

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

February 14, 2023 – AGENDA SESSION

President Wollert called the meeting to order at 6:31 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 3rd of January 2023, 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 – via Zoom | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – via Zoom | |
| ▪ President Wollert – Present | |

END OF YEAR REPORT – Chief Albert Rhodes

Chief Rhodes first discussed an incident that occurred in Ewing this morning. At about 6:00 a.m., the Police received information that the mass shooting at Michigan State had ties to Ewing Township. They were notified of a possible threat to the schools. After speaking with the Superintendent of the Schools, with an abundance of caution, the decision was made to close the schools while the investigation continued. Within a few hours, the investigation revealed that there was no threat to the schools. There will be an increased police presence in the schools for the remainder of the week.

Chief Rhodes next discussed highlights from the End-of-Year Report compiled by Captain Jacobs.

In 2022, the Department’s strength stood at sixty-eight. They are now at seventy-five and seven more are entering the Academy in mid-February. They are making strides getting back to the number they need to be at. The Chief thanked Mayor Steinmann for helping with that. They are attempting to fill one Records vacancy and two in Dispatch.

Overall, Calls for Service were up about seven percent from 2021 to 35,315. IA Complaints were cut in half from fifty in 2021 to twenty-six in 2022. Department-wide Use of Force incidents were down from fifty-five to thirty-five. Of those thirty-five incidents, it is important to note that fifty-three percent of those were mere compliance holds which is using a little more force than somebody putting the handcuffs on themselves. They contribute these numbers to better training, a better review process, crisis intervention and de-escalation training. To put that into perspective, with 35,315 calls in 2022, 99.899% of the time calls are being resolved without the Use of Force.

Officers attended 4,656 specialty training hours. The Criminal Investigations Bureau handled a total of 874 cases which required further follow-up investigation. That was done with five detectives. The Juvenile Bureau conducted fifteen stationhouse adjustments for juvenile offenses. Those are offenses that do not rise to the level of criminal prosecution but are more serious than a curbside adjustment where they are sent home to their parents. They are brought into the station and go over a plan with their parents to move forward and improve their behavior.

The Traffic Bureau investigated 1,176 crashes last year. The number one time of day is between 3:00 p.m. and 4:00 p.m. with seventy-seven crashes during that hour and the busiest day of the week for crashes is Friday. Department-wide 4,545 summons were issued with sixty-one arrests for DWI cases.

The Chief said that he also forwarded a report to Council on the Community Relations Unit’s activities. They do a lot throughout the year.

Two officers were recognized by civic associations. The NAACP recognized Danielle Bethea for her work in the community and Melvin Jumper was recognized by MADD for his work removing impaired drivers from the road. The Chief said that he is very proud of them as he is all his officers.

Chief Rhodes next discussed the upcoming year.

The Department will be participating in a State pilot program called Arrive Together which teams up mental health professionals with police officers when responding to emotionally disturbed persons. The program will be run a little differently in Mercer County as opposed to Cumberland County. In Cumberland, a mental health professional will ride along with the officer. Mercer has the Capital Health Mobile Outreach which is normally there quickly when needed. That is how it will continue to be run, but with additional funding for follow-ups for people who require mental health professionals to check on them.

The Department will also continue with its Pedestrian Safety Grant activities.

They are purchasing a new body-worn camera system from Axom which is the number one supplier. It is a very good system - more reliable, more user-friendly, and it has more supervisory review capabilities. One reason that they are switching is that every time an officer needs to go hands-on with somebody, the camera falls off which does not help. The new cameras have a better way to dock to the officer.

President Wollert said that she was glad to hear about the mental health component of policing program the Department is working on with a grant through the State. What percentage of calls are related to mental health issues?

The Chief responded that he does not have an exact number, there are quite a few; a couple times a week. A lot of their Use of Force ends up happening when it is somebody in crisis as a last case scenario.

Council President Wollert said, considering recent reports about bullying in the schools which results in assaults to students, does the Department get a fair number of those? The relationship is not perhaps there as the School Board has certain rules in place. It is alarming that students do these kinds of things, and it seems to go by the boards until something tragic happens. Do officers get called into the schools regularly for these kinds of situations?

Chief Rhodes responded that they are not called regularly but there are incidents when they get called. This week, Dr. Gentile called him to discuss this. The State's stance on dealing with juveniles is that they are better left out of the criminal justice system; do whatever you can to divert them from it. New guidelines from the Prosecutor's Office require the police to contact the Prosecutor or AP before they even charge a juvenile. Dr. Gentile was asking the same questions; a meeting has been set up with the Juvenile AP to go over it and what can be done with repeat offenders. The problem is that it does not need to be regular calls, it just takes one not to be handled properly.

Councilwoman Keyes-Maloney thanked the Chief for their response today. The coordination was exceptional. It does highlight the need for mental health support. The Councilwoman said that she was happy to hear that Mercer does it right and got to the table earlier with the Capital Health response unit. From a training perspective, is the Department receiving the resources that it needs?

Chief Rhodes responded - from a mental health perspective - yes. Regarding training in general, the more the better. They will always request more; the problem is that minimums must be maintained for an officer to attend training. A good portion of their budget goes to training; every hour of training saves money in the long run.

Councilwoman Keyes-Maloney said that she is happy to see the decrease with the Internal Affairs numbers. Keep up the good work. She and Council are supportive of the Community Response Unit. They are so responsive and what they do does break down barriers between the Town and law enforcement.

Chief Rhodes said that with the department numbers increasing, they can beef up those units to where they were before to do more community work.

President Wollert commented that she is glad to see those numbers increasing.

Vice President Baxter asked if the School Resource Officer handles...

Chief Rhodes replied that they no longer have School Resource Officers in the schools. They have School Security Officers who are retired officers. The Department has mandated walk-throughs. Each officer is responsible to get out of their cars, go into the schools, and get to know the layout of the schools and meet the students. That is better than having specific officers assigned to a school.

Vice President Baxter asked when were SROs taken out of the school?

The Chief said - 2010 or 2012 - when it was privatized.

Vice President Baxter asked if the school offers the retired officers mental health training?

Chief Rhodes replied - yes, just as they do with the required training for teachers.

Vice President Baxter said that it is interesting that the percentage...

Chief Rhodes said 99.899 percent of the calls for service are handled without the use of force and resolved peacefully.

Vice President Baxter said that that is good to know considering that everyone is inundated with pictures showing the opposite.

Councilman Baxter and Chief Rhodes discussed the Arrive Together program which started in Cumberland County last year.

Vice President Baxter thanked the Chief for their response today. It is better to err on the side of caution.

Chief Rhodes added that there were aspects of the information that they had where they thought it was possible there was still a threat even though the shooter was no longer alive. Everything was thoroughly investigated before the children were allowed to go back to school. The Chief thanked their partners in the Rapid Response Partnership. Resources and manpower were brought in from all over the County.

The Vice President asked, with the people going into the Academy, what will the Department's numbers be?

