looking for information to make sure everybody is on the same page.

President Steward said that if the Town was not adhering to Best Practices, it could jeopardize State aid, but the Town is not in that situation. It also discusses Shared Services which the State encourages.

The CFO added that it covers different areas – health benefits, cyber security, insurance, personnel...

Councilwoman Keyes-Maloney said that question one and two had to do with medical benefits cost-sharing...what were they specifically looking for?

The CFO responded that they wanted to make sure that everybody is contributing their share. She had to do a spreadsheet of how much people were contributing based on their level of coverage.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

President Steward said that over the last two years, Council has been considering businesses that are interested in engaging in cannabis-related industry in Ewing. An Ordinance was established setting up a process and a Cannabis Advisory Committee to review applications. Council has endorsed applicants in the retail space and the manufacturing space. Council agreed, at its last meeting in October, to put a moratorium in place on endorsing additional applications. At the same time, Council acknowledged that there were two remaining applications that had been filed prior to Council discussing a moratorium. The Cannabis Advisory Committee has reviewed those applications and recommended both to Council. Both are for manufacturing of different cannabis-related products. President Steward introduced Mr. Latini.

Charles Latini (Township Advisor & CAC Advisor – via Zoom) added that the recommendations from the Committee are self-explanatory. Some of the operators are in the audience and will be happy to answer any questions.

2. A RESOLUTION OF THE TOWNSHIP OF EWING DEMONSTRATING PROOF OF LOCAL SUPPORT FOR THE SUITABILITY OF A CANNABIS MANUFACTURING FACILITY, OPERATED BY JERSEY SMOOTH, LLC AT 311 DICKINSON STREET., BLOCK 112, LOTS 307, 308, 309, 310 & 313, EWING, NJ 08638

President Steward introduced representatives of Jersey Smooth.

Aslan Zadeh (Massachusetts) stated that he is here with Peter Guzzo (25 Perry Drive). Mr. Zadeh said that their manufacturing business is very small – 4,000 square feet. They are not open to the public; only their employees will have access to the building. They are from the Massachusetts market, so they are very experienced operators. The plan is to bring to the Township a building that is on the tax payroll and is very profitable to the Township. With Peter's help as the Director of Community Outreach, they pledge to donate an additional two percent (on top of the two percent tax) to charities and organizations within the Township. The revenue they plan to bring in will have a tangible and positive impact.

President Steward noted that the Cannabis Advisory Committee did recommend endorsement. The site is in an industrial area off Fourth Street. Council received copies of the memo summarizing the merits of the application.

Councilman Schroth thanked Mr. Zadeh for coming tonight and then asked, for the benefit of the Public, how many employees does he anticipate having.

Mr. Zadeh replied in the beginning around six or seven and then once they are fully operational, within the first year, fourteen or fifteen and they plan to hire at least twenty-five percent from Ewing. He also plans on moving here.

At the request of Councilman Baxter, Mr. Zadeh discussed security and said that it is more about orienting the building around security rather than security staff. They will all be trained in handling emergency situations, but it is more about not giving access. For instance, there is badge ID at every door and three industrial doors would need to be breached before reaching an area where finished product is kept.

As a manufacturer, they are not required to have security staff on site as retailers are. Mr. Baxter asked about transport.

Mr. Zadeh said that currently there are two ways to transport. They plan to have their own transport vehicle which would follow all the rules set by the State. The State has a rigorous program to approve that vehicle. The second way is to use third party transport approved by the State. It is a rigorous process with manifests involved and GPS tracking.

Mr. Baxter stated that it is an industrial area. What do you plan for the look of your building?

Mr. Zadeh replied that it is currently an old construction company. All sorts of litter and machinery are scattered around the property. They will be removing that.

There will be no signage whatsoever. There is a fence, which at some point, they will upgrade.

Mr. Latini added that, as part of Council's endorsement, applicants still must go through the Planning Board process so any challenges to the property will be sufficiently addressed during that process. Both properties had been challenging to their neighbors; the clean-up and reuse of these buildings will be something to look forward to.

Vice President Wollert asked what type of products...

Mr. Zadeh replied that they are going to be doing a lot of wholesaling of the raw materials that is extracted from the biomass. It is called distillate. That will be most of their revenue. For personal consumption, they will offer extracts – half gram, one gram.

The Vice President said that the application mentioned research – who will you be partnering with.

Mr. Zadeh replied that Mr. Guzzo, over the years, has developed a network and hopefully, they will be able to find someone to partner with them, but they are more relying on the researchers to approach them.

Councilwoman Keyes-Maloney said that their security plan is well laid out. One question which has come up a couple of times is emissions and containment and asked Mr. Zadeh to address that.

Mr. Zadeh replied that, for any hazardous waste, they plan to work with a local hazardous waste removal company. The biomass will be mixed with an inert media to render it unusable. That is required by the State and is tracked.

At the request of Councilwoman Keyes-Maloney, Mr. Zadeh discussed the company's community support initiatives. Mr. Guzzo will be tasked with this.

Peter Guzzo (25 Perry Drive) added that when he was approached, he insisted on the two percent to be put back in the Community. When profitability is reached, he will be asking the Mayor/Council what the best use for this money will be.

Councilman Baxter stated that this is not a social equity application and asked, in terms of staffing, how are you going to fulfill social equity and diversity needs?

Mr. Zadeh replied that as part of the State requirement, they do have a diversity plan which he can send to him. Mr. Zadeh said that he cannot recall what the percentage is off the top of his head, but they are planning to be forty-five percent diverse across all - LGBT, minority, people with disabilities, veterans. They have specific numbers. The State will hold them to those numbers at renewal. In Massachusetts, they have met those numbers; they are a very diverse company.

Councilwoman Keyes-Maloney asked Mr. Zadeh where they are in terms of the process with the Cannabis Control Commission

Mr. Zadeh replied that after tonight, if they get Council's endorsement, they will need a letter saying that the building conforms to zoning requirements. They then can submit their annual license will should take anywhere from two to four months.

There were no additional questions or comments from Council.

Victoria Mark (Glendale section of Ewing) said that it is her understanding that they are using waste that will be brought in from other communities.

The Council President said that that is right – they are not planning to cultivate on site. Ms. Mark asked how much is going to be brought in. The Town does not have any control on how well those businesses are being run.

President Steward noted that this a highly regulated industry across the State. The Council President does not think Ms. Mark would find much difference between the various operators and then asked Mr. Zadeh to give a sense of the volume.

Mr. Zadeh replied that they do plan on purchasing biomass that has failed. Biomass can fail for many reasons. Those that pass are the ones that go to the consumer to ingest as is – no manufacturing. If it was not for manufacturing, this product, which so much time, money, and energy had been spent on, would go to waste. Manufacturing cleans up any impurity. The product is cleaned before consumption – like consuming pasteurized milk. Weight will be based on demand – it will probably be from 300 to 3,000 pounds per year.

Sara Hendrickson (481 Walker Avenue – via Zoom) asked where would the water go after it is washed?

Mr. Zadeh replied there is no water – ethanol is used.

There were no additional questions or comments from the Public.

3. A RESOLUTION OF THE TOWNSHIP OF EWING DEMONSTRATING PROOF OF LOCAL SUPPORT FOR THE SUITABILITY OF A CANNABIS MANUFACTURING FACILITY, OPERATED BY NJ CANFECTIONS NJ, INC. AT 304 STOKES AVENUE, BLOCK 21.01, LOT 12 EWING, NJ 08638

President Steward invited those involved to speak about their project.

Jock Howard (Trenton) said that he is here with Damon Williams (6 Orne Avenue), and Philmore Charles (Trenton). Matthew Hardoon and Janice Hardoon are on Zoom.

Ms. Hardoon said that they are in the second stage with the State and spoke with the Committee about a month ago. They are an edible company that will bring gluten-free, kosher, and vegan edibles to the market. Ms. Hardoon said that she has been in the California cannabis industry since 2008 and has worked with the City of Los Angeles to develop a lot of the rules and regulations that are adhered to now. They are hoping to bring that to Ewing and that Ewing will become the epicenter for the manufacturing of the finest edibles in the tri-state area. They chose Ewing and chose to partner with Black Cannabis because they wanted to bring themselves into the community. Manufacturing will be a big revenue stream for Ewing. They would like to set-up education centers for people to learn about cannabis. Ms. Hardoon said that she currently works with geriatric doctors and health professionals to use cannabis for anxiety, Alzheimer's, and pain relief. They have a great site at 304 Stokes Avenue and working with Black Cannabis has been a great adventure because they have a lot of ideas that they want to bring to the table to support the community. Ms. Hardoon said that they really want to bring the community in to support this business. The more that they can bring the community in – employment, education, giving back – the healthier the business will be and the better it will be for everyone, including the city. Councilman Schroth asked how many employees are anticipated to be on site and what are the plans for dealing with the property itself.

Ms. Hardoon replied that the property is about 4,900 square feet and has been completely gutted on the inside. It will be completely secured with cameras (thirty-day minimum retention) and access to law enforcement. They will start out with a minimum of six employees: hopefully, all will be Ewing locals. Within the first year they will have one to twelve people and then as supply and demand increases...They are looking forward to working with Mr. Howard and his staff. They are going to be a part of the Canfections family. It is a big community effort that they are looking forward to doing. Anything that will need to be done to meet any kind of security regulation will be done. Cannabis products will be in a secure area with limited access. Transportation to dispensaries will be in a locked armored car. Everything will be tracked. They will use proper waste management facilities. There will be very little waste because they are using already made distillate. Armed security will, probably, survey the property. The windows will be double barred. Because they are using distillate, there will be no odor to the neighborhood. It will not be an eyesore – just a manufacturing warehouse that blends into the neighborhood – no cannabis type signage.

Councilman Baxter said that this is also not a social equity application. Your partnership with Black Cannabis is trying to rectify part of that issue. How will the staff be diversified?

Ms. Hardoon replied that in California, she has one of every kind on her staff – she believes that a diversified staff really helps with ideas.

They will lean hard on Black Cannabis and use people who have gone through the justice system. She is a big proponent of giving people a second chance. They need to get a qualified, well-integrated staff who can pull together and make a great team to support Ewing.

Councilman Baxter mentioned that Jersey Smooth will be giving an additional two percent...(laughter)...and said that he just thought he would ask...

Ms. Hardoon responded that she is committed to supporting local charities and is a big proponent of education. She has no problem giving and supporting the local community because without the communities' support, they cannot make a business here.

President Steward said...why stop at two percent...(laughter)

Mr. Howard said that Black Cannabis has had over a decade of media experience, including international exposure, talking about things from civic engagement and including people in the process – from voting rights and registration to speaking with the faith community about their thoughts on cannabis and equity. And, then also building out the policies. In Trenton and other areas of Mercer County, they had been at the forefront of advocating...as a marijuana patient he is telling his story. They will bring that information to Ewing Township where he was born and raised. For many years, General Motors was a hub, they believe the hemp and cannabis industry is that next opportunity to level themselves up and for it to be done in a socially just and equitable way.

Councilwoman Keyes-Maloney said that the application was well put together in terms of the sustainable practices and asked them to explain their mitigation strategies for odor, emissions, and waste.

Ms. Hardoon said that since they are working with distillates, they will not have any odors. She has a lot of experience with cultivating, so she knows about ventilation systems and odor mitigation. It is about the HVAC system. Technology is so advanced in 2022; you will not smell cannabis outside of their building. She just wants to blend into the neighborhood. Waste management companies will be utilized. Everything will be stored in a locked container until pick-up and everything is tracked.

Councilwoman Keyes-Maloney appreciated them explaining the lifecycle of the product in their application along with them trying to eliminate their footprint as much as possible including discussing e-waste and composting in their application.

Ms. Hardoon said that they are even looking into additional ways to use biodegradable packaging.

Councilwoman Keyes-Maloney mentioned their commitment to impacting the community and them working with the Drug & Alcohol Alliance.

Ms. Hardoon said that that includes education and working with the elderly because there is much that they can benefit from. It includes removing the stigma around cannabis because it is not a gateway, it is a gateway back. It can really help if used properly.

Councilman Baxter cautioned both applicants to be cautious with the retailers that they do partner with and how they present their products. A lot of the packaging looks almost identical to candy products marketed to kids. Deal with a high-end retailer who is concerned about the packaging.

Ms. Hardoon said that most everyone has evolved, getting away from the big, bright colorful packaging to packaging giving the consumer the information they need to make a proper selection.

Councilwoman Keyes-Maloney asked where are they in the process with the Cannabis Control Commission?

Ms. Hardoon replied that once they receive Council's approval, they can submit their Conversion application.

Councilman Schroth thanked both applicants. A personal concern throughout this process has been striking a balance between business opportunities and effecting the quality of life of Ewing residents so he is pleased to see the locations both have chosen because some in the past have abutted neighborhoods and residential areas.

There were no additional questions or comments from Council.

Sara Hendrickson (via Zoom) asked if their product will be addicting.

Ms. Hardoon said – no. She comes from the school that says cannabis is not addicting. It can be used as needed. It is fast-acting. You get immediate relief, so that you feel the effects within ten to fifteen minutes so that you know you are treating what you are trying to fix, so you do not need to take more.

Ms. Hendrickson said that there is a study which says that anything over 11% TCH is addicting.