Chief Rhodes replied – eighty-two for the time being. There are planned retirements and some medical issues.

Councilwoman Keyes-Maloney thanked the team who handles the Department's social media. It helps and the Community appreciates it.

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

Victoria Mark (via Zoom) said that she found the statistics the Chief relayed interesting and asked if that information could be put in a newspaper so people could see how much work the Police do.

President Wollert said that Officers, EMS, and Fire personnel are featured in the Observer periodically for the different activities they conduct on behalf of the Township's residents. Their website can also be accessed which details their activities.

Chief Rhodes said that the Annual Year-End-Report which is given to Council and the Mayor is posted on the Police website.

Ms. Mark said that the average person does not go there; they look at newspapers. That is an easier way of getting that information across.

The Chief said that they will take Ms. Mark's suggestion into consideration.

There were no additional questions or comments for Chief Rhodes from the Public.

DISCUSSION

1. AN AMENDED RESOLUTION APPROVING THE APPOINTMENT OF KIMBERLY M. LACKEN, ESQ. AS COURT JUDGE FOR THE REMAINDER OF THE TERM OF RETIRED JUDGE ROGER T. HALEY, EXPIRING ON JANUARY 1, 2024

President Wollert said that Judge Lacken had previously been appointed with the title of Acting. They were informed that this needs to be corrected. She will be officially recognized in the Resolution as Judge, not Acting Judge for the remainder of Judge Haley's term.

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

This Item was Approved for Action.

2. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO DIGROUP ARCHITECTURE, LLC FOR ARCHITECTURAL AND ENGINEERING SERVICES RELEVANT TO THE EWING TOWNSHIP SENIOR AND COMMUNITY CENTER

Council President Wollert said that this award is allowed by contract law in New Jersey. It is called Non-Fair and Open because it is a professional services contract. It is for design work and then later construction work on the Ewing Senior and Community Center.

Councilwoman Keyes-Maloney asked if an inquiry was sent to a few different entities before deciding on this provider.

The Attorney replied – no.

Councilwoman Keyes-Maloney said that she knows that they have a lot of experience in a couple of different market segments including education and civics. Is there anything in their portfolio that is more like a community center project?

The Attorney replied that she believes that they do. Similar projects are listed on the portfolio section of their website. They have experience in all the elements that are required as part of this project. Also, the photos in their proposal are of projects that they have completed. This demonstrates that they have the necessary experience. This will come down to meetings with the Administration, Council, and anyone else who will have input as to what the vision will be for this new building.

Councilwoman Keyes-Maloney responded that that is a little bit of a challenge. A price point has been given, but it is not clear in terms of the scope. From a billing perspective, would the Township be charged for each phase outlined in the proposal.

The Attorney replied that that is how she envisioned it. Monthly billing, but with milestone days for each of the phases. The Resolution broke out how each element was priced. A draft contract is included but the Attorney said that she envisions the contract to be more robust in terms of the timing. The proposal is incorporated by reference into the contract.

The Attorney mentioned that any consultants or experts that they would need to bring in to assist them are part of the proposal and part of the proposed lump sum number.

The Councilwoman asked if it is known who they will be subcontracting with?

The Attorney replied – no. Some of that will be driven by the scope of the project.

Councilwoman Keyes-Maloney asked if they will be serving as project manager.

Regarding construction management, the Attorney responded – no. The engineering firm will do the day-to-day. They will participate in the meetings, review the invoicing and the drawings.

Councilwoman Keyes-Maloney said that what is troubling for her is that if they are only doing architectural, the price point seems a little high. She is trying to flush out the other elements of what they will be doing.

The Mayor said that they will be doing engineering inside the building; the Township's Engineer will do any engineering outside.

The Councilwoman stated that she would have liked to see the list of subs they previously used.

The Mayor added that since this is not the first time they worked with the Township, they can hit the ground running; they are familiar with the Construction Office. With this project, the Administration did not want to go through another bid process which could take six months. This firm said they could go out to bid by August. Going any other route, would take it into next year. Everybody, including the seniors, wants to get this started.

Councilwoman Keyes-Maloney stated that she has no problem with them as a firm; their work seems lovely. She wants to make sure the Township's process is solid; this is a little different in terms of a special services contract given the size and scope. She is a little troubled that this was not shopped around. She wants to make sure the Town is getting the best price possible along with the best quality possible.

Mayor Steinmann said that he believes that the Town is.

The Councilwoman said that she wants more assurances. She is in a bit of a quandary. She wants to move forward but she is also troubled by the lack of information.

Vice President Baxter said that during the initial meeting, some concerns were voiced but everyone understood that the Town was trying to move forward with this project. In terms of this firm, they have seen the scope of some of their work. Regarding other contracts that have come before Council, the Vice President said that sub-contractors were not vetted. Perhaps, going forward, that is something that should be done. This firm is familiar with this Community. The owner lives here. They are familiar with what the needs are. Other companies would not have that type of familiarity. There is a billion-dollar project going up down the road, but Council had no idea who his sub-contractors were until the project started. Vice President Baxter said that he understands the concern about price, but he does not believe that it would be any cheaper. Perhaps, there should have been an RFP...but let us not lose sight of what the Town is trying to accomplish. This will be one of the most expensive buildings in Ewing Township. Their proposal shows a lot of innovation. The vision this company has laid out is in the best interest of everyone in Ewing.

Hopefully, it will meet the needs of the Community in thirty years. The Vice President emphasized that this company was used for the fire house so the Town must have been pleased with their work because it is trying to use them for another facility.

Councilman Schroth said that in reviewing the proposal and the breakdown of finances, he noticed that the construction documents cost out at \$1.4 million. The construction itself is \$720,000.00, half of the document generation. Would someone be able to provide insight into why the documents are twice as much as the construction itself?

The Attorney and the Council President responded.

Mayor Steinmann added that the entire building will be torn down, including all the footings. It will then be backfilled to start from a clean slate. They will come up with some conceptual plans. Everyone will look at it and come to a consensus. The building should be torn down by June. Right now, it is going through asbestos remediation. President Wollert mentioned exclusions to this contract and asked about LEED compliance.

The Mayor responded that it will be built as close to LEED certified as possible. If it were to be 100% LEED certified, it would be a sixty-million-dollar building.

The Council President stated that the Administration is looking to increase the size of the building. Is the reason for the expansion because groups are looking to relocate there?

Mayor Steinmann said that space was limited so they had wanted to make the building bigger anyway. They are looking to increase the existing 32,000 square feet to 50,000. The Administration is sitting down with two groups – Mercer Arc and Kidsbridge.

Councilwoman Keyes-Maloney asked if the Administration thought about breaking this contract into phases. This may change as the plans are developed. Part of the challenge that she is having is that the Town is going into this full bore. Speed is important but the process being followed will matter. Her concern is whether the Township is getting the best price-point possible and whether there will be many changes.