President Steward said that she has not seen that study, but she understands the point Ms. Hendrickson is making.

Ms. Hendrickson responded that she sent the articles to the Administrator and the Township Planner.

President Steward said that she will ask them for a copy.

There were no additional questions or comments from the Public.

4. AN ORDINANCE AMENDING CHAPTER 284, RENTAL PROPERTY OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO ADD ARTICLE III, LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS

President Steward said that a change in State law requires municipalities to put in place an inspection regime for rental properties in single-family homes. Properties need to obtain certification that they are safe from lead hazards. It will be through the Construction Department in partnership with the Health Department.

The Attorney added that it establishes fees for the inspections comparable to what would be required on the private side. The goal is to have these properties use private inspectors to do this. All rental properties must be inspected – single, dual, and multi-family – before July 2024 or on change of occupancy. The State Statute is already in effect. Certain properties are excluded: constructed after 1978 - because they stopped using lead paint - or certified that it is lead-free. A new inspection will need to be done every three years. If the Town is doing it, the initial inspection is \$650.00. If additional follow-up is required, it is \$1,200.00. A qualified professional would need to be brought in.

Councilwoman Keyes-Maloney said that one of her questions was how the fees were derived. What is the process if this is done privately?

The Attorney replied that they would need to provide a certificate of inspection to the Construction Office – every three years or change in occupancy.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

5. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AUTHORIZE THE PRIVATE SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE, SPECIFICALLY FIRE EQUIPMENT, TO THE 911 FUND, INC., A 501(c)(3) NON-PROFIT ORGANIZATION

President Steward said that this came to Council by way of the Fire Director. There is a list of items, including turnout jackets and pants, that are no longer needed or can no longer be used by the Fire Department. Often these items still have useful life in them; they just do not meet the specifications the Department is required to uphold. This non-profit helps connect the items to places where they can still be useful.

There were no questions or comments from Council or the Public.

6. GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT FOR CALENDAR YEAR 2021

President Steward said that the auditors were here earlier and shared the good news that the Township received an unmodified opinion which is the highest level that can be received. The certification says that Council did review the audit, fulfilling its oversight obligation.

There were no questions or comments from Council or the Public.

7. RESOLUTION AUTHORIZING CY2022 BUDGET TRANSFERS

President Steward said that sometimes at the end of the year, slight modifications need to be made to the amounts listed in the Budget so that at the end of the year there are enough funds in each Fund.

The Resolution details the categories from which the funds are moved from one to another. The Council President asked how did the Mayor and Council need one dollar?

The CFO replied that they would have been overspent by fourteen cents.

Council President Steward said that Solid Waste Collection jumped out at her. Rising costs were not unanticipated...

The CFO said that there was a new contract in May. They anticipated increases, but not that much.

There were no questions or comments from Council.

Victoria Mark (Glendale section of Ewing) said that her first question is the \$400,000.00...this is \$400,000.00 above agreed to amount in the contract.

President Steward replied that in the beginning of the year, they had to anticipate how much money to budget for Solid Waste. It was bid out in the middle of the year; the new contract came in higher than what they had budgeted for. They need to make sure there is money to fund that contract. It is more money than what they expected, but it is not more money than what they contracted for.

Ms. Mark asked why is the ESCC being given all that money? Has not it been decided...

The CFO responded that it is salary.

President Steward said that no decisions have been made about the future of the ESCC yet. Even though no one is working there, charges are still being made against this category.

The Mayor added that one employee is working there – moving stuff around, mowing the grass.

Ms. Mark asked about the \$36,000.00 for the pools.

The CFO explained.

President Steward added that the previous year's budget transfers are considered when putting together the next year's budget.

Ms. Mark commented that you do not consider \$816,000.00 to be significant; to be that wrong.

Council President Steward said that it is important to note the From Column shows the places where they were under. The Budget is not being broken by \$800,000.00. The monies came from other accounts.

Ms. Mark said that this seems not to be aligned with what was requested at the Budget hearing; that there is excess money that can be moved.

The CFO explained that they anticipated hiring for various departments; they did not hire. Sanitation was a big nugget that they did not anticipate, but luckily had room in other departments. They had retirements and more health coverage than initially anticipated. It happens because the Budget needs to be put together so early in the year. The money is already in the Budget, it is just being relocated which is something allowed in the last two months of the year.

Ms. Mark said that next year, you are planning to not have it as bad as this year.

Councilman Baxter said that you never know...

President Steward said that they do not plan for it ever happening, the reality is...if our household budget was done in January and February...it would be wrong too. You need to keep in mind that the total Budget is \$52 million. President Steward said that she is not making light of \$800,000.00, but in a year when it was so hard to predict the future and some major changes happened...This is done publicly to make sure it is being given this level of thought.

There were no additional questions or comments from the Public.

8. RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

Council President Steward said that sometimes the Township gets revenue that it did not anticipate. The Township is receiving three grants: National Opioid Settlement for just over \$17,000.00; DMHAS Youth Leadership Grant of about \$6,000.00; ARP Firefighter Grant of about \$32,000.00.

The CFO added that the original application for the ARP grant was for \$75,000.00. It was divvied up differently; the Township only received \$32,000.00. The CFO said that she does not add them to the Budget until the Town has been awarded the money.

There were no questions or comments from Council or the Public.

9. A RESOLUTION APPROVING THE NOTICE IN LIEU OF DEED NOTICE FOR A PORTION OF THE RIGHT OF WAY INCLUDING THE SIDEWALK AND STREET AT 328 STOKES AVENUE, EWING TOWNSHIP, NEW JERSEY AND ACKNOWLEDGING THE USE RESTRICTIONS ON THE PROPERTY AND THE OBLIGATIONS IMPOSED ON THE RESPONSIBLE PARTY AND TOWNSHIP DETAILED THERIN AND AUTHORIZING EXECUTION OF THE NOTICE IN LIEU OF DEED NOTICE, THE SOIL REMEDIAL ACTION PERMIT APPLICATION, AND RELATED DOCUMENTS FOR THE PROPERTY

The Attorney explained that 328 Stokes Avenue has a contamination problem. They are doing a remediation. They have delineated an area, shown on the map attached to the submissions Council has, that extends from the property into the sidewalk and partially into the street under the ground. Because it is under the ground, they are asking the Town to agree to a Notice in Lieu of Deed Notice. This Notice goes out to anyone who is going to disturb this area; they must take certain precautions. The Township amended the original Notice that was provided to make sure that the responsible party is the one that carries the burden of this going forward. This Notice will be sent to all utility companies that potentially have utilities under the street there – ELSA, Trenton Water, PSE&G. If they ever need to disturb that portion of the road, it will show in their system that they need to notify DEP and that employees need to wear protective gear. If Council approves it, the Town will send out the Notice and then it will be up to the responsible party, the owner of the property, going forward, if any remediation is required. It has a natural cap on it because it is a paved surface. The Engineering Control for that property is six inches of paved surface. The Township Engineer has confirmed that there is six inches, and the DEP has approved this. If Council approves it, the Town will enter this Notice in Lieu of Deed Notice. The other way of doing this is a Recorded Deed Notice but given where this is, this is an alternative way of doing it.

There were no questions or comments from Council or the Public.

10. A RESOLUTION AWARDDING SEACOAST CONSTRUCTION, INC. A CONTRACT IN THE AMOUNT OF \$196,217.16 FOR THE ARMSTRONG MEMORIAL PARK ADA IMPROVEMENTS

President Steward said that this is part of the Township's Capital plan. The cost is a little higher than anticipated. This is part of the Supplemental Bond that was adopted a few weeks ago. This is the competitive bid for the actual improvements.

There were no questions or comments from Council or the Public.

11. A RESOLUTION AWARDDING RICHARD T. BARRETT PAVING CO. A CONTRACT IN THE AMOUNT OF \$331,817.68 FOR FISCAL YEAR 2022 NJDOT TRUST FUND RESURFACING OF SILVIA STREET

President Steward said that this is Silvia Street from Heritage Court to Sullivan Way. This is being funded by the State DOT. This was competitively bid, and this was the lowest responsive bidder.

There were no questions or comments from Council.

Sara Hendrickson (via Zoom) said that she just wants to make sure when they finish repaving, covers are put over the storm drains.

Victoria Mark (Glendale section of Ewing) said that there was a time when all bids were put in the Agenda. Now, the Public is just being presented with the winning bid. Can all bids be put in there so the public can see what companies are willing to pay to do the job?

The Attorney replied that she believes Ms. Mark is mixing two things. The Body of the Resolution always outlines all the bids, how much each bid was, and who it was received from. The Resolution Title lists who is getting it for how much. The cost comparison is already available. The bids themselves are in the Clerk's Office if you request them.

President Steward explained that that information would be under Discussion Items on the website. All bids are not listed in the Title.

The Attorney added that only who is being awarded the contract and for how much is listed in the Title. That is usually the lowest bidder unless disqualified for some reason. If you want to look at who the other bidders were, you need to look in the Body of the Resolution. That is available to the Public, online, the Friday before the meeting. Ms. Mark asked for someone to show her where to find it.

There were no additional questions or comments from the Public.

12. A RESOLUTION AWARDING MESSERCOLA EXCAVATING CO INC. A CONTRACT IN THE AMOUNT OF \$159,765.00 FOR STORM SEWER IMPROVEMENTS AT VARIOUS LOCATIONS

President Steward said that several residents informed the Administration of several storm sewers that had fallen into disrepair.

The CFO added that this funding source is from the American Rescue Plan.

There were no questions or comments from Council or the Public.

13. A RESOLUTION REJECTING ALL BIDS RECEIVED IN RESPONSE TO THE TOWNSHIP'S REQUEST FOR PROPOSAL FOR THE EWING SENIOR & COMMUNITY CENTER FIRE SYSTEM UPGRADES

President Steward said that after the fire at the Ewing Senior and Community Center, these improvements are no longer necessary.

There were no questions or comments from Council or the Public.

14. A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR THE PINGREE AVENUE IMPROVEMENTS PROJECT

Council President Steward said that every year the Township can appeal to the State for paving funds. This starts that process.

Mayor Steinmann added that the State has approved \$900,000.00, but the Town still needs to file the application. There is another application for \$500,000.00 that needs to be sent in.

The CFO said that that was submitted.

President Steward asked if both grants are for Pingree.

The Mayor replied – no.

The CFO said that she will provide Council with additional information regarding the \$500,000.00 grant.

There were no questions or comments from Council or the Public.

15. A RESOLUTION AUTHORIZING AN EXTENSION OF THE CONTRACT WITH WILLIAMS SCOTSMAN, INC. FOR TEMPORARY FURNISHED OFFICE SPACE

Council President Steward said that in 2017, the Township bid out for temporary office space which is occupied by the Construction Office. This space is still needed while renovations are carried out at the former banquet hall at the Pennington Road Fire House. The amount was below the bid threshold, but the Town did solicit several quotations. The lowest bidder was the current provider. This allows an extension for up to a year for the total cost of \$29,544.36. The hope is that by the end of that period everyone can be relocated to the space at Pennington Road.

There were no questions or comments from Council or the Public.

16. A RESOLUTION DEACTIVATING THREE (3) FIRE DEPARTMENT IDENTIFICATION NUMBERS (FDID) AND REQUIRING ALL TOWNSHIP FIRE COMPANIES TO USE THE SAME FDID NUMBER

Marc Strauss (Fire Director) said that he has been working with the New Jersey Division of Fire Safety on this for little over a year.

The number for the Pennington Road Volunteer Fire Company, which is no longer in existence, is still active with the State, so this Resolution will also deactivate that number. This Resolution will consolidate the three remaining numbers so when they report to the NFIRS system, it will get to the State and Federal agencies under one number. No one is losing their identity. At the local level, these numbers will still exist – 1130 for Station 30, 1133 for West Trenton, and 1131 for Prospect Heights. The only number that will be eliminated is 1132. The primary objective is when reports are pushed up to the State and Federal level, they are seeing one number for Ewing Township: not three. It will also be used when applying for grants.

President Steward clarified that this is not changing anything from an operational perspective and the importance of the Town's relationship with the two volunteer fire companies. It is an administrative change.

Director Strauss said that one hurdle is how they are going to take these three databases and consolidate them into one number. Director Strauss added that in his conversations with the State Division of Fire Safety, specifically the NFIRS Unit, they are fully supportive of this, and it has also been reviewed by the United States Fire Administration.

There were no questions or comments from Council or the Public.

17. A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION SITE

Council President Steward said that this process is used if the Township has something, such as a vehicle, that still has market value. The item is posted on GovDeals and the bidding is done online.

The Mayor added that it is a 1993 fire truck.

There were no questions or comments from Council or the Public.

18. A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

President Steward said that this is also coming from Station 30. It is hose that has failed testing or supplies that can no longer be used. This authorizes the Township to properly dispose these items.

There were no questions or comments from Council or the Public.

Items Nineteen, Twenty, and Twenty-one were discussed together.

19. A RESOLUTION AUTHORIZING A MAINTENANCE BOND RELEASE – COUNTY RIGHT-OF-WAY IMPROVEMENTS FOR EWING PARKWAY, LLC SITE PLAN, 1300 SYLVIA STREET / 1239-1243 PARKWAY AVENUE (BLOCK 344/LOTS 1.01 & 31) – EWING ENGINEERS REMINGTON & VERNICK FILE NO. #1102-I-072

20. A RESOLUTION AUTHORIZING A PERFORMANCE CASH BOND RELEASE FOR MINOR SUBDIVISION FOR PROPERTY CORNER MARKERS, FOR EWING PARKWAY, LLC SITE PLAN, 1300 SYLVIA STREET / 1239-1243 PARKWAY AVENUE (BLOCK 344/LOTS 1.01 & 31) – EWING ENGINEERS REMINGTON & VERNICK FILE NO. #1102-I-072

21. A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE, FOR RETAIL/INFRASTRUCTURE IMPROVEMENTS, FOR EWING PARKWAY, LLC SITE PLAN, 1300 SYLVIA STREET / 1239-1243 PARKWAY AVENUE (BLOCK 344/LOTS 1.01 & 31) – EWING ENGINEERS REMINGTON & VERNICK FILE NO. #1102-I-072

Council President Steward said that these three items are bond releases for the GM site. All three have been reviewed by the Township Engineer.

There were no questions or comments from Council or the Public on these three items.

22. A RESOLUTION CONSENTING TO THE APPOINTMENT OF A MEMBER TO THE ADVISORY BOARD OF RECREATION

President Steward said that Council is always happy to see volunteers actively involved. He has been involved with Ewing United.

The Council President added that if anyone wants to become involved with the Boards and Commissions, now is the time to make it known for consideration in the new year.

There were no questions or comments from Council or the Public.

All Discussion Items were approved for Action along with three Resolutions that came out of the Closed Session – two approving FMBA contracts and one approving a legal settlement.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,549,543.11 and to Pay Supplemental Bills per Resolution #22R-11 in the Amount of \$9,467.18

There were no questions or comments from Council or the Public.

The Bills List was approved for Action.

CONSENT AGENDA

Council President Steward presented the Consent Agenda for view.

1. Approval of Agenda Session Minutes for July 12, 2022, July 26, 2022; Approval of Regular Session Minutes for July 12, 2022, July 26, 2022
2. A Resolution Authorizing a Refund, as Recommended by the Municipal Clerk, to Bossy Girl Bakery in the Amount of \$50.00

There were no questions or comments from Council or the Public.

The Consent Agenda was approved for Action.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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 AMEND CHAPTER 225, SECTION 59, SCHEDULE XII; STOP INTERSECTIONS, CONVERTING VARIOUS INTERSECTIONS OF DOWNING ROAD, GILMORE ROAD, CLAMER ROAD, LANGFORD LANE, PENN COURT, DARBY COURT AND PLAZA COURT TO STOP-CONTROLLED INTERSECTIONS BY INSTALLING NEW STOP SIGNS AND OTHERWISE UPDATING THE TOWNSHIP CODE

The Council President said that this would add stop sign intersections in the Wynnwood Manor neighborhood off Lower Ferry Road.

There were no questions or comments from Council.

Sara Hendrickson (via Zoom) asked how does a fire truck get through that neighborhood?

President Steward said that she lives in that neighborhood. There have been several fires; fire trucks get through quite ably. It is a tight situation which is why they are trying to lower the speeds in that neighborhood. It is a testament to their skill.

Ms. Hendrickson commented that there are too many cars back there.

President Steward said that there is not a lot of off-street parking. The neighbors regularly discuss the best ways to have the parking they need while also being safe.

There were no additional questions or comments from the Public.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney reported that she and the Mayor accepted the official Silver Certification for the Township. The Town is Silver certified for the next three years. Councilwoman Keyes-Maloney also reported that they are speaking with restaurant owners as to whether Restaurant Week should be kept in April or moved to the February timeframe.

Councilman Schroth reported that the Drug & Alcohol Alliance and the Mercer Coalition on Prevention held a Town Hall on November 3rd. They talked about the medical and health downside to cannabis. They provided some excellent educational materials. It was a great event and hopefully they hold another one in the future.

President Steward reported that the Planning Board met on November 3rd. The first matter was the proposed development on the corner of Dover and Hazel. The first proposal was rather aggressive in its size and scope and the Board had heard feedback from the Community. The project had been rebuffed. It came back to the Board scaled down significantly and keeping more with the tone of the neighborhood. It was brought forward as a resolution of a settlement concerning legal action taken against the Board regarding the dismissal of the first application. There was general agreement that it was much improved from the first application. It was still not perfect in the eyes of some, but it brought a good resolution to the legal matter. Residents were grateful in being heard in the modifying of the plan and trying to keep the character of the neighborhood. The Council President said that the second matter concerned the potential re-use of the Naval Air Warfare site. President Steward recommended residents to go on the Township website and look at the Planning Board documents from the meeting. Speaking for herself, President Steward said that the visuals exceeded her expectations. They have committed funding to help construct the bypass.

Vice President Wollert reported that the Senior Committee has been active. Things have moved to Hollowbrook. It seems to be going well.

Councilman Baxter reported that Recreation met at Hollowbrook. They had someone who wanted to join the Rec Board. His appointment is on tonight's agenda. They went over the winter schedules. Basketball Winter League is starting on December 3rd. The boys will be at Fisher and the High School and the girls will be at Antheil. The girls do not have an official start date yet. Councilman Baxter provided the website address.

There were no additional Committee and Commission Reports from members of Council.

Councilwoman Keyes-Maloney announced that the Tree Lighting is scheduled for December 4th at the Municipal Building.

President Steward said that the Patriotic Committee put together a great Veterans Day ceremony.

The Attorney said that the annual Womanspace Community of Lights will be held on December 5th at 5 p.m. at the Municipal Building.

There were no additional announcements.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Sara Hendrickson (via Zoom) said that the Patriotic Committee did a wonderful job even though it had to be moved inside.

Ms. Hendrickson asked why there is no artwork in the hallway?

President Steward responded that there is. It was put up over the weekend.

Mayor Steinmann said that a result of the clean audit is that the Township ended up with an excellent bond rating - AA. For the size of the Town, it is like being a AAA. The Administration and the CFO worked very hard on it. What it means is that the Town will receive phenomenal interest rates when bonding.

The CFO said that with the \$14.4 million bond, the Town got a net four percent on each bond with a premium of some \$400,000.00 that could be used for debt service relief going forward...three point two.

Jason Carty (Local 93 - Ewing Township Professional Firefighters) said that the contracts on tonight's agenda represent months and months of work and then thanked Mayor Steinmann, the Director, and Labor Counsel for their hard work and diligence. The contract represents the ability to not only recruit but retain firefighters. The Department is growing to meet demand of its services. It is a more competitive salary schedule to help retain staff that so much time and energy had been spent training. Mr. Carty thanked Council for their consideration.

There were no additional statements and comments from members of the Public.

ADJOURNMENT

There being no further business, President Steward asked for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Mr. Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 9:18 p.m.

Sarah Steward, Past President
(President in 2022)

Susan Bate, Deputy Municipal Clerk

(This Meeting was Held In-Person & via Zoom due to COVID-19)

October 25, 2022 – REGULAR SESSION

President Steward called the meeting to order at 8:17 p.m.

The Clerk gave the Invocation: Almighty God, we ask that you bless us and help us seek your wisdom, guidance, courage, and strength. Be with us in our deliberations and help us to be wise in the decisions we make for the good of all those who have placed their trust and confidence in our leadership. Give us insight to lead with integrity that our decisions may reflect what is right and good and grant us humility to always seek your will in all that we do and say. Amen.

Flag Salute

Council President Steward 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 all on the 5th of January 2022, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room or if you are joining us via Zoom, please use the raised hand function. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

ROLL CALL

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

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

There were no Statements and Comments from Members of the Public.

BILLS LIST

1. The Clerk read (Resolution #22R-191) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$815,129.47 and to Pay Supplemental Bills per Resolution #22R-11 in the Amount of \$3,902.04

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

ROLL CALL

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

The above-referenced Bills List Resolution and the Bills List are available in the Clerk’s Office in the 2022 Resolution Book Number Two.

The Clerk read: All items listed under Consent Agenda are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.

CONSENT AGENDA

The Clerk read the Consent Agenda: **(Resolution #22R-192/)**

1. Approval of Agenda Session Minutes for June 14, 2022 and June 28, 2022; Approval of Regular Session Minutes for June 14, 2022 and June 28, 2022
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,258.02 for August 1, 2022 3rd Quarter Taxes to CoreTitle LLC, Settlement Trust Account, 1300 Route 73, Suite 112, Mount Laurel, NJ 08054, for property owner Loginow G. Walter for Block: 223.08 Lot: 16 also known as 35 Crown Road. Property owner is approved for 100% disabled veteran exemption as of 8/15/2022. Overpayment is to be refunded to title company which executed 3rd quarter payment of taxes.

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

ROLL CALL

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

The above-referenced Minutes are available in the Clerk's Office in the 2022 Agenda Session and Regular Session Minute Books. The above-referenced Consent Agenda Resolution is available in the Clerk's Office in the 2022 Resolution Book Number Two.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read **(Ordinance #22-25)** AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225, SECTION 59, SCHEDULE XII: STOP INTERSECTIONS, CONVERTING VARIOUS INTERSECTIONS OF DOWNING ROAD, GILMORE ROAD, CLAMER ROAD, LANGFORD LANE, PENN COURT, DARBY COURT AND PLAZA COURT TO STOP-CONTROLLED INTERSECTIONS BY INSTALLING NEW STOP SIGNS AND OTHERWISE UPDATING THE TOWNSHIP CODE

President Steward said that this is adding stop-controlled intersections which includes signs, stop bars, and markings to the t-intersections within Wynnewood Manor.

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

ROLL CALL

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

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

1. The Clerk read (Ordinance #22-16) AN ORDINANCE AMENDING THE OLDEN AVENUE REDEVELOPMENT PLAN

WHEREAS, on August 24, 1999, the Township of Ewing (“Township”) adopted the Olden Avenue Redevelopment Plan (“OARP”) prepared by Heyer, Gruel & Associates; and

WHEREAS, the Township amended the OARP by ordinance effective May 2, 2011; and

WHEREAS, the Township again amended the OARP by ordinance effective August 12, 2014; and

WHEREAS, the Township again amended the OARP by ordinance effective May 29, 2017; and

WHEREAS, after monitoring the efficacy of the OARP and the 2011, 2014 and the 2017 amendments thereto, the Ewing Township Redevelopment Agency has recommended to Township Council new amendments to the OARP; and

WHEREAS, the Township deems the proposed amendments to the OARP to be in the public interest and wishes to adopt said amendments; and

WHEREAS, after introduction and first reading, this ordinance adopting amendments to the OARP shall be referred to the Planning Board pursuant to N.J.S.A. 40A:12A-6, and the Planning Board is directed to provide public notice and conduct a public hearing regarding the proposed amendments to the OARP; and

WHEREAS, following said public notice and hearing, the Planning Board, pursuant to N.J.S.A. 40A:12A-7(e), is directed to prepare and transmit a report containing its recommendation concerning the proposed amendments to the OARP, which shall include an identification of any provisions in the proposed OARP amendments which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate, within 45 days of the referral of the proposed amendments to the OARP.

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

Section 1. Having received the report of the Planning Board pursuant to N.J.S.A. 40A:12A-7(e), the proposed amendments to the OARP, which are annexed hereto as a part hereof, are hereby adopted.

Section 2. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with law.

STATEMENT

An Ordinance amending the Olden Avenue Redevelopment Plan.

The Council President stated that this was referred to Council from the Planning Board. This makes some improvements and updates to the Olden Avenue Plan and for one property gives the Township additional tools to come to a resolution to facilitate the redevelopment of that property. The Planning Board said that it is consistent with the Township’s Master Plan.

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

ROLL CALL

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

2. The Clerk read (Ordinance #22-17) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 215 LAND DEVELOPMENT TO DEFINE AND REGULATE CONVENIENCE RETAIL, SMOKE SHOPS, TOBACCO SHOPS, VAPE STORES AND ANCILLARY SALE OF SMOKING PARAPHERNALIA

WHEREAS, P.L.2021, c.16 (A21/S21), entitled the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” (the “Personal Use Act”), establishes clear legal procedures for the development, regulation, and enforcement of cannabis sales and related businesses and land uses; and

WHEREAS, the Personal Use Act distinguishes between “Regulated Cannabis” and “Marijuana and Hashish”; and

WHEREAS, when the substance is bought, sold, and used under certain conditions, it is treated as regulated cannabis and fully legal in New Jersey; and

WHEREAS, all forms of the substance that are not regulated cannabis or medical cannabis are treated as “marijuana” or “hashish,” and under the Personal Use Act, are still defined as “controlled dangerous substances” under N.J.S.A. 2C:35-2; and

WHEREAS, the Land Development Ordinance of the Township of Ewing (the “Township”), explicitly defines and regulates permitted uses within each zoning district to protect the health, safety, morals, and general welfare; and

WHEREAS, the prevalence, proximity, and nature of uses involving certain substances and paraphernalia falls under the jurisdiction of land use and zoning regulations in the Township as a distinct use classification; and

WHEREAS, smoke shops, tobaccos shops, vape stores, and ancillary sales of smoking paraphernalia are uses that offer increased potential for the unregulated sale of marijuana and hashish, kratom, Delta 8 CBD and the like and the sale to minors; and

WHEREAS, smoke shops, tobaccos shops, vape stores, and ancillary sales of smoking paraphernalia are uses that require special provisions to ensure that any negative impact associated with parking, traffic, ingress and egress is addressed; and

WHEREAS, smoke shops, tobaccos shops, vape stores, and ancillary sales of smoking paraphernalia are not currently expressly permitted uses in the Township; and

WHEREAS, the Federal Farm Bill of 2018 maintaining marijuana as illegal, made hemp legal, and thus hemp-based CBD products in all forms are legal to sell and use.