Mayor Steinmann said that he differs with the Councilwoman. He has been in this business a long time. It is all about the planning. They will sit down and discuss exactly what they want to do.

Councilwoman Keyes-Maloney said that that would take them through design. She is not sure if she wants to use the same architect all the way through – it depends. She said that she is having a problem with them doing construction management for the Town. Perhaps it should not be structured this way. It seems like a large amount of money...

The Mayor said that this is a thirty to forty million dollar project. A million dollars is already invested, and it is not even half cleaned out.

The Councilwoman said that this is \$3.6 million for mostly architecture.

The Mayor listed some of what is included in that price.

The Attorney added that it is a thirty-to-forty-million-dollar project. As a rule, architecture is ten to twenty percent of the total construction cost. This is not far afield from that.

Councilwoman Keyes-Maloney said that the problem is, right now, architecture is half. The proposal does not give enough detail for her to feel comfortable.

President Wollert, the Mayor, and Councilwoman Keyes-Maloney discussed this further.

Councilman Schroth said that he has every confidence that DIGroup would bring in a qualified team to handle the job. However, there are questions. Perhaps someone from DIGroup can come to the next Council meeting to flesh out the details. Two weeks will not affect a three-year job all that much.

Councilman Baxter commented that if this is the precedence that is going to be set, it should be done for every single contract going forward.

Councilman Schroth added that he said what he said because this was not bid out, there was no request for proposals. It is a one-off, just handed to Council. It might be good, but Council has not seen anything out there. Council should meet this individual.

Councilman Baxter asked Councilman Schroth to speak singularly.

Councilman Schroth said that when he said "we", he meant "we" as a Body. He was not trying to speak for other Council members.

Councilwoman Steward said that she does not think a precedence should be set to bring firms in for interrogation. She can also see the need for more detail in the proposal, which is light for over two million dollars' worth of work in the Township.

Appearing before Council may not be necessary, but getting more clarity in writing for this extraordinary contract is a reasonable request and would not unduly delay the project.

Mayor Steinmann said that the architect was more than willing to come tonight.

Council President Wollert said that she believes that it is the sense of the majority, to have the architect come to the next Council meeting. It will not be put on the Agenda for consideration tonight. Any questions can be forwarded to her. President Wollert stated that this is not a reflection on this company; it is a reflection on the process. It will not be an interrogation but more of a fleshing out of the details of this contract which is large for a non-bid contract.

Councilman Baxter asked, even with written questions, the entity will still be coming in before Council?

President Wollert replied – yes. The entity will get any written questions prior to the meeting.

There were no additional questions or comments from Council.

This Item was not Approved for Action. It will be discussed at the next Council meeting.

Councilman Baxter asked that all non-fair and open contracts be pulled for his review.

There were no additional questions or comments from Council.

Victoria Mark (Glendale section of Ewing via Zoom) stated that she agrees with what is being done. It is the proper thing to do. \$3,600,000 is a lot of money. Ms. Mark said that she is concerned with something the Mayor said earlier – that preference is being given, not by expertise, but by race.

President Wollert said that is not what...no...

Ms. Mark said that race has nothing to do with it, it is the best people at the best price. President Wollert replied yes, that is what they are trying to do.

Ms. Mark said that she and others had not seen any drawings or know what it is going to look like...

Council President Wollert replied that that is the purpose of the architect contract. It will be made available.

Ms. Mark said that the contract should not be awarded as others need to be checked out...

There were no additional questions or comments from the Public.

3. A RESOLUTION CELEBRATING BLACK HISTORY MONTH

President Wollert said that this will officially recognize February as Black History Month.

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

This Item was Approved for Action.

4. RESOLUTION AUTHORIZING PRIVATE SALE OF CERTAIN TAX SALE CERTIFICATE PURSUANT TO N.J.S.A. 54:5-113

The Attorney explained that once a year, the Town holds an accelerated tax lien sale. Any liens not sold at the Tax Lien Sale are struck off to the Township. That is not in the best interest of the Township because taxes would remain unpaid. The Town is allowed to sell these liens to an interested party for full value. There are advertising and notice requirements, but a private sale of these liens can occur.

President Wollert added that six properties are noted on this tax sale certificate.

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

This Item was Approved for Action.

5. AMENDMENT NO. 1 TO THE SHARED SERVICES AGREEMENT BETWEEN EWING TOWNSHIP AND THE COUNTY OF MERCER

Council President Wollert said that this is for the work between the Township's Municipal Alliance and the Division of Mental Health & Addiction Services. The amount is \$6,134.00. It is a shared service between the County and the Township for the benefit of its municipal alliance program.

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

This Item was Approved for Action.

6. A RESOLUTION AWARDDING A ONE-YEAR CONTRACT FOR PHYSICIAN SERVICES TO ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL-HAMILTON IN THE AMOUNT OF \$42,856.32 (\$3,571.36/MONTH) WITH TWO OPTIONAL ONE-YEAR EXTENSIONS

President Wollert said that the Town had had this contract in the past. It will provide for such things as physicals for new employees, drug and alcohol testing for staff members who are required to have such testing, and workers' compensation if injured on the job.

Vice President Baxter asked how did the Town arrive at this company for this contract?

The Attorney responded that it was bid twice unsuccessfully. There were no responses. Robert Wood Johnson is the current incumbent. The price reflects a four percent increase in their current price. It was negotiated as permitted under Local Public Contracts Law if there were two unsuccessful attempts to bid for a contract with no responses. This is on the same identical terms that were bid on. Since no price was bid, it represents a four percent increase of their current incumbent price.

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

This Item was Approved for Action.

7. RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 FORD F350 4WD PICK UP TRUCK FOR PURPOSE AND USE FOR THE FIRE MARSHAL, UNDER STATE CONTRACT A88758, T2101 THRU WINNER FORD, CHERRY HILL NJ.

President Wollert said that this is self-explanatory. This is a state contract purchase. A certification of funds was provided.

Councilwoman Keyes-Maloney asked if this was coming out of the Trust?
The CFO replied (unclear).

There were no additional questions or comments from Council.

Victoria Mark (9 Patton Drive via Zoom) asked why was this purchased from Cherry Hill and not from somewhere in Ewing?

President Wollert replied because this is through state contract; the Town gets a better deal. The contract was awarded to the State of New Jersey. The State offers the opportunity for municipalities to take advantage of the pricing that they get through the contract with this company.

There were no additional questions or comments from the Public.

This Item was Approved for Action.

8. A RESOLUTION APPROVING CHANGE ORDER NO. 2 FINAL DECREASE TO FALASCA MECHANICAL, INC. FOR THE HOLLOWBROOK COMMUNITY CENTER HVAC REPLACEMENT PROJECT IN THE AMOUNT OF \$9,999.80

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

This Item was Approved for Action.

9. A RESOLUTION AUTHORIZING PAYMENT CERTIFICATE NO. 8 (FINAL) TO FALASCA MECHANICAL, INC. IN THE TOTAL AMOUNT OF \$8,869.74 REPRESENTING RELEASE OF RETAINAGE FOR THE HOLLOWBROOK COMMUNITY CENTER HVAC REPLACEMENT PROJECT

President Wollert said that this will be released because the work has been completed to satisfaction. This is a standard transaction.

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

This Item was Approved for Action.

10. A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR THE HOLLOWBROOK COMMUNITY CENTER HVAC REPLACEMENT PROJECT – EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-T-068

Council President Wollert said that this is standard. The Township Engineer has deemed that the performance bond can be released. A two-year maintenance bond was put in place.

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

This Item was Approved for Action.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,501,759.61 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$666,279.94

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

The Bills List was Approved for Action.

CONSENT AGENDA

Council President Wollert presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for October 25, 2022, November 22, 2022; Approval of Regular Session Minutes for October 25, 2022, November 22, 2022
2. A Resolution Authorizing a Cancellation, as Recommended by the Tax Collector 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).

3. A Resolution Authorizing a Cancellation, as Recommended by the Tax Collector 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 roll back 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.

4. A Resolution Authorizing a Cancellation, as Recommended by the Tax Collector 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.

5. A Resolution Authorizing a Cancellation, as Recommended by the Tax Collector 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.

6. A Resolution Authorizing the New Jersey State Police Memorial Association to Hold its Annual Chase (5KRUN)

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. **ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE CANCELLATION OF \$334,043.20 IN BOND PROCEEDS REMAINING UNSPENT NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND TO REAPPROPRIATE SUCH PROCEEDS TO ORDINANCE 2022-13 PENNINGTON ROAD OFFICES CONSTRUCTION**

There were no questions or comments from Council.

2. AN ORDINANCE BY THE COUNCIL OF EWING TOWNSHIP AMENDING THE EWING TOWNSHIP CODE OF ORDINANCES TO REPEAL EWING TOWNSHIP MUNICIPAL CODE SUBCHAPTER 195, FLOOD DAMAGE PREVENTION; TO ADOPT A NEW SUBCHAPTER 195, FLOODPLAIN MANAGEMENT REGULATIONS; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

There were no questions or comments from Council.

3. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 4, ARTICLE X DEPARTMENT OF PUBLIC SAFETY SECTION 48 QUALIFICATIONS OF MEMBERS AND CHAPTER 55, ARTICLE I PERSONNEL GENERALLY SECTION 2 RESIDENCY REQUIREMENT TO PROVIDE THE ADMINISTRATION WITH DISCRETION TO HIRE POLICE OFFICERS AND FIREFIGHTERS WHO DO NOT RESIDE WITHIN THE MUNICIPALITY AT THE TIME OF HIRING.

There were no questions or comments from Council.

COUNCIL COMMENTS

Councilwoman Keyes-Maloney reported that the Arts Commission met the first week of February and is actively engaged in planning a kind-of scavenger hunt - a possible map of artists and their studios within the community. It might include porch concerts at those same locations.

Vice President Baxter reported that the Recreation Advisory Board met last night. Applications for seasonal summer employment are on the website.

Karen Bauer, who was a long-time Board member and involved with recreation throughout the Township, especially Little League, passed away last week. The Board would possibly like to rename Moody Field Number One (the Little League field) in her honor and place a memorial. A memorial service will be held at the American Legion Post this Saturday from 3:00 to 5:00 p.m.

There were no additional Council Comments.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Victoria Mark (Glendale section of Ewing via Zoom) said that the Zoning Board was taking all their records and putting them in some kind of storage system. A company had been hired. Is that finished?

President Wollert said that the Mayor is indicating that they are not done.

Ms. Mark asked if they are actively working on it.

Mayor Steinmann said that it is the intention of this Administration that all documents get scanned and saved and then the Township does not need to keep hard copies. A lot of storage could be eliminated. The problem, right now, is with everything in storage; it is very difficult to get to if somebody asks for something. By scanning this through this company (which went out to bid), employees will be able to have it at their fingertips. This project will take a long time.

Ms. Mark asked if it is a quarter way through...

Mayor Steinmann said that he does not know, it is being done continuously.

Ms. Mark asked if the insurance for the Senior Center has been worked out.

President Wollert responded that they cannot really discuss it too much since it is an ongoing insurance issue.

Ms. Mark said that she thought she heard there was funding and commented that she is assuming that it is taxpayer money.

President Wollert said that the CFO certified funding for the project that they have been discussing.

Mayor Steinmann said that the Town is still waiting for insurance money. Some money did come in. There are still two other insurance companies that the Town is getting money from for that project. Depending on the cost of the project and depending on how much the insurance companies pay out, taxpayer dollars could be involved. The aim is to keep the building cost under control to the point where insurance money will cover it.

Ms. Mark asked how much has the Town received?

The Mayor replied - \$11.6 million, so far.

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

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Wollert asked for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Vice President Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 8:13 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk

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

February 14, 2023 – REGULAR SESSION

President Wollert called the meeting to order at 8:22 p.m.

The Clerk gave the Invocation: Almighty God, we ask your blessings on the people who have been called to lead our community. Grant them and us the wisdom and courage to know and do what is right and good. Amen.

Flag Salute

Council President Wollert 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 3rd of January 2023, 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 – via Zoom | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – via Zoom | |
| ▪ President Wollert - 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 #23R-40)** A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,501,759.61 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$666,279.94

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

ROLL CALL

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

The above-referenced Bills List Resolution and the Bills List are available in the Clerk’s Office in the 2023 Resolution Book Number One.

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 #23R-41/)

1. Approval of Agenda Session Minutes for October 25, 2022, November 22, 2022; Approval of Regular Session Minutes for October 25, 2022, November 22, 2022
2. A Resolution Authorizing a Cancellation, as Recommended by the Tax Collector 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).
3. A Resolution Authorizing a Cancellation, as Recommended by the Tax Collector 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 roll back 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.
4. A Resolution Authorizing a Cancellation, as Recommended by the Tax Collector 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.
5. A Resolution Authorizing a Cancellation, as Recommended by the Tax Collector 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.

6. A Resolution Authorizing the New Jersey State Police Memorial Association to Hold its Annual Chase (5KRUN)

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

ROLL CALL

Ms. Steward	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
President Wollert	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 Resolutions are available in the Clerk's Office in the 2023 Resolution Book Number One.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

- The Clerk read (Ordinance #23-02) **ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE CANCELLATION OF \$334,043.20 IN BOND PROCEEDS REMAINING UNSPENT NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND TO REAPPROPRIATE SUCH PROCEEDS TO ORDINANCE 2022-13 PENNINGTON ROAD OFFICES CONSTRUCTION**

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:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that certain bond proceeds in the aggregate amount of \$334,043.20 provided for in the various bond ordinances listed below and remaining unspent (the "Unspent Proceeds") are no longer needed for the purposes referenced therein (the "Prior Projects"). The Township of Ewing, in the County of Mercer, New Jersey (the "Township") desires, therefore, to cancel and transfer the following funded debt authorizations:

<u>Ordinance and Section Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Cancelled</u>
2014-06 Section (g)		\$1,798.50
2017-19 Section 1		\$44,154.39
2018-09 Section 1		\$9,888.41
2021-03		\$1,201.90

2021-12		\$277,000.00
		\$334,043.20

The appropriation of the Unspent Proceeds for the Prior Projects are hereby cancelled and such funds are hereby transferred pursuant to N.J.S.A. 40A:2-39 to the Township's Capital Fund Surplus Fund for future capital projects.