WHEREAS, the Farm Bill identified Delta 9 tetrahydrocannabinol (delta-9 THC) as illegal in CBD products above 0.3% in all forms of CBD product yet remained silent Delta-8 tetrahydrocannabinol, also known as delta-8 THC, and a psychoactive substance, and

WHEREAS, The FDA is also concerned that delta-8 THC products likely expose consumers to much higher levels of the substance than are naturally occurring in hemp cannabis raw extracts due to manipulation and adding concentrated levels of delta-8 in CBD products, and

WHEREAS, the historical use of cannabis cannot be relied upon in establishing a level of safety for products containing concentrated levels of delta-8 in humans.

WHEREAS, products containing concentrated levels of delta-8, kratom, synthetic CBD and other grey market products find their way onto the shelves of smoke shops, vape stores, convenience stores and other novelty shops, and

WHEREAS, the Township wishes to promote healthy lifestyles by properly regulating business that may have a deleterious impact on the community at-large.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer, that the Code of the Township of Ewing be amended as follows:

Section 1 Chapter 215, LAND DEVELOPMENT, Article II, DEFINITIONS is hereby amended to read as follows:

§ 215-8 Definitions.

[Amended by Ord. No. 1989-30; Ord. No. 1991-22; Ord. No. 1993-22; Ord. No. 1994-3; 2-8-2000 by Ord. No. 00-02; 3-31-2000 by Ord. No. 00-08]

As used in this chapter, the following terms shall have the meanings indicated:

[. .]

ANCILLARY SALE, SMOKING PARAPHERNALIA AND TOBACCO RELATED PRODUCTS

Use of less than 5% of gross floor area or 200 square feet (NOTE: every 1 linear feet of wall area shall be counted as 10 square feet), whichever is lesser, for retail or wholesale distribution, display, or marketing of Smoking Paraphernalia and Tobacco Related Products that are accessory to the sale of Tobacco Products at any gasoline service station, convenience retail store, grocery store, supermarket, minimart or similar market, and which is accessory to said use. Tobacco Products, Tobacco Related Products and associated Smoking Paraphernalia are combined and counted toward the overall area devoted to such use.

[. .]

CANNABIDIOL (CBD) RELATED PRODUCTS

A psychoactive non-intoxicating compound derived from a cannabis or hemp plant known to have many potential therapeutic benefits, including anti-inflammatory, analgesic, anti-anxiety, and seizure-suppressant properties, containing less than 0.3% Delta 9 Tetrahydrocannabinol and less than 0.1% delta 8 Tetrahydrocannabinol (THC). THC as applied to this definition includes both Delta 8 and Delta 9 limitations. Products include:

Flower: Combusting or vaporizing CBD weed allows users to feel the potential therapeutic effects of CBD almost immediately.

Isolate: CBD isolate is cannabidiol in its purest form: a fine white powder. This crystalline form of CBD is versatile and allows users to measure precise doses.

Concentrates: CBD can also be purchased in concentrate form, including raw CBD oil, cartridges, vape pens, syringes, and more. Concentrates bridge the gap between CBD flower and CBD isolate.

Infusions: Readily usable products infused with CBD, including edibles, elixirs, sublingual sprays, and topicals.

CBD is not a Tobacco Product or Tobacco Related Product and not permitted to be sold retail or wholesale distribution, display, or marketing as such. CBD is not permitted to be sold with synthetic additives or concentrated doses of delta 8 Tetrahydrocannabinol in Ewing Township.

CANNABIDIOL (CBD) STORE, RETAIL SALES

An establishment that is dedicated to, or a provider of, CBD related products and those establishments that do not sell, gift, or otherwise convey products containing more than 0.3% Delta 9 and 0.1% Delta 8 Tetrahydrocannabinol (THC)

[. .]

CONVENIENCE RETAIL ESTABLISHMENT

[Added 6-9-2015 by Ord. No. 15-17]

- A. Typically between 2,500 and 6,000 square feet;
- B. Has off-street parking and/or convenient pedestrian access;
- C. Extended hours of operation with many open 24 hours, seven days a week;
- D. Stock at least 500 stock-keeping units (SKUs); and
- E. Product mix includes grocery-type items, and also includes items from the following groups: beverages, snacks (including confectionery), and Ancillary Sale of tobacco products, tobacco related products, and smoking paraphernalia.

CONVENIENCE STORE

[Added 7-26-2011 by Ord. No. 11-17]

A retail establishment selling primarily food products, cigarettes, auto products, household items, newspapers and magazines, candy, and beverages, a limited amount of freshly prepared foods such as sandwiches and salads for both on- and off-premises consumption, Ancillary Sale of Smoking Paraphernalia and Tobacco Related Products and tobacco products, and which may have a related, adjacent automobile gas dispensing service station.

[...]

DRUG STORE

A pharmacy operated by licensed pharmacists and which may include ancillary convenience retail sales of non-pharmaceutical products and clinical services.

[...]

GASOLINE SERVICE STATION

An establishment that may include gasoline, CNG and low-flow diesel sales, service repairs for automobiles, but no convenience retail establishment included on premises, although limited sales of tobacco products, quarts of oil, or other auto-related fluids, as well as Ancillary Sale of tobacco products, tobacco related products and smoking paraphernalia may be offered.

[Added 6-9-2015 by Ord. No. 15-17]

[...]

HEAD SHOP

A commercial retail establishment that sells of paraphernalia used for consumption of tobacco, cannabis, recreational drugs, vaporizers and/or "vape" products, legal highs, legal party powders and New Age herbs, as well as counterculture art, magazines, music, clothing, and home decor.

[Added 6-11-2013 by Ord. No. 13-18]

[...]

MULTIPURPOSE FUELING STATIONS

An establishment that includes gasoline, CNG and low-flow diesel sales, with a convenience retail establishment located on premises, but not service repairs for automobiles with convenience retail establishment included on premises.

[Added 6-9-2015 by Ord. No. 15-17]

[...]

REGULATED CANNABIS ITEM(S)

Any cannabis item(s) as regulated and defined by the New Jersey Cannabis Regulatory Commission, bought, sold and used in accordance with state and local laws and regulations, including but not limited to, medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act (the "Medical Act"), P.L.2009, c.307, N.J.S.A. 24:61-2, et seq., and cannabis dispensed to adults twenty-one (21) years of age or older, pursuant to the New Jersey Cannabis Regulatory, Enforcement, Assistance, and Marketplace Modernization Act (the "Adult Use Act"), P.L.2021, c.16, N.J.S.A. 24:61-31, et seq.

[...]

SMOKE SHOP, TOBACCO SHOP

Any commercial retail establishment or land use in which more than 80% of gross floor area, is used for retail or wholesale distribution, display, or marketing of tobacco products, tobacco related products, and smoking paraphernalia. Use of up to 10% of gross floor area may be utilized for the wholesale distribution, display, or marketing of smoking paraphernalia.

SMOKING PARAPHERNALIA

Any paraphernalia, equipment, device, instrument, or other product that is primarily designed or manufactured for the purpose of smoking, vaporizing, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body tobacco, nicotine, Cannabis, recreational drugs, legal highs, and CBD, including but not limited to blunt wraps, rolling papers, pipes, water pipes/bongs, hookahs.

[...]

TOBACCO PRODUCT

Any product made or derived from tobacco that is intended for human consumption, including any component, part, sealed in final packaging intended for consumer use (e.g., filters or filter tubes sold separately to consumers or as part of kits). Tobacco products include smokable products, cigarettes, cigars, bidis, kreteks, and wrappings, and chewed or smokeless products including loose tobacco leaf, nicotine chews, snuff, dip, and snus.

[...]

TOBACCO RELATED PRODUCTS

Any product that is intended or reasonably expected to be used with or for the human consumption of a tobacco product. It does not contain tobacco and is not made or derived from tobacco. Including but not limited to atomizers, batteries, ash trays, new/replacement cartridges, inhalers, lighters, cigar cutters, etc.

[...]

UNREGULATED CANNABIS ITEM(S)

Any cannabis item(s), including any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin as further defined in P.L.2021, c.16; hashish; and marijuana/marihuana, which is not regulated by the New Jersey Cannabis Regulatory Commission.

[...]

Section 2 Chapter 215, LAND DEVELOPMENT, Article IV, ZONING DISTRICT REGULATIONS; CONDITIONAL USES; PARKING AND SIGN REQUIREMENTS is hereby amended to read as follows:

§ 215-19 B-N Neighborhood Business Zone.

C. Conditional Uses.

[...]

(5) Cannabidiol (CBD) Store, Retail Sales

§ 215-20 B-H Highway Business Zone.

C. Conditional Uses.

[...]

(6) Body painting studios, body piercing, head shop, and tattoo businesses.

(7) Pawnshops, check cashing, secondhand-goods dealers, and bail bonds.

(8) Ancillary Sale, Smoking Paraphernalia and Tobacco Related Products

(9) Cannabidiol (CBD) Store, Retail Sales

§ 215-20 B-H Highway Business Zone.

C. Conditional Uses.

[...]

(5) Cannabidiol (CBD) Store, Retail Sales

§ 215-35 Conditional use requirements.

A. Purpose and scope. The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved on any site unless the use is specifically permitted as a conditional use in the zone for which it is proposed.

B. Guiding principles. In making its decision on an application for a conditional use, the Board shall take no action which will be detrimental to the public welfare or which will substantially impair the intent or purpose of this chapter. The Board may attach such terms and conditions to an approval of such application if, in its judgment, it will preserve such public welfare or such intent or purpose, and shall be guided by the following principles: [Amended by Ord. No. 97-12]

(1) The proposed use will not be detrimental to the character of the neighborhood.

(2) The proposed use does not affect adversely the general plans for the physical development of the Township, as embodied in this chapter and in any Master Plan or portion thereof.

(3) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

(4) The proposed use will not be affected adversely by the existing uses.

(5) With regard to the requirements for the siting of wireless (radio, television and cellular telecommunications) towers and facilities, it is the express objective of this paragraph to provide reasonable opportunities for the siting of such facilities in the various commercial and industrial zones throughout the

Township of Ewing without adversely impacting the visual quality and character of the Township's diverse residential neighborhoods. The specific site standards provided herein are designed to enable unobstructed access to the airwaves while using vertical elements, such as trees and buildings, to provide "angles of occlusion" that completely or partially block or screen views of a freestanding tower from residential uses and zones depending on the viewing distance and relative elevations.

C. Specific requirements. Anything in this chapter to the contrary notwithstanding, the Planning Board shall not approve an application for a conditional use approval unless the requirements for the particular use as set forth below shall have been met.

[. .]

(18) Smoke Shop, Tobacco Shop

(a) Subject to annual licensing through the Township Clerk's Office.

(b) Is located in the B-H, OARP-1, OARP-2, OARP-3, OARP-4 Zones where retail is permitted within said zone, and only upon receipt of a conditional use permit provided that the following standards are met together with any other applicable requirements of this chapter.

(c) Establishment shall meet all the bulk requirements, including parking, landscaping and signage of said zone. No grandfathered signage of any type.

(d) Establishment shall be owned and operated by a licensed, registered operator and/or business where applicable by the authority.

(e) No two businesses offering the same uses identified in Subsection C(18) of this section shall be located within the same structure or property.

(f) No establishment or business with a use encompassing those encaptioned above shall be located closer than 1,000 feet from similar uses, including state-licensed cannabis retailers, measured property line to property line.

(g) No establishment or business with a use encompassing those encaptioned above shall be located closer than 1,000 feet to any public/private school measured property line to property line.

(h) When any existing structure is converted from any use to one of those listed above under those encaptioned above, then, in that event, a full and complete site or plot plan shall be submitted and reviewed in accordance with the provisions of this chapter by the Zoning Officer. The Site Review Committee may be utilized to determine if Board approval and/or variances are necessary. Said submission shall include:

[1] Details of the business, included on the site plan submission. Renderings and/or photos as to the appearance must also be submitted for review.

[a] Window treatments and all proposed signage.

[b] Internal decor, layout and display/merchandising areas.

[c] Business practice and store policies in writing. Such practice and policies shall include:

[A] Health and safety provisions.

[B] Sales to minors.

[C] Security

[2] Meets all parking and circulation requirements of the zone and that particular retail use. The parking requirements apply to storefront and the shopping center seeking to occupy space within.

[3] Meets all landscaping requirements of the zone and that particular use.

[4] Meets all signage requirements of the zone and that particular use. No signage may outwardly convey imagery of goods and services sold inside, including but not limited to: bongs, bowls, hookahs, tobacco brands, and cannabis leaf.

(19) Ancillary Sale, Smoking Paraphernalia and Tobacco Related Products.

(a) Is located within an approved Tobacco Store, Convenience Retail Establishment, grocery store, minimart, supermarket, or Multipurpose Fueling Station, or Gasoline Service Station.