Section 3. 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 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 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

President Wollert said that there has been much discussion regarding this ongoing project.

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.

Victoria Mark (Glendale section of Ewing, via Zoom) asked if this is an additional amount...how much money has already been given to this project?

President Wollert replied that this Ordinance is authorizing the cancellation of a bond and reappropriating money that has already been borrowed. It is not new money.

Ms. Mark said that she is not asking if this is new money but rather is it additional money that is being allocated to this project.

President Wollert replied that the CFO is saying – yes.

Ms. Mark asked if the CFO could provide the full amount dedicated to this project.

The CFO responded that the contract was \$2.6 million for the construction. There are different funding sources – one being the Uniform Construction Trust, another the capital bond ordinance, and then the cancellation of these old balances to supplement the original ordinance from last year.

Ms. Mark asked how much has already been allocated? How much more needs to be allocated?

The CFO replied that there should not be anything else for construction. The contract has been awarded and funds have been certified.

Ms. Mark said that no more money will be allocated...

Council President Wollert replied that no more money should need to be appropriated to fulfill the terms of the contract that was previously entered into.

Councilwoman Steward said (unclear)...and added that the thing to watch is the award of the contract. This is just moving money around.

There were no additional questions or comments from the Public.

Vice President Baxter made a motion to close the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. Ms. Keyes-Maloney then moved the Ordinance, seconded by Ms. Steward. President Wollert called for a roll call.

ROLL CALL

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

***Mr. Schroth briefly dropped off Zoom. President Wollert and the Clerk summarized what had occurred while he was rejoining the meeting.**

2. **The Clerk read (Ordinance #23-03) AN ORDINANCE BY THE COUNCIL OF EWING TOWNSHIP AMENDING THE EWING TOWNSHIP CODE OF ORDINANCES TO REPEAL EWING TOWNSHIP MUNICIPAL CODE SUBCHAPTER 195, FLOOD DAMAGE PREVENTION; TO ADOPT A NEW SUBCHAPTER 195, FLOODPLAIN MANAGEMENT REGULATIONS; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Ewing Township (the "Township") and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Township was accepted for participation in the National Flood Insurance Program on January 30, 1976 and the Town Council and Mayor desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60 (most of the requirements for a community ordinance), 65 and 70 (mapping regulations) necessary for such participation; and

WHEREAS, the Township is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Township is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Township is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Ewing, County of Mercer that the following floodplain management regulations are hereby adopted.

These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Ewing Township Municipal Code Subchapter 195, Flood Damage Prevention. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Chapter 195, ~~FLOOD DAMAGE PREVENTION~~ FLOODPLAIN MANAGEMENT REGULATIONS, is hereby amended to read as follows:

ARTICLE I SCOPE AND ADMINISTRATION

§195-1 Title.

These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of Ewing Township (hereinafter "these regulations").

§195-2 Scope.

These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.

§195-3 Purposes and objectives.

The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- Protect human life and health.
- Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- Manage the alteration of natural floodplains, stream channels and shorelines.
- Manage filling, grading, dredging and other development which may increase flood damage or erosion potential
- Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- Contribute to improved construction techniques in the floodplain.
- Minimize damage to public and private facilities and utilities.
- Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- Minimize the need for rescue and relief efforts associated with flooding.
- Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- Meet the requirements of the National Flood Insurance Program for Ewing Township participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

§195-4 Coordination with Building Codes.

Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Township administer and enforce the State building codes, the Council of the Township of Ewing does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

§195-5 Ordinary Building Maintenance and Minor Work.

Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 103.14 of this ordinance.

§195-6 Warning.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

§195-7 Other laws.

The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

§195-8 Violations and Penalties for Noncompliance.

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

§195-9 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

§195-10 Abrogation and greater restrictions.

These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern

ARTICLE II APPLICABILITY

§195-11 General.

These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and

alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

§195-12 Establishment of Flood Hazard Areas.

The Ewing Township was accepted for participation in the National Flood Insurance Program on January 30, 1976.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Ewing Township Business Administrator, Ewing Municipal Building, 2 Jake Garzio Drive Ewing, NJ 08628.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- A. **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Mercer County, New Jersey (All Jurisdictions) dated July 20, 2016 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is July 20, 2016 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Revision Letter	Map Panel #	Effective Date	Revision Letter
34021C0111	07/20/2016	F	34021C0118	07/20/2016	F
34021C0112	07/20/2016	F	34021C0119	07/20/2016	F
34021C0113	07/20/2016	F	34021C0138	07/20/2016	F
34021C0114	07/20/2016	F	34021C0202	07/20/2016	F
34021C0116	07/20/2016	F	34021C0206	07/20/2016	F
34021C0117	07/20/2016	F	34021C0207	07/20/2016	F

- B. **Federal Best Available Information.** Ewing Township shall utilize Federal flood

information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 102.2(2)

Map Panel #	Preliminary Date
N/A	N/A

§195-13 State Regulated Flood Hazard Areas.

For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area

may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Studied Water	File Name	Map Number
Jacobs-Ewing Creeks	SUPPVIII29	Sheet 1
Jacobs-Ewing Creeks	SUPPVIII30	Sheet 2
Jacobs-Ewing Creeks	SUPPVIII31	Sheet 3
Shabakunk Creek	SUPPVIII45	Sheet 2
Shabakunk Creek	SUPPVIII46	Sheet 3
Shabakunk Creek	SUPPVIII47	Sheet 4
Shabakunk Creek	SUPPVIII48	Sheet 5
West Branch Shabakunk Creek	SUPPVIII49	Sheet 1
West Branch Shabakunk Creek	SUPPVIII50	Sheet 2
West Branch Shabakunk Creek	SUPPVIII51	Sheet 3
West Branch Shabakunk Creek	SUPPVIII52	Sheet 4
Delaware River	SUPPVIII10	Sheet B-4
Delaware River	SUPPVIII11	Sheet 1
Delaware River	SUPPVIII12	Sheet 2
Delaware River	SUPPVIII13	Sheet 3
Delaware River	SUPPVIII05p	Sheet 02P
Delaware River	SUPPVIII17p	Sheet 7
Delaware River	SUPPVIII18p	Sheet 8

§195-14 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for the elevation of the top of lowest floors in A, and the elevation of the lowest horizontal structural member in Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- A. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- B. For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - 1. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - 2. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- C. AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- D. Class IV Critical Facilities – For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood

Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.