(b) Subject to annual licensing through the Township Clerk's Office.

(c) Limited to less than 5% of gross floor area or 200 square feet, (NOTE: every 1 linear feet of wall area shall be counted as 10 square feet).

(d) No establishment or business with a use encompassing those encaptioned above shall be located closer than 1,000 feet to any public/private school measured property line to property line.

(e) No establishment or business with a use encompassing those encaptioned above shall be located closer than 1,000 feet from the similar uses, including state-licensed cannabis retailers, measured property line to property line.

(f) When any existing structure is converted from any use to one of those listed above under those encaptioned above, then, in that event, a full and complete site or plot plan shall be submitted and reviewed in accordance with the provisions of this chapter by the Zoning Officer. The Site Review Committee may be utilized to determine if Board approval and/or variances are necessary. Said submission shall include:

[1] Details of the business, included on the site plan submission. Renderings and/or photo sims as to the appearance must also be submitted for review.

[a] Window treatments and all proposed signage.

[b] Internal decor, layout and display/merchandising areas.

[c] Business practice and store policies in writing. Such practice and policies shall include:

[A] Health and safety provisions.

[B] Sales to minors.

[C] Security.

[2] Meets all parking and circulation requirements of the zone and that particular retail use. Off-street parking requirements for Ancillary Sales shall be equal to the minimum requirement for commercial retail as specified by Section 215-36. The parking requirements apply to storefront and the shopping center seeking to occupy space within.

[3] Meets all landscaping requirements of the zone and that particular use.

[4] Meets all signage requirements of the zone and that particular use. No signage may outwardly convey imagery of goods and services sold inside, including but not limited to: bong, bowls, hookahs, tobacco brands, and cannabis leaf.

(20) Cannabidiol (CBD) Store, Retail Sales

(a) Is located in the B-N, B-H, OARP-1, OARP-2, OARP-3, OARP-4, OARP-6, OARP-7b Zones where retail is permitted within said zone, and only upon receipt of a conditional use permit provided that the following standards are met together with any other applicable requirements of this chapter and the zones identified herein.

(b) Establishment shall meet all the bulk requirements, including parking, landscaping and signage of said zone. No grandfathered signage of any type.

(c) Establishment shall be owned and operated by a licensed, registered operator and/or business where applicable by the authority.

(d) No business offering the uses identified in Subsection C(18) of this section shall be located within the same structure or property.

(e) When any existing structure is converted from any use to one of those listed above under those encaptioned above, then, in that event, a full and complete site or plot plan shall be submitted and reviewed in accordance with the provisions of this chapter by the Zoning Officer. The Site Review Committee may be utilized to determine if Board approval and/or variances are necessary that would then require Board approval. Said submission shall include:

[1] Details of the business, included on the site plan submission. Renderings and/or photo sims as to the appearance must also be submitted for review.

[a] Window treatments and all proposed signage.

[b] Internal decor, layout and display/merchandising areas.

[c] Business practice and store policies in writing. Such practice and policies shall include:

[A] Health and safety provisions.

[B] Sales to minors.

[C] Security.

[2] Meets all parking and circulation requirements of the zone and that particular retail

use. The parking requirements apply to storefront and the shopping center seeking to occupy space within

[3] Meets all landscaping requirements of the zone and that particular use.

[4] Meets all signage requirements of the zone and that particular use. No signage may outwardly convey imagery of goods and services sold inside, including but not limited to: bongs, bowls, hookahs, tobacco brands, and cannabis leaf.

[. . .]

Section 3 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 4 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 5 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

Council President Steward said that this was also referred to Council from the Planning Board. The Planning Board has indicated that it is consistent with the Township's Master Plan. This is the Township's effort to regulate these businesses, many of which are operating in a legal and ethical way. Some are shading the ground. This will also provide enforcement, if needed. Council may look at Mr. Baxter's recommendation and refine the zones the Town wants these businesses to operate within.

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

ROLL CALL

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

President Steward said that the Planning Board Chair commented to her that the Planning Board would like to know the outcome of their recommendations to Council. The Council President said that she will take that on that responsibility.

- 3. The Clerk read (Ordinance #22-23) BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A VACANT LAND PARCEL IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Ewing, in the County of Mercer, New Jersey (the "Township") as a general improvement. For the improvement

or purpose described in Section 3(a), there is hereby appropriated the sum of \$500,000, including the sum of \$25,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$475,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of a vacant land parcel located at 49 Carlton Avenue, also known as Block 233, Lot 20 on the tax maps of the Township, including all professional service fees and all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of

delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$475,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

President Steward said that this would acquire a flag lot off Carlton Avenue. It will not be developed but used as open space.

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

ROLL CALL

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

4. The Clerk read (Ordinance #22-24) **BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION IN THE AGGREGATE AMOUNT OF \$300,000 FOR SECTIONS 3(d)(ii), 3(e)(ii) and 3(f)(ii) OF BOND ORDINANCE #22-13 PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF THE AGGREGATE AMOUNT OF \$285,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvements described in Section 3(a) of this bond ordinance have heretofore been authorized to be undertaken by the Township of Ewing, in the County of Mercer, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3(a) there is hereby appropriated the aggregate supplemental amount of \$300,000, such sum being in addition to the \$100,000 appropriated in Section 3(d)(ii), the \$860,000 appropriated in Section 3(e)(ii) and the \$800,000 appropriated in Section 3(e)(ii) of Bond Ordinance #22-13 of the Township, finally adopted May 24, 2022 (the "Original Bond Ordinance"), and including the aggregate sum of \$15,000 as the additional down payments required by the Local Bond Law. The additional down payments are now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvements or purposes not covered by application of the additional down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond

anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements heretofore authorized and the purposes for the financing of which the bonds are to be issued are ADA improvements to Armstrong Park, the acquisition of a fire engine for West Trenton Volunteer Fire Company and the acquisition of a fire engine for Prospect Heights Volunteer Fire Company, as described in Sections 3(d)(ii), 3(e)(ii) and 3(f)(ii) of the Original Bond Ordinance.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvements or purposes is \$1,957,000, including the \$95,000 bonds or bond anticipation notes authorized in Section 3(d)(ii) of the Original Bond Ordinance, the \$817,000 bonds or bond anticipation notes authorized in Section 3(e)(ii) of the Original Bond Ordinance, the \$760,000 bonds or bond anticipation notes authorized in Section 3(f)(ii) of the Original Bond Ordinance and the \$285,000 bonds or bond anticipation notes authorized herein, which consists of \$95,000 bonds or bond anticipations notes authorized for each section of the Original Bond Ordinance set forth above.

(c) The estimated cost of the improvements or purposes is \$2,060,000, including the \$100,000 appropriated in Section 3(d)(ii) of the Original Bond Ordinance, the \$860,000 appropriated in Section 3(e)(ii) of the Original Bond Ordinance, the \$800,000 appropriated in Section 3(f)(ii) of the Original Bond Ordinance and the \$300,000 appropriated herein, which consists of \$100,000 appropriated for each section of the Original Bond Ordinance set forth above.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby

authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) Since the Original Bond Ordinance was a multipurpose bond ordinance, the average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is hereby amended to be 9.80 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in

this bond ordinance by \$285,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) No additional amount is estimated for items of expense listed in and permitted under N.J.S.A. 40A:2-20.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Council President said that this supplemental appropriation is necessary because of the purchase of two additional fire apparatus and ADA improvements at Armstrong Park. The quotes for both came in higher than anticipated.

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

ROLL CALL

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

NEW BUSINESS

1. The Clerk read **(Resolution #22R-193) RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

The Council President said that when the Township receives grant money that was not known at the time of the Budget, it must adopt a Resolution that will insert it in the Budget. This is State grant money to help facilitate the clean-up of a contaminated property – the Hibbert Automotive site. The Town is working to get it cleaned up and returned to public purpose.

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

ROLL CALL

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

2. The Clerk read **(Resolution #22R-194) A RESOLUTION AUTHORIZING A MORATORIUM ON THE GRANTING OF ANY CLASS OF CANNABIS LICENSE IN EWING TOWNSHIP FOR ONE (1) YEAR**

President Steward stated that this is the culmination of discussions held over the past several weeks and months. Having endorsed several cannabis businesses to apply to the State to operate in the Township, Council intends to not endorse additional cannabis businesses for a period of twelve months with the limited exception of two known applications that have been considered by the Committee for manufacturing which currently has no limit. Council may, at its discretion, consider changes to those applications that had already been endorsed.

The Attorney added that Councilwoman Keyes-Maloney suggested that the Clerk's Office will not accept any new applications during this period.

The Council President added that, during this time, it is Council's intent to reexamine and possibly revise the application process.

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

ROLL CALL

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

3. The Clerk read (Resolution #22R-195) A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE COUNTY OF MERCER AND THE TOWNSHIP OF EWING FOR FIRE DISPATCH FOR EWING TOWNSHIP

President Steward said that this extends an existing relationship with the County. This has worked well for the Township.

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

ROLL CALL

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

4. The Clerk read (Resolution #22R-196) A RESOLUTION AUTHORIZING A THREE (3) MONTH EXTENSION FOR THE OPERATION OF THE EWING ANIMAL SHELTER BY EASEL ANIMAL RESCUE LEAGUE

President Steward said that a RFP has been posted for this contract. This Resolution authorizes a three-month extension of the current contract to continue existing operations during the time that the bidding process plays out.

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

ROLL CALL

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

The Clerk read Items Five and Six as a Block.

5. The Clerk read (Resolution #22R-197) A RESOLUTION AUTHORIZING A MAINTENANCE GUARANTEE RELEASE FOR JAMES SANOCKI, 262 CLAFLIN AVENUE (BLOCK 179, LOT 336) – EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-I-094
6. The Clerk read (Resolution #22R-198) A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE FOR 1871 PENNINGTON ROAD (BLOCK 259/LOT 19) – EWING ENGINEERS REMINGTON & VERNICK FILE NO. #1102-I-108

President Steward said that both releases have been reviewed by the Township Engineer. Both meet project and statutory requirements.

There were no questions or comments on either Resolution from Council or the Public. Mr. Baxter then moved both Resolutions, seconded by Mr. Schroth. Council President Steward called for a roll call.

ROLL CALL

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

7. The Clerk read (Resolution #22R-199) A RESOLUTION APPROVING KYLE J. WEST AS A SENIOR FIREFIGHTING MEMBER OF THE WEST TRENTON VOLUNTEER FIRE COMPANY NO. 1

President Steward said that Council appreciates Mr. West's interest in serving and encourages others to do the same.

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

ROLL CALL

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

8. The Clerk read (Resolution #22R-200) A RESOLUTION GRANTING CARLOS SANTIAGO PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 45, 9MM SEMI-AUTOMATIC PISTOL SERIAL NUMBER BLASS77) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT NOVEMBER 1, 2022

Council President Steward said that this has been a practice at the Township for many years that, at the recommendation of the Chief, the service firearm of retiring officers is made available to them. Council appreciates Carlos Santiago's service to the Township.

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

ROLL CALL

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

The above-referenced New Business Resolutions are available in the Clerk's Office in the 2022 Resolution Book Number Two.

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business President Steward called for a motion to adjourn. Mr. Baxter so moved seconded by Vice President Wollert. It was agreed by unanimous voice vote. The meeting was adjourned at 8:35 p.m.

Sarah Steward, Past President
(President in 2022)

Kim J. Macellaro, Municipal Clerk

(This Meeting was Held In-Person & via Zoom due to COVID-19)

November 22, 2022 – REGULAR SESSION

President Steward called the meeting to order at 9:31 p.m.

The Deputy Clerk gave the Invocation: Almighty God, we ask that you bless us and help us seek your wisdom, guidance, courage, and strength. Be with us in our deliberations and help us to be wise in the decisions we make for the good of all those who have placed their trust and confidence in our leadership. Give us insight to lead with integrity that our decisions may reflect what is right and good and grant us humility to always seek your will in all that we do and say. Amen.

Flag Salute

Council President Steward 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 all on the 5th of January 2022, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room or if you are joining us via Zoom, please use the raised hand function. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

ROLL CALL

- | | |
|-------------------------------|------------------------------------|
| ▪ Mr. Baxter – Present | Joanna Mustafa, CFO |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Susan Bate, Deputy Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Steward – Present | |

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

There were no Statements and Comments from members of the Public.

BILLS LIST

1. The Deputy Clerk read (Resolution #22R-202) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,549,543.11 and to Pay Supplemental Bills per Resolution #22R-11 in the Amount of \$9,467.18

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

ROLL CALL

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

The above-referenced Bills List Resolution and the Bills List are available in the Clerk’s Office in the 2022 Resolution Book Number Two.

The Deputy Clerk read: All items listed under Consent Agenda are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.

CONSENT AGENDA

The Deputy Clerk read the Consent Agenda: **(Resolution #22R-203/)**

1. Approval of Agenda Session Minutes for July 12, 2022, July 26, 2022; Approval of Regular Session Minutes for July 12, 2022, July 26, 2022
2. A Resolution Authorizing a Refund, as Recommended by the Municipal Clerk, to Bossy Girl Bakery in the Amount of \$50.00

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

ROLL CALL

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

President Steward said that she is voting YES on the Consent Agenda except that she is ABSTAINING from the Minutes (both Agenda and Regular Session) for July 26th, as she was not present at that Council meeting.

The above-referenced Minutes are available in the Clerk's Office in the 2022 Agenda Session and Regular Session Minute Books. The above-referenced Consent Agenda Resolution is available in the Clerk's Office in the 2022 Resolution Book Number Two.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Deputy Clerk read **(Ordinance #22-26) AN ORDINANCE AMENDING CHAPTER 284, RENTAL PROPERTY OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO ADD ARTICLE III, LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS**

President Steward said that this is to keep the Township in compliance with the new State mandate to require lead-based paint hazard inspections for rental properties. It creates a system whereby people can seek those inspections from either private companies or for a fee the Township can offer that service. These properties are to be inspected on a regular basis or upon change of occupant.

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

ROLL CALL

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

- The Deputy Clerk read **(Ordinance #22-27) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AUTHORIZE THE PRIVATE SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE, SPECIFICALLY FIRE EQUIPMENT, TO THE 911 FUND, INC., A 501(c)(3) NON-PROFIT ORGANIZATION**

The Council President said that this would allow the sale, for a nominal value, to this non-profit organization. This is turnout gear that can no longer meet the specifications required for Ewing’s purposes. This non-profit helps connect that gear to a place where it can be used.

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

ROLL CALL

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

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

- The Deputy Clerk read **(Ordinance #22-25) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225, SECTION 59, SCHEDULE XII; STOP INTERSECTIONS, CONVERTING VARIOUS INTERSECTIONS OF DOWNING ROAD, GILMORE ROAD, CLAMER ROAD, LANGFORD LANE, PENN COURT, DARBY COURT AND PLAZA COURT TO STOP-CONTROLLED INTERSECTIONS BY INSTALLING NEW STOP SIGNS AND OTHERWISE UPDATING THE TOWNSHIP CODE**

WHEREAS, the Township of Ewing (“Township”), in the interest of safety, driver expectancy and the expedition of traffic on public roadways, requested a site inspection of Downing Road, Gilmore Road, Clamer Road, Langford Lane, Penn Court, Darby Court and Plaza Court to address safety concerns; and

WHEREAS, Remington & Vernick Engineers (“Engineers”) performed a site inspection of the intersections of Clamer Road, Downing Road, Wynnewood Road, Langford Lane, Penn Court, Darby Court and Plaza Court and noted the following existing conditions: (1) a “STOP” sign is not currently installed at the intersection, and it is not listed in the Township Code; (2) the lack of a traffic control device creates a hazardous condition for vehicles at the intersection; and

WHEREAS, it was the recommendation of the Engineers that these intersections be converted to a “STOP-Controlled” intersection, and the Township install new “STOP” signs and “STOP” bars on Downing Road, Gilmore Road, Clamer Road, Langford Lane, Penn Court, Darby Court and Plaza Court; and

WHEREAS, the Township has installed a stop sign at the Intersection of Downing Road, Gilmore Road, Clamer Road, Langford Lane, Penn Court, Darby Court and Plaza Court in the interest of public safety; and

WHEREAS, the Township is authorized to implement such traffic regulations under N.J.S.A. 39:4-8(b)(1), without requiring the approval of the Commissioner of Transportation for the State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Article VIII Schedules, Chapter 225, VEHICLES AND TRAFFIC, Section 59, SCHEDULE XII: STOP INTERSECTIONS, is hereby amended to read as follows:

In accordance with the provisions of § 225-13, the following streets shall be designated as stop intersections, and stop signs shall be installed as provided herein:

Intersection	Stop Sign On
Alexander Drive and Ewingville Road (CR 636) [Added 4-9-2019 by Ord. No. 19-08]	Alexander Drive
April Place and Bakun Way [Added 4-9-2019 by Ord. No. 19-08]	April Place
Auburn Place and Chesney Avenue	Auburn Place
Auburn Place and Lisbon Avenue	Auburn Place
Bakun Way and Ewingville Road (CR 636) [Added 4-9-2019 by Ord. No. 19-08]	Bakun Way
Beechwood Avenue and Radnor Avenue	Radnor Avenue
Bernard Drive and Frederick Lane	Frederick Lane
Bernard Drive and Scudder Road	Scudder Road
Berwyn Avenue and Radnor Avenue	Radnor Avenue
Bismark Avenue and Trent Avenue	Trent Avenue
Bittersweet Drive and Autumn Lane	Autumn Lane
Boone Avenue and Dunmore Avenue [Added 12-11-2018 by Ord. No. 18-33]	Boone Avenue
Boone Avenue and Farrell Avenue [Added 12-11-2018 by Ord. No. 18-33]	Boone Avenue
Brenwal Avenue and Broad Avenue [Added 11-14-2016 by Ord. No. 16-16]	Broad Avenue
Brenwal Avenue and Western Avenue [Added 11-14-2016 by Ord. No. 16-16]	Western Avenue
Brenwal Avenue and Florence Avenue [Added 11-14-2016 by Ord. No. 16-16]	Florence Avenue
Browning Avenue and Crescent Avenue	Crescent Avenue
Bull Run Road and Federal City Road	Bull Run Road
Chauncey Avenue and Linwood Avenue [Added 9-22-2015 by Ord. No. 15-33]	Linwood Avenue
<u>Clamer Road and Langford Lane</u>	<u>Langford Lane</u>
Cleardale Avenue and Patton Drive	Patton Drive
Columbia Avenue and Fifth Street	Columbia Avenue

[Added 8-11-2020 by Ord. No.--]

Columbia Avenue and Sixth Street

[Added 8-11-2020 by Ord. No.--]

Columbia Avenue and Seventh Street

[Added 8-11-2020 by Ord. No.--]

Columbia Avenue and Eighth Street

[Added 8-11-2020 by Ord. No.--]

Columbia Avenue and Ninth Street

[Added 8-11-2020 by Ord. No.--]

Concord Avenue and Radnor Avenue

Dover Avenue and Hazel Avenue

Dover Avenue and Robbins Avenue

Downing Road and Clamer Road

Duffield Drive and Holder Drive

Duffield Drive and Willis Drive

Duke Street and Peck Avenue

[Added 12-11-2018 by Ord. No. 18-33]

Exit driveway at Ewing High School

[Added 10-9-2001 by Ord. No. 01-26]

Franklyn Road and Gilmore Road

Fireside Avenue and Dunmore Avenue

Gilmore Road and Clamer Road

Gilmore Road and Downing Road

Glen Stewart Drive and Glen Mawr Drive

[Added 2-13-2001 by Ord. No. 01-03]

Glenmore Avenue and Pennington Road

Greenland Avenue and Chelsea Avenue

[Added 10-16-2018 by Ord. No. 18-28]

Greenland Avenue and Douglas Avenue

[Added 10-16-2018 by Ord. No. 18-28]

Greenway Avenue and Radnor Avenue

Hawthorne Avenue and Browning

Hawthorne Avenue and Dearborn Avenue

Hendrickson Avenue and Albemarle Avenue

[Added 11-22-2005 by Ord. No. 05-44; amended 2-14-

Columbia Avenue and Sixth Street

Columbia Avenue and Seventh Street

Eighth Street

Ninth Street

Radnor Avenue

Hazel Avenue

Robbins Avenue

Gilmore Road

Holder Drive

Willis Drive

Duke Street

Exit driveway at Ewing High School

Gilmore Road

Fireside Avenue

Gilmore Road

Downing Road

Glen Stewart Drive

Glenmore Avenue

Chelsea Avenue

Greenland Avenue and Douglas Avenue

Radnor Avenue

Browning Avenue

Dearborn Avenue

Albemarle Avenue

2006 by Ord. No. 06-04]

Hinckle Avenue and Summit Avenue [Added 2-13-2001 by Ord. No. 01-03]	Hinckle Avenue
Homecrest Avenue and Chelsea Avenue [Added 9-25-2018 by Ord. No. 18-23]	Homecrest Avenue and Chelsea Avenue
Homecrest Avenue and Douglas Avenue [Added 9-25-2018 by Ord. No. 18-23]	Homecrest Avenue and Douglas Avenue
Ives Avenue and Hillman Avenue	Hillman Avenue
Kelsey Avenue — Hazel Avenue and Homestead Avenue	Homestead Avenue
Keswick Avenue and Dearborn Avenue	Dearborn Avenue
Lafayette Avenue and Summit Avenue	Summit Avenue
Lake Boulevard and Linwood Avenue [Added 9-22-2015 by Ord. No. 15-33]	Lake Boulevard
Langford Lane and Franklyn Road — Clamer Road	Langford Lane
Langmoore Drive and Kennedy Lane [Added 4-9-2019 by Ord. No. 19-08]	Kennedy Lane
Latona Avenue and Radnor Avenue	Radnor Avenue
Levin Properties (Laneco)	All locations numbered 1 and circled in red shown on the plan prepared by Carr Engineering Associates, P.A., revised October 4, 1989
Lochatong Road and Westwood Drive [Added 10-9-2001 by Ord. No. 01-26]	Lochatong Road
Nancy Lane and Alexander Drive	Alexander Drive
Nancy Lane and Alice Way [Added 4-9-2019 by Ord. No. 19-08]	Alice Way
Nancy Lane and Bakun Way [Added 4-9-2019 by Ord. No. 19-08]	Nancy Lane
Nancy Lane and Heather Drive [Added 4-9-2019 by Ord. No. 19-08]	Heather Drive
Nancy Lane and Langmoore Drive [Added 4-9-2019 by Ord. No. 19-08]	Langmoore Drive
Nancy Lane and Rockland Road [Added 4-9-2019 by Ord. No. 19-08]	Nancy Lane
Nancy Lane and Rockland Road [Added 4-9-2019 by Ord. No. 19-08]	Rockland Road
Nancy Lane and Snook Drive	Snook Drive

[Added 4-9-2019 by Ord. No. 19-08]	
Nancy Lane and Susan Drive [Added 4-9-2019 by Ord. No. 19-08]	Susan Drive
Nancy Lane and Todd Lane [Added 4-9-2019 by Ord. No. 19-08]	Todd Lane
Nancy Lane and Varden Court [Added 4-9-2019 by Ord. No. 19-08]	Varden Court
Pickford Avenue and Pershing Avenue	Pershing Avenue
Pingree Avenue and Berwyn Avenue [Added 2-13-2001 by Ord. No. 01-03]	Pingree Avenue
Pingree Avenue and Berwyn Avenue [Added 5-3-2005 by Ord. No. 05-16]	Pingree Avenue and Berwyn Avenue
Pingree Avenue and Latona Avenue [Added 2-13-2001 by Ord. No. 01-03]	Pingree Avenue
Pingree Avenue and Latona Avenue [Added 5-3-2005 by Ord. No. 05-16]	Pingree Avenue and Latona Avenue
Pingree Avenue and Westmoreland Drive [Added 2-13-2001 by Ord. No. 01-03]	Pingree Avenue
Pingree Avenue and Westmoreland Avenue [Added 10-24-2017 by Ord. No. 17-27]	Pingree Avenue and Westmoreland Avenue
Rhodes Avenue and King Avenue	Rhodes Avenue
Ridgewood Avenue and Crestmont Avenue [Added 1-22-2019 by Ord. No. 19-02]	Crestmont Avenue
Ridgewood Avenue and Steinway Avenue [Added 1-22-2019 by Ord. No. 19-02]	Ridgewood Avenue
Riverview Drive and Wilburtha Road	Riverview Drive
Rockland Road and April Place [Added 4-9-2019 by Ord. No. 19-08]	April Place
Rockland Road and Bunker Hill Road [Added 4-9-2019 by Ord. No. 19-08]	Rockland Road
Rockland Road and Heather Drive [Added 4-9-2019 by Ord. No. 19-08]	Heather Drive
Rockland Road and Kennedy Lane [Added 4-9-2019 by Ord. No. 19-08]	Kennedy Lane
Rockland Road and Langmoore Drive [Added 4-9-2019 by Ord. No. 19-08]	Langmoore Drive

Rockland Road and Shawn Road [Added 4-9-2019 by Ord. No. 19-08]	Shawn Road
Rockland Road and Thomas Place [Added 4-9-2019 by Ord. No. 19-08]	Thomas Place
Rockland Road and Todd Lane [Added 4-9-2019 by Ord. No. 19-08]	Todd Lane
Roosevelt Avenue and Southard Street	Southard Street
Roosevelt Avenue and Trent Street	Trent Street
Rosedale Avenue and Greenville Avenue [Added 11-22-2005 by Ord. No. 05-44; repealed 2-14-2006 by Ord. No. 06-04]	
Rosedale Avenue and Hendrickson Avenue [Added 11-22-2005 by Ord. No. 05-44; repealed 2-14-2006 by Ord. No. 06-04]	
Running Brook Road and Bent Twig Lane [Added 4-9-2019 by Ord. No. 19-08]	Bent Twig Lane
Running Brook Road and Blossom Drive [Added 4-9-2019 by Ord. No. 19-08]	Blossom Drive
Running Brook Road and Blue Grass Drive [Added 4-9-2019 by Ord. No. 19-08]	Blue Grass Drive
Running Brook Road and Ewingville Road (CR 636) [Added 4-9-2019 by Ord. No. 19-08]	Running Brook Road
Running Brook Road and Green Lane [Added 4-9-2019 by Ord. No. 19-08]	Running Brook Road
Seventh Street and Prospect Street [Added 9-22-2020 by Ord. No. 20-15]	Seventh Street
Sherbrook Road and Kilmer Drive	Kilmer Drive
South driveway of Ground Round Restaurant and Route 31	South driveway of Ground Round Restaurant
Spring Valley Lane and Bent Twig Lane [Added 4-9-2019 by Ord. No. 19-08]	Bent Twig Lane
Spring Valley Lane and Blue Grass Drive [Added 4-9-2019 by Ord. No. 19-08]	Blue Grass Drive
Spring Valley Lane and Green Lane [Added 4-9-2019 by Ord. No. 19-08]	Spring Valley Lane
Spring Valley Lane and Running Brook Road [Added 4-9-2019 by Ord. No. 19-08]	Spring Valley Lane
Star Drive and Westwood Drive	Star Drive