- E. Class III Critical Facilities – For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1-foot freeboard in accordance with ASCE 24.

ARTICLE III DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

§195-15 Floodplain Administrator Designation.

The Ewing Township, Director of Code Enforcement/Zoning is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

§195-16 General.

The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 107 of these regulations.

§195-17 Coordination.

The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

§195-18 Duties.

The duties of the Floodplain Administrator shall include but are not limited to:

- A. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- B. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- C. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- D. Determine whether additional flood hazard data shall be obtained or developed.
- E. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- F. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- G. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- H. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- I. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood

elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

- J. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- K. Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- L. Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- M. Cite violations in accordance with Section 108 of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of the Township have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

§195-19 Use of changed technical data.

The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

§195-20 Other permits.

It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

§195-21 Determination of Local Design Flood Elevations.

If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- A. Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- B. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

§195-22 Requirement to submit new technical data.

Base Flood Elevations may increase or decrease resulting from natural changes (e.g., erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g., dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

§195-23 Activities in riverine flood hazard areas.

In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

§195-24 Floodway encroachment.

Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

- A. **Floodway revisions.** A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

§195-25 Watercourse alteration.

Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

- A. **Engineering analysis.** The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

§195-26 Alterations in coastal areas.

The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

§195-27 Development in riparian zones

All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from

the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

§195-28 Substantial improvement and substantial damage determinations.

When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- A. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- B. Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- C. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- D. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of 10 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement.
- E. Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

§195-29 Department records.

In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

§195-30 Liability.

The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

ARTICLE IV PERMITS

§195-31 Permits Required.

Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

§195-31 Application for permit.

The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- A. Identify and describe the development to be covered by the permit.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- E. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- F. Be signed by the applicant or the applicant's authorized agent.

§195-32 Validity of permit.

The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

§195-33 Expiration.

A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

§195-34 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

ARTICLE V SITE PLANS AND CONSTRUCTION DOCUMENTS

§195-34 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- A. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- B. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- C. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- D. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- E. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- F. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- G. Extent of any proposed alteration of sand dunes.
- H. Existing and proposed alignment of any proposed alteration of a watercourse.
- I. Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

§195-35 Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- A. Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- B. Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- C. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.
- D. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map

Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

§195-36 Analyses and certifications by a Licensed Professional Engineer.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- B. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- D. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- E. For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

§195-37 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

ARTICLE VI INSPECTIONS

§195-38 General.

Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

§195-39 Inspections of development.

The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood

hazard areas from time to time to determine if development is undertaken without issuance of a permit.

§195-40 Buildings and structures.

The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- A. **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- B. **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- C. **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- D. **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- E. **Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

ARTICLE VII VARIANCES

§195-41 General. The Ewing Township Planning or Zoning Board shall hear and decide requests for variances. The Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

§195-42 Historic structures. A variance to the substantial improvement section of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

§195-43 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

§195-44 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 105.3(1) of these regulations.

§195-45 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- B. The danger to life and property due to flooding or erosion damage.

- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- D. The importance of the services provided by the proposed development to the community.
- E. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- F. The compatibility of the proposed development with existing and anticipated development.
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

§195-46 Conditions for issuance.

Variances shall only be issued upon:

- A. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

ARTICLE VIII VIOLATIONS

§195-47 Violations.

Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

§195-48 Authority.

The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

§195-49 Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

§195-50 Review Period to Correct Violations.

A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

ARTICLE IX DEFINITIONS

§195-51 General.

The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

§195-52 Definitions

30 DAY PERIOD – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES – Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1– A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

AH ZONES– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONES – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE – A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that

agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on the community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD – see SPECIAL FLOOD HAZARD AREA

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24 – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE) – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the "100-year flood elevation".

BASEMENT – Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA – The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA – The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION – The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

BUILDING – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

CONDITIONAL LETTER OF MAP REVISION – A Conditional Letter of Map Revision (CLOMR) is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION – FILL -- A Conditional Letter of Map Revision – Fill (CLOMR-F) is FEMA’s comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mudslides (I.e., mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (4) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODPROOFING CERTIFICATE – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING – Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, anti-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning or Zoning Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved State program as determined by the Secretary of the Interior; or
 - ii. Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT – A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property’s location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community’s master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION – A Letter of Map Revision (LOMR) is FEMA’s modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community’s master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the Ewing Township must maintain. Any LOMR-F should be noted on the Ewing Township’s master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER – A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in the Township’s ordinance. In no circumstances shall a project’s LDFE be lower than a permit-specified Flood

Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by Ewing Township; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018, New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

REPETITIVE LOSS – any flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

RESIDENTIAL – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, anti-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION – The Start of Construction is as follows:

- a. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development

must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised, and Base Flood Elevation's (BFEs) increase, or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The period of accumulation for determining whether an improvement is as substantial improvement requires a review of all improvements over a 10-year period prior to the date of any proposed improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

VARIANCE – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

ARTICLE X SUBDIVISIONS AND OTHER DEVELOPMENTS

§195-53 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

§195-54 Subdivision requirements.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- A. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- B. Residential building lots shall be provided with adequate buildable area outside the floodway.
- C. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

ARTICLE XI SITE IMPROVEMENT

§195-55 Encroachment in floodways.

Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

§195-56 Prohibited in floodways.

The following are prohibited activities:

- D. The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- E. Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

§195-57 Sewer facilities.

All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

§195-58 Water facilities.

All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

§195-59 Storm drainage.

Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

§195-60 Streets and sidewalks.

Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

§195-61 Limitations on placement of fill.

Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

§195-62 Hazardous Materials.

The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

ARTICLE XII MANUFACTURED HOMES

§195-63 General.

All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

§195-64 Elevation.

All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

§195-65 Foundations.

All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the Residential Code.

§195-66 Anchoring.

All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

§195-67 Enclosures.

Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 801.2.

§195-68 Protection of mechanical equipment and outside appliances.

- A. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 of these regulations.
- B. Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

ARTICLE XII RECREATIONAL VEHICLES

§195-69 Placement prohibited.

The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

§195-70 Temporary placement.

Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

§195-71 Permanent placement.

Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

ARTICLE XIII TANKS

§195-72 Tanks.

Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

ARTICLE XIV OTHER DEVELOPMENT AND BUILDING WORK

§195-73 General requirements for other development and building work.

All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- D. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- E. Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - (1) Specifically allowed below the Local Design Flood Elevation; and
 - (2) Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.

- F. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- G. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

§195-74 Requirements for Habitable Buildings and Structures.

- Construction and Elevation in A Zones not including Coastal A Zones.
 - (1) No portion of a building is located within a V Zone.
 - (2) No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - (3) All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.

B. All new construction and substantial improvements of non-residential structures shall:

Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or

Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:

- (a) Meets the requirements of ASCE 24 Chapters 2 and 7; and
- (b) Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

— All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;

Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;

Be constructed to meet the requirements of ASCE 24 Chapter 2;

Have openings documented on an Elevation Certificate; and

Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

- (a) The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
- (b) The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
- (c) The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

— For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

§195-75 Garages and accessory storage structures.

Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

§195-76 Fences.

Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

§195-77 Retaining walls, sidewalks, and driveways.

Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 105.3(1) of these regulations and N.J.A.C. 7:13.

§195-78 Swimming pools.

Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

§195-79 Roads and watercourse crossings.

- For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

ARTICLE XV TEMPORARY STRUCTURES AND TEMPORARY STORAGE

§195-80 Temporary structures.

Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

§195-81 Temporary storage.

Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

§195-82 Floodway encroachment.

Temporary structures and temporary storage in floodways shall meet the requirements of Section 105.3(1) of these regulations.

ARTICLE XVI UTILITY AND MISCELLANEOUS GROUP U

§195-83 Utility and Miscellaneous Group U.

In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

§195-84 Flood loads.

Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

§195-85 Elevation.

Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

§195-86 Enclosures below base flood elevation.

Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

§195-87 Flood-damage resistant materials.

Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 102.3.

§195-88 Protection of mechanical, plumbing, and electrical systems.

- A. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.
- B. Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 2. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 3. REPEALER.

All prior ordinances or parts of the 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 on This ordinance shall take effect upon final adoption and publication in accordance with law.

There were no questions or comments from Council.

Vice President Baxter made a motion to open the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote.

Victoria Mark (Glendale section of Ewing, via Zoom) asked if a new position is being created and is the Town paying to get this done. President Wollert replied – no. The Township is adopting the regulations that the Federal and State governments have put in place.

There were no additional questions or comments from the Public.

Ms. Keyes-Maloney made a motion to close the Public Hearing, seconded by Vice President Baxter. It was agreed by unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Vice President Baxter. The Council President called for a roll call.

ROLL CALL

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

- 3. The Clerk read (Ordinance #23-04) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 4, ARTICLE X DEPARTMENT OF PUBLIC SAFETY SECTION 48 QUALIFICATIONS OF MEMBERS AND CHAPTER 55, ARTICLE I PERSONNEL GENERALLY SECTION 2 RESIDENCY REQUIREMENT TO PROVIDE THE ADMINISTRATION WITH DISCRETION TO HIRE POLICE OFFICERS AND FIREFIGHTERS WHO DO NOT RESIDE WITHIN THE MUNICIPALITY AT THE TIME OF HIRING.**

WHEREAS, Ewing Township (the "Township") has a duty to hire police and fire personnel for the good of the Township and its residents; and

WHEREAS, when vacancies arise in the police and fire departments, the Township has an interest in identifying and hiring the most qualified candidates to fill vacancies within those departments; and

WHEREAS, the Township is a civil service jurisdiction and as such, the initial list generated of eligible candidates is comprised of only Ewing Township residents because of Ewing's existing residency requirements for the hiring of new fire and police candidates;

WHEREAS, the initial hiring list of only Ewing residents does not always generate enough eligible candidates requiring a second list of County-wide candidates; and

WHEREAS, by the time a County-wide list has been generated, many highly qualified candidates have already been hired by other jurisdictions, leaving Ewing at a disadvantage in the hiring process; and

WHEREAS, pursuant to N.J.S.A. 40A:14-122.1 and N.J.S.A. 40A:14-9.2, continued residency within the township cannot be a condition of hiring or employment for police and fire fighters; and

WHEREAS, given the mandates of N.J.S.A. 40A:14-122.1 and N.J.S.A. 40A:14-9.2 a residency requirement for the hiring of police and fire fighter candidates needlessly limits the pool of eligible candidates and places Ewing at a disadvantage when new civil service hiring lists are issued.

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 4, DEPARTMENT OF PUBLIC SAFETY, is hereby amended to read as follows:

§ 55-2 Qualifications of members.

- A. Except as otherwise set forth herein, appointments to the Police Department shall be made in accordance with applicable law from lists of eligible candidates provided to the Township by the New Jersey Department of Civil Service.
- B. Each applicant for a position in the Police Department shall be a citizen of the United States and a resident of the State of New Jersey consistent with N.J.S.A. 40A:14-122.8. ~~In addition, except as otherwise provided in Ewing Code § 55-2E, each applicant shall be a resident of the Township of Ewing for at least two years immediately preceding his appointment.~~ Each applicant shall comply with all of the laws of the State of New Jersey pertaining thereto and also meet all requirements of the Department of Personnel of the State of New Jersey. Each successful appointee shall, in accordance with N.J.S.A. 52:17B-66, serve a probationary period pending his successful completion of the course at the New Jersey State Municipal Police School.
- C. In accordance with N.J.S.A. 11A:4-1.3, and in the sole discretion of the Township as the appointing authority, the Township may hire as an entry-level law enforcement officer a person who has successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission. A person hired pursuant to this section shall be exempt from the requirement to take an examination for an entry-level law enforcement position. Use of this provision for the hiring of police officers outside of the civil service examination process shall be utilized only upon the written authorization of the Director of Public Safety. The Director of Public Safety shall report to Council quarterly on the use of this process.

Section 2 Chapter 55, OFFICERS AND EMPLOYEES, is hereby amended to read as follows:

§ 55-2 Residency Requirement

- A. All officers and employees of the Township are hereby required, as a condition of employment, except as exempt by general law or this Code, to reside within the boundaries of this Township and to be bona fide residents therein and, where continued residency may not be required under statutory exemption or this Code, to maintain primary residence within the State of New Jersey during any period of employment thereafter.
- B. Failure of any officer or employee of the Township who is not expressly exempt and excluded by general law or this Code from a residency requirement as a condition to employment or of continued employment to comply with this section shall be deemed sufficient cause for removal or discharge from the service or employ of the Township. In the event any employee not otherwise exempt shall fail to maintain such bona fide residency, the Township shall notify said employee that failure to again take up residency

within six months of notification shall result in a removal from service. Such removal or discharge shall take place on the date specified in the notice, but any employee so removed or discharged shall have the right to such appeals as are available by law.

C. Classification and appointment.

(1) If the Township determines that there cannot be recruited a sufficient number of qualified residents for available specific positions or employments, the Township shall advertise for other qualified applicants. The Township shall thereupon classify all qualified applicants for such positions or employments so determined in the following manner:

- (a) Class I: Other residents of Mercer County.
- (b) Class II: Other residents of counties contiguous to Mercer County.
- (c) Class III: Other residents of the State of New Jersey.
- (d) Class IV: All other applicants.

(2) The Township shall first appoint all those in Class 1 and then those in each succeeding class in the order above listed and shall appoint a person or persons in any such class only to a position or positions, or employment or employments, remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment. The preference established by this section shall in no way diminish, reduce or affect the preferences granted pursuant to any other provisions of the law. An employee hired under this section shall be required to become a bona fide resident of Ewing Township as a condition of his/her continued employment within a reasonable period and not later than one year of his/her hiring.