[Added 10-9-2001 by Ord. No. 01-26]

Stuart Avenue and Clement Avenue

Stuart Avenue

Summit Avenue and Walker Avenue

Summit Avenue

Summit Avenue and Washington Avenue

Washington Avenue

[Amended 2-13-2001 by Ord. No. 01-03]

Susan Drive and Alexander Drive

Alexander Drive

[Added 4-9-2019 by Ord. No. 19-08]

Susan Drive and Alice Way

Alice Way

[Added 4-9-2019 by Ord. No. 19-08]

Susan Drive and Bakun Way

Susan Drive

[Added 4-9-2019 by Ord. No. 19-08]

Susan Drive and Thomas Drive

Thomas Drive

[Added 4-9-2019 by Ord. No. 19-08]

Sutherland Avenue and Pingree Avenue

Pingree Avenue

Terrace Boulevard and Beacon Avenue

Beacon Avenue

[Added 3-28-2017 by Ord. No. 17-08]

Terrace Boulevard and Dunmore Avenue

Dunmore Avenue

[Added 3-28-2017 by Ord. No. 17-08]

Terrace Boulevard and Farrell Avenue

Farrell Avenue

[Added 3-28-2017 by Ord. No. 17-08]

Terrace Boulevard and Meridan Avenue

Meridan Avenue

[Added 3-28-2017 by Ord. No. 17-08]

Terrace Boulevard and Rutledge Avenue

Rutledge Avenue

[Added 3-28-2017 by Ord. No. 17-08]

Terrace Boulevard and Scarsdale Avenue

Scarsdale Avenue

[Added 3-28-2017 by Ord. No. 17-08]

Terrace Boulevard and Stratford Avenue

Stratford Avenue

Terrace Boulevard and Wallace Avenue

Wallace Avenue

[Added 3-28-2017 by Ord. No. 17-08]

Terrace Boulevard and Walton Avenue

Walton Avenue

[Added 3-28-2017 by Ord. No. 17-08]

Todd Lane and Worthington Drive

Worthington Drive

[Added 4-9-2019 by Ord. No. 19-08]

Trenton Avenue and Hinckle Avenue

Trenton Avenue

[Amended 2-13-2001 by Ord. No. 01-03]

Trenton Avenue and Howell Avenue

Howell Avenue

Trenton Avenue and Walker Avenue	Walker Avenue
Walker Avenue and Central Avenue [Amended 2-13-2001 by Ord. No. 01-03]	Walker Avenue
Washington Avenue and Central Avenue	Central Avenue
Weber Avenue and Robbins Avenue	Robbins Avenue
White Oak Way and Glen Mawr Drive [Added 2-13-2001 by Ord. No. 01-03]	White Oak Way
Whitebeach Drive and Glen Mawr Drive [Added 2-13-2001 by Ord. No. 01-03]	Whitebeach Drive
Whitewood Drive and Westwood Drive	Whitewood Drive
Winthrop Avenue and Stratford Avenue	Winthrop Avenue
Worthington Drive and Langmoore Drive [Added 4-9-2019 by Ord. No. 19-08]	Worthington Drive
<u>Wynnewood Road and Darby Court</u>	<u>Darby Court</u>
<u>Wynnewood Road and Penn Court</u>	<u>Penn Court</u>
<u>Wynnewood Road and Plaza Court</u>	<u>Plaza Court</u>

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

Council President Steward said that this is to help with lowering speeds and increase safety in the Wynnewood Manor area by installing stop signs and stop bars.

There were no questions or comments from Council.

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

ROLL CALL

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

NEW BUSINESS

1. The Deputy Clerk read (Resolution #22R-204) A RESOLUTION OF THE TOWNSHIP OF EWING DEMONSTRATING PROOF OF LOCAL SUPPORT FOR THE SUITABILITY OF A CANNABIS MANUFACTURING FACILITY, OPERATED BY JERSEY SMOOTH, LLC AT 311 DICKINSON STREET., BLOCK 112, LOTS 307, 308, 309, 310 & 313, EWING, NJ 08638

Council President Steward said that the Cannabis Advisory Committee recommended that Council consider this applicant. Earlier this evening, the owner testified as to the nature of the business. As a manufacturing facility, there will not be any public presence. The facility is around 4,000 square feet on Dickinson Street.

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

ROLL CALL

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

2. The Deputy Clerk read (Resolution #22R-205) A RESOLUTION OF THE TOWNSHIP OF EWING DEMONSTRATING PROOF OF LOCAL SUPPORT FOR THE SUITABILITY OF A CANNABIS MANUFACTURING FACILITY, OPERATED BY NJ CANFECTIONS NJ, INC. AT 304 STOKES AVENUE, BLOCK 21.01, LOT 12 EWING, NJ 08638

President Steward said that the Cannabis Advisory Committee also recommended this applicant to Council. They are also looking to operate a manufacturing facility in an industrial area on Stokes Avenue. It is not public facing. The owners and partners provided testimony earlier in the evening.

Councilman Schroth commented that both had submitted their applications prior to Council discussing a moratorium on these types of businesses.

President Steward added that at the last meeting, Council established a one-year moratorium.

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

ROLL CALL

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

3. The Deputy Clerk read (Resolution #22R-206) GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT FOR CALENDAR YEAR 2021

Council President Steward said that the Township's auditors, from Mercadien, were at the Agenda Session to present an unmodified opinion which is the highest that can be given. As Mayor Steinmann pointed out, it contributes to the bond rating.

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

ROLL CALL

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

4. The Deputy Clerk read (Resolution #22R-207) RESOLUTION AUTHORIZING CY2022 BUDGET TRANSFERS

President Steward explained that during the last two months of the year, the Township is authorized, by State law, to make budget transfers. The overall Budget total is being kept the same; funds are being shifted amongst the categories. The most significant being the change to the Solid Waste contract which was higher than anticipated but it was offset in other places throughout the Budget.

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

ROLL CALL

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

5. The Deputy Clerk read (Resolution #22R-208) RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

President Steward said that this is changing the overall Budget as the Township is receiving some grant funding.

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

ROLL CALL

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

6. The Deputy Clerk read (Resolution #22R-209) A RESOLUTION APPROVING THE NOTICE IN LIEU OF DEED NOTICE FOR A PORTION OF THE RIGHT OF WAY INCLUDING THE SIDEWALK AND STREET AT 328 STOKES AVENUE, EWING TOWNSHIP, NEW JERSEY AND ACKNOWLEDGING THE USE RESTRICTIONS ON THE PROPERTY AND THE OBLIGATIONS IMPOSED ON THE RESPONSIBLE PARTY AND TOWNSHIP DETAILED THERIN AND AUTHORIZING EXECUTION OF THE NOTICE IN LIEU OF DEED NOTICE, THE SOIL REMEDIAL ACTION PERMIT APPLICATION, AND RELATED DOCUMENTS FOR THE PROPERTY

The Council President said that this property at 328 Stokes Avenue has some environmental contamination and while the responsible party remains the responsible party for dealing with the effects of that, this will allow the Township to notify anyone who may be in a business of disrupting this very small parcel on the grounds of the property where these especially hazardous contaminants were found. That would be PSE&G, Trenton Water, and any other utilities under the street in that location. This will notify them, should they have the need to disrupt the soil, that they take the appropriate precautions. It also reaffirms the responsibilities of the responsible party.

There were no questions or comments from Council.

Victoria Mark (Glendale section of Ewing) asked what kind of business was it, that it is contaminated?

The Attorney responded that she does not know. PCBs are in the ground. The name of the responsible party is Faigle Properties. The type of business was not relevant to her documents.

Ms. Mark said that it is only in that small parcel...

The Attorney replied - no. The whole of 328 Stokes Avenue is contaminated. The contamination extends into the Right-of-Way portion owned by the Township. That is what this Notice in Lieu of Deed Notice pertains to. This Notice will advise anybody who disturbs that portion that they will need to notify DEP, restore to a six-inch cap, and people who are working there will potentially need to wear protective clothing. This is to assist the owners with the remediation of the property. The DEP is requiring them to obtain this Notice in Lieu of Deed Notice from the Township as part of their remedial action plan. They also must see to it that the portion that is in the Township's Right-of-Way is also remediated and appropriately capped, and that notice is given.

President Steward added that on the DEP website, you can look up those that have a Licensed Site Remediation Plan.

Councilman Schroth said that he just googled them – they made machinery.

The Attorney added that they are obtaining a Metes & Bounds of the property because they had only provided an outline of the area which is not precise enough. This will not be signed until that is provided to the Township.

There were no additional questions or comments from the Public.

Mr. Schroth then moved the Resolution, seconded by Mr. Baxter. President Steward asked for a roll call.

ROLL CALL

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

7. The Deputy Clerk read (Resolution #22R-210) A RESOLUTION AWARDED SEACOAST CONSTRUCTION, INC. A CONTRACT IN THE AMOUNT OF \$196,217.16 FOR THE ARMSTRONG MEMORIAL PARK ADA IMPROVEMENTS

Council President Steward said that this is the result of the public bidding for ADA improvements at this park. The funds have already been secured and bonded in a previous meeting.

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

ROLL CALL

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

8. The Deputy Clerk read (Resolution #22R-211) A RESOLUTION AWARDED RICHARD T. BARRETT PAVING CO. A CONTRACT IN THE AMOUNT OF \$331,817.68 FOR FISCAL YEAR 2022 NJDOT TRUST FUND RESURFACING OF SILVIA STREET

President Steward said that this is a culmination of a public bidding process. Paving will be from Heritage Court out to Sullivan Way. There will be some State funding from the DOT.

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

ROLL CALL

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

9. The Deputy Clerk read (Resolution #22R-212) A RESOLUTION AWARDED MESSERCOLA EXCAVATING CO INC. A CONTRACT IN THE AMOUNT OF \$159,765.00 FOR STORM SEWER IMPROVEMENTS AT VARIOUS LOCATIONS

The Council President said that the Town had been made aware that several storm drains had collapsed. This allocates COVID relief funds to make these improvements.

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

ROLL CALL

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

10. The Deputy Clerk read (Resolution #22R-213) A RESOLUTION REJECTING ALL BIDS RECEIVED IN RESPONSE TO THE TOWNSHIP'S REQUEST FOR PROPOSAL FOR THE EWING SENIOR & COMMUNITY CENTER FIRE SYSTEM UPGRADES

President Steward said that given the fire at the ESCC, the Township will not proceed with these planned improvements. This will reject all bids. That process was started before the fire. This bears no relationship to what will happen in the future at the ESCC.

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

ROLL CALL

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

11. The Deputy Clerk read (Resolution #22R-214) A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT TO THE DEPARTMENT OF COMMUNITY AFFAIRS FOR THE PINGREE AVENUE IMPROVEMENTS PROJECT

Council President Steward said that this will allow the Township to apply for the funds to resurface Pingree Avenue.

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

ROLL CALL

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

12. A The Deputy Clerk read **(Resolution #22R-215) RESOLUTION AUTHORIZING AN EXTENSION OF THE CONTRACT WITH WILLIAMS SCOTSMAN, INC. FOR TEMPORARY FURNISHED OFFICE SPACE**

The Council President stated that this was originally bid in 2017. The Township is currently renovating the former banquet hall at the Pennington Road Fire House. This will allow for up to a one-year extension of the current contract. It was below the bid threshold, but multiple quotations were solicited. The Mayor added that the Township is not currently doing anything. They are waiting for bids to come in. The bids are due the end of this month.

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

ROLL CALL

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

13. The Deputy Clerk read **(Resolution #22R-216) A RESOLUTION DEACTIVATING THREE (3) FIRE DEPARTMENT IDENTIFICATION NUMBERS (FDID) AND REQUIRING ALL TOWNSHIP FIRE COMPANIES TO USE THE SAME FDID NUMBER**

Council President Steward said that this is an administrative change in the reporting to the relevant authorities, not a change in operations.

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

ROLL CALL

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

14. The Deputy Clerk read **(Resolution #22R-217) A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION SITE**

The Council President said that this is a vehicle no longer needed by the Township. This will allow the Township to recoup whatever value remains in the vehicle. It will be on GovDeals.

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

ROLL CALL

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

15. The Deputy Clerk read (Resolution #22R-218) A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

President Steward said that this will allow the Township to dispose items, fire hose, that failed testing.

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

ROLL CALL

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

The Deputy Clerk read Items Sixteen, Seventeen, and Eighteen as a Block.

16. The Deputy Clerk read (Resolution #22R-219) A RESOLUTION AUTHORIZING A MAINTENANCE BOND RELEASE – COUNTY RIGHT-OF-WAY IMPROVEMENTS FOR EWING PARKWAY, LLC SITE PLAN, 1300 SYLVIA STREET / 1239-1243 PARKWAY AVENUE (BLOCK 344/LOTS 1.01 & 31) – EWING ENGINEERS REMINGTON & VERNICK FILE NO. #1102-I-072

17. The Deputy Clerk read (Resolution #22R-220) A RESOLUTION AUTHORIZING A PERFORMANCE CASH BOND RELEASE, FOR MINOR SUBDIVISION FOR PROPERTY CORNER MARKERS, FOR EWING PARKWAY, LLC SITE PLAN, 1300 SYLVIA STREET / 1239-1243 PARKWAY AVENUE (BLOCK 344/LOTS 1.01 & 31) – EWING ENGINEERS REMINGTON & VERNICK FILE NO. #1102-I-072

18. The Deputy Clerk read (Resolution #22R-221) A RESOLUTION AUTHORIZING A PERFORMANCE BOND RELEASE, FOR RETAIL/INFRASTRUCTURE IMPROVEMENTS, FOR EWING PARKWAY, LLC SITE PLAN, 1300 SYLVIA STREET / 1239-1243 PARKWAY AVENUE (BLOCK 344/LOTS 1.01 & 31) – EWING ENGINEERS REMINGTON & VERNICK FILE NO. #1102-I-072

Council President Steward said that all three resolutions are bond releases relating to the same overall project that the Township Engineer has reviewed and recommended, as appropriate, the release of these bonds.

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

ROLL CALL

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

19. The Deputy Clerk read (Resolution #22R-222) A RESOLUTION CONSENTING TO THE APPOINTMENT OF A MEMBER TO THE ADVISORY BOARD OF RECREATION

The Council President said that the Township is grateful to all its volunteers. This is a new volunteer to the Recreation Advisory Board but is someone who has been involved in the Ewing United soccer program.

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

ROLL CALL

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

20. The Deputy Clerk read (Resolution #22R-223) A RESOLUTION APPROVING A SETTLEMENT AGREEMENT BETWEEN PLAINTIFFS ANTONIA LEWIS, CRAIG LEWIS, AND LHI HOLDINGS, LLC AND DEFENDANT TOWNSHIP OF EWING REGARDING THE MATTER ENTITLED LEWIS V. LATINI, ET. AL., Civil ACTION NO. 3:19-cv-06493 AND APPROVING THE AGREEMENT FOR THE PURCHASE OF 49 CARLTON AVENUE, EWING, NEW JERSEY

The Attorney explained that this is long-standing litigation that has been around for quite a few years. It was a lengthy mediation process – over a year – that ultimately lead to this settlement agreement which will involve the Township purchasing property on Carlton Avenue from the plaintiffs. The Town’s Joint Insurance Fund will pay damages and attorneys’ fees to the plaintiff and the plaintiff has agreed to develop their property on Pennington Road consistent with R-2 requirements for congregant living. There are two agreements; the first is the settlement agreement and the second is the agreement for the purchase of the real estate.

President Steward added that it is still to be determined what this property will be used for, but there is no intention, on part of the Township, to develop it. Rather, it will be used for open space and passive recreation.

The Attorney added that the Town could also use it to off-set other properties for Green Acres purposes.

There were no questions or comments from Council.

Victoria Mark (Glendale section of Ewing) asked how much did the house cost? Council President Steward replied that the purchase price for the property at Carlton is \$500,000.00 as a portion of this settlement.

(crosstalk)

The Attorney added that the plaintiff had an appraisal of between \$550,000.00 and \$650,000.00. The Township had an appraisal of \$450,000.00. So, the \$500,000 was agreed to as a number in between. The Joint Insurance Fund is paying \$525,000.00 in damages. The Town is just paying to buy the property and is also putting restrictions on his development of the Pennington Road property.

Ms. Mark asked, since this is completed, when can someone read about the case.

The Attorney replied that the case is public. The lawsuit was filed in federal court so you can google it. In the federal system, you may need to register and pay to download documents.

Councilman Schroth added that the fee is nominal.

There were no additional questions or comments from the Public.

Vice President Wollert then moved the Resolution, seconded by Ms. Keyes-Maloney. The Council President asked for a roll call.

ROLL CALL

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

The Deputy Clerk read Items Twenty-One and Twenty-Two as a Block.

21. The Deputy Clerk read (Resolution #22R-224) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ADOPT REVISIONS OF THE NEW CONTRACT BETWEEN THE TOWNSHIP OF EWING ('TOWNSHIP') AND THE EWING TOWNSHIP FMBA LOCAL 93 ('FMBA')
22. The Deputy Clerk read (Resolution #22R-225) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ADOPT THE INITIAL COLLECTIVE BARGAINING AGREEMENT FOR THE NEW CONTRACT BETWEEN THE TOWNSHIP OF EWING ('TOWNSHIP') AND THE SUPERIOR FIRE OFFICERS FMBA LOCAL 93 ('FMBA')

President Steward said that these two resolutions represent the culmination of contract negotiations with the Township's professional firefighters. The second resolution also establishes the initial collective bargaining agreement for the superior fire officers – the management.

Mayor Steinmann commented that he appreciates the participation of the firefighters and their demeanor through the entire process which lasted far longer than either anticipated, but they came to a very successful conclusion.

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

ROLL CALL

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

The above-referenced New Business Resolutions are available in the Clerk's Office in the 2022 Resolution Book Number Two.

CLOSED SESSION

(None for this Meeting)

President Steward stated that there will be only one meeting in December. It is scheduled for Tuesday, December 13th.

ADJOURNMENT

There being no further business President Steward called for a motion to adjourn. Vice President Wollert so moved seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. The meeting was adjourned at 10:16 p.m.

Sarah Steward, Past President
(President in 2022)

Susan Bate, Deputy Municipal Clerk

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



Phone: (609) 883-2900
Admin. Fax: (609) 538-0729
Clerk Fax: (609) 771-0480
Web Address: www.ewingnj.org

A RESOLUTION AUTHORIZING A CANCELLATION, AS RECOMMENDED BY THE TAX COLLECTOR

Resolution #23R- WHEREAS, State Law authorizes the Tax Collector to recommend a cancellation; and

WHEREAS, the Township Council is likewise authorized to confirm the Tax Collector's recommendation; now therefore

BE IT RESOLVED, that upon the thorough review and recommendation of the Municipal Tax Collector, the Governing Body of the Township of Ewing does hereby resolve to authorize a CANCELLATION in the total amount of \$544.95 (\$363.30 for November 1, 2022 4th Quarter Taxes, \$90.83 for February 1, 2023 1st Quarter Taxes, and \$90.82 for May 1, 2023 2nd Quarter Taxes) for property owner Alexeev, Andrei, for Block: 552, Lot: 93 also known as 24 Crockett Lane. Cancellation of levy which was erroneously assessed on parcel during the July 2022 billing cycle due to the impact of the compliance rollback and an error in Vital MODIV system during the execution of the rollback. County Board of Taxation Appeal #02-2100040 for billing year 2021 has the FREEZE ACT in place. N.J.S.A.54:3-26 dictates that county judgment of memorandum shall be conclusive and binding upon the municipal assessor and the taxing district for the assessment year (2021) and for two assessment years succeeding the year covered by the judgment (2022 & 2023).

IT IS SO RESOLVED

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regularly Scheduled Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 14th day of February 2023.

SEAL

**Kim J. Macellaro, CMC
Municipal Clerk**

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



Phone: (609) 883-2900
Admin. Fax: (609) 538-0729
Clerk Fax: (609) 771-0480
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A RESOLUTION AUTHORIZING A CANCELLATION, AS RECOMMENDED BY THE TAX COLLECTOR

Resolution #23R- WHEREAS, State Law authorizes the Tax Collector to recommend a cancellation; and

WHEREAS, the Township Council is likewise authorized to confirm the Tax Collector's recommendation; now therefore

BE IT RESOLVED, that upon the thorough review and recommendation of the Municipal Tax Collector, the Governing Body of the Township of Ewing does hereby resolve to authorize a CANCELLATION in the total amount of \$14,513.90 (\$7,256.95 for November 1, 2022 4th Quarter Taxes, \$3,628.47 for February 1, 2023 1st Quarter Taxes, and \$3,628.48 for May 1, 2023 2nd Quarter Taxes) for property owner Burwell, Altwain & Tracy, for Block: 105.09, Lot: 18 also known as 16 Stoneham Avenue. Cancellation of levy which was erroneously assessed on parcel during the Added/Omitted billing cycle in October 2022 due to the impact of the compliance rollback and an error in Vital MODIV system during the execution of the rollback. The corrected added assessment for the 2022 total assessment for parcel was attested on 12/13/2022, mailed on 12/29/2022, on appeal number 02-2200044AO. The cancellation of erroneous added/omitted from October 2022 would make the total billed and collected for 2022 on this parcel to the corrected value.

IT IS SO RESOLVED

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regularly Scheduled Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 14th day of February 2023.

SEAL

**Kim J. Macellaro, CMC
Municipal Clerk**

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



Phone: (609) 883-2900
Admin. Fax: (609) 538-0729
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A RESOLUTION AUTHORIZING A CANCELLATION, AS RECOMMENDED BY THE TAX COLLECTOR

Resolution #23R- WHEREAS, State Law authorizes the Tax Collector to recommend a cancellation; and

WHEREAS, the Township Council is likewise authorized to confirm the Tax Collector's recommendation; now therefore

BE IT RESOLVED, that upon the thorough review and recommendation of the Municipal Tax Collector, the Governing Body of the Township of Ewing does hereby resolve to authorize a CANCELLATION in the total amount of \$15,899.35 (\$7,226.98 for November 1, 2022 4th Quarter Taxes, \$4,336.19 for February 1, 2023 1st Quarter Taxes, and \$4,336.18 for May 1, 2023 2nd Quarter Taxes) for property owner Hernandez, Hendrick Jonathan, for Block: 105.09, Lot: 16 also known as 22 Stoneham Avenue. Cancellation of levy which was erroneously assessed on parcel during the Added/Omitted billing cycle in October 2022 due to the impact of the compliance rollback and an error in Vital MODIV system during the execution of the rollback. The corrected added assessment for the 2022 total assessment for parcel was attested on 12/13/2022, mailed on 12/29/2022, on appeal number 02-2200043AO. The cancellation of erroneous added/omitted from October 2022 would make the total billed and collected for 2022 on this parcel to the corrected value.

IT IS SO RESOLVED

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regularly Scheduled Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 14th day of February 2023.

SEAL

**Kim J. Macellaro, CMC
Municipal Clerk**

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



Phone: (609) 883-2900
Admin. Fax: (609) 538-0729
Clerk Fax: (609) 771-0480
Web Address: www.ewingnj.org

A RESOLUTION AUTHORIZING A CANCELLATION, AS RECOMMENDED BY THE TAX COLLECTOR

Resolution #23R- WHEREAS, State Law authorizes the Tax Collector to recommend a cancellation; and

WHEREAS, the Township Council is likewise authorized to confirm the Tax Collector's recommendation; now therefore

BE IT RESOLVED, that upon the thorough review and recommendation of the Municipal Tax Collector, the Governing Body of the Township of Ewing does hereby resolve to authorize a CANCELLATION in the total amount of \$12,748.20 (\$6,374.10 for November 1, 2022 4th Quarter Taxes, \$3,187.05 for February 1, 2023 1st Quarter Taxes, and \$3,187.05 for May 1, 2023 2nd Quarter Taxes) for property owner Estrada, Claudia Lissette Lopez, for Block: 105.10, Lot: 26 also known as 29 Stoneham Avenue. Cancellation of levy which was erroneously assessed on parcel during the Added/Omitted billing cycle in October 2022 due to the impact of the compliance rollback and an error in Vital MODIV system during the execution of the rollback. The corrected added assessment for the 2022 total assessment for parcel was attested on 12/13/2022, mailed on 12/29/2022, on appeal number 02-2200046AO. The cancellation of erroneous added/omitted from October 2022 would make the total billed and collected for 2022 on this parcel to the corrected value.

IT IS SO RESOLVED

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regularly Scheduled Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 14th day of February 2023.

SEAL

**Kim J. Macellaro, CMC
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A RESOLUTION AUTHORIZING THE NEW JERSEY STATE POLICE MEMORIAL ASSOCIATION TO HOLD ITS ANNUAL CHASE (SKRUN)

Resolution #23R- WHEREAS, the code of the Township of Ewing provides for the review and approval of application for parades/block party/road closings; and

WHEREAS, the New Jersey State Police Memorial Association has requested the following roads to be closed: Wilburtha Road, West Upper Ferry Road, Riverview Drive, and River Road; and

WHEREAS, the Chief of Police and the Fire Official have reviewed and approved the application of the New Jersey State Police Memorial Association to hold its annual Chase (5K Run) to be held on Saturday, May 20th, 2023, beginning at 8:30 a.m. at the New Jersey State Police Headquarters; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Ewing does hereby approve the application for a 5K run on Saturday, May 20th, 2023.

IT IS SO RESOLVED.

Certification:

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regularly Scheduled Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 14th day of February 2023.

SEAL

**Kim J. Macellaro, CMC
Municipal Clerk**