D. The Township shall give preference in promotion to officers and employees who are bona fide residents of the Township. When promotions are based upon merit as determined by suitable promotion tests or other objective criteria, a resident shall be given preference over a nonresident in any instance when all other measurable criteria are equal. The preference granted by this section shall in no way diminish, reduce, or affect the preference granted pursuant to any other provision of law.

E. Notwithstanding any other provision of this section, the municipal residency requirement shall not apply to any officer or employee:

- (1) Hired pursuant to Ewing Code § 4-48C.
- (2) Hired as a firefighter or police officer.
- (3) Hired pursuant to Civil Service process for intergovernmental transfer.
- (4) After he or she has been continuously employed by the Township for a period of five years.

F. Whenever the Township shall determine that there are certain specific positions and employments requiring special talents or skills which are necessary for the operations of the Township and which are not likely to be found among the residents of the Township, such positions or employments so determined may be filled without reference to residency. Any finding under this subsection shall require that the positions and employments shall have first been advertised to the residents of the Township, without success. Positions and employments falling under this subsection must be specialized and qualitative in nature requiring expertise, extensive training, education or licensing and proven reputation in the field and necessary for the operations of the Township.

G. All employees of the Township must comply with N.J.S.A. 52:14-7, the New Jersey First Act, by maintaining a principal residence within the State of New Jersey while employed by the Township.

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 Wollert said that this will give the Police Chief and the Administration the flexibility to hire individuals who live outside of the Township at their time of hiring.

There were no questions or comments from Council.

Ms. Steward 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 the Public. Mr. Schroth made a motion to close the Public Hearing, seconded by Vice President Baxter. It was agreed by unanimous voice vote. Ms. Steward then moved the Ordinance, seconded by Ms. Keyes-Maloney. President Wollert asked for a roll call.

ROLL CALL

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

NEW BUSINESS

- 1. The Clerk read (Resolution #23R-42) AN AMENDED RESOLUTION APPROVING THE APPOINTMENT OF KIMBERLY M. LACKEN, ESQ. AS COURT JUDGE FOR THE REMAINDER OF THE TERM OF RETIRED JUDGE ROGER T. HALEY, EXPIRING ON JANUARY 1, 2024**

President Wollert said that the Court requested the change in terminology from Acting Judge to Judge.

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

ROLL CALL

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

- 2. The Clerk read (Resolution #23R-43) A RESOLUTION CELEBRATING BLACK HISTORY MONTH**

President Wollert said that this is a very special time of the year when the history of people who helped build the country is celebrated.

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

ROLL CALL

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

3. The Clerk read **(Resolution #23R-44) RESOLUTION AUTHORIZING PRIVATE SALE OF CERTAIN TAX SALE CERTIFICATE PURSUANT TO N.J.S.A. 54:5-113**

President Wollert said that these six properties will be sold privately.
The Attorney clarified – liens, not properties.

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

ROLL CALL

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

4. The Clerk read **(Resolution #23R-45) AMENDMENT NO. 1 TO THE SHARED SERVICES AGREEMENT BETWEEN EWING TOWNSHIP AND THE COUNTY OF MERCER**

Council President Wollert said that this will aid the Township's Municipal Alliance program.

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

ROLL CALL

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

5. The Clerk read **(Resolution #23R-46) A RESOLUTION AWARDDING A ONE-YEAR CONTRACT FOR PHYSICIAN SERVICES TO ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL-HAMILTON IN THE AMOUNT OF \$42,856.32 (\$3,571.36/MONTH) WITH TWO OPTIONAL ONE-YEAR EXTENSIONS**

President Wollert said that this contract had been in place previously. The Township will continue with Robert Wood Johnson to provide these services.

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

ROLL CALL

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

6. The Clerk read (Resolution #23R-47) RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 FORD F350 4WD PICK UP TRUCK FOR PURPOSE AND USE FOR THE FIRE MARSHAL, UNDER STATE CONTRACT A88758, T2101 THRU WINNER FORD, CHERRY HILL NJ.

President Wollert said that this is a routine purchase.

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

ROLL CALL

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

The Clerk read Items Seven, Eight, and Nine as a Block.

7. The Clerk read (Resolution #23R-48) A RESOLUTION APPROVING CHANGE ORDER NO. 2 FINAL DECREASE TO FALASCA MECHANICAL, INC. FOR THE HOLLOWBROOK COMMUNITY CENTER HVAC REPLACEMENT PROJECT IN THE AMOUNT OF \$9,999.80
8. The Clerk read (Resolution #23R-49) A RESOLUTION AUTHORIZING PAYMENT CERTIFICATE NO. 8 (FINAL) TO FALASCA MECHANICAL, INC. IN THE TOTAL AMOUNT OF \$8,869.74 REPRESENTING RELEASE OF RETAINAGE FOR THE HOLLOWBROOK COMMUNITY CENTER HVAC REPLACEMENT PROJECT
9. The Clerk read (Resolution #23R-50) A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR THE HOLLOWBROOK COMMUNITY CENTER HVAC REPLACEMENT PROJECT – EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-T-068

President Wollert stated that these Resolutions are routine. The Township's Engineer has recommended them.

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

ROLL CALL

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

The above-referenced New Business Resolutions are available in the Clerk's Office in the 2023 Resolution Book Number One.

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business President Wollert called for a motion to adjourn. Vice President Baxter so moved seconded by Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 8:43 p.m.

Kathleen Wollert, President

Kim J. Macellaro, 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 of LEVY starting April 3, 2023 and going forward to Thomas Skirzynski, 26 Diane Drive, Ewing, NJ 08628, for property owner Thomas Skirzynski, for Block: 422.01, Lot: 92 also known as 26 Diane Drive. Property owner has been approved, effective April 3, 2023, for 100% disabled veteran property tax exemption.

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 25th day of April 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 REFUND, AS RECOMMENDED BY THE TAX COLLECTOR

Resolution #23R- WHEREAS, State Law authorizes the Tax Collector to recommend refunding of monies collected; 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 REFUND in the amount of \$150.00 for 2023 Sewer to Ming, Zeng, 23 Shadow Drive, West Windsor, NJ 08550, for property owner Jarrett, Delano & Fayana, for Block: 214.01 Lot: 17 also known as 428 Ewingville Road. Ming, Zeng incorrectly selected 428 Ewingville Road for sewer instead of correct parcel. Payment was originally executed via WIPP, reversing the payment via WIPP will cancel the processing fee which Ming, Zeng paid. There is no check to be issued, the refund of \$150.00 from Sewer will be done electronically.

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 25th day of April 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 of IMPROVEMENT ONLY LEVY starting March 19, 2023 and going forward to Cribb, Victoria, 76 Lanning Street, Ewing, NJ 08618, for property owner Cribb, Victoria, for Block: 241, Lot: 67 also known as 76 Lanning Street. Property suffered a severe fire which rendered residence uninhabitable, which would result in having the levy on the land assessment only until the parcel is rebuilt and the assessment is raised to the appropriate 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 25th day of April 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 REFUND, AS RECOMMENDED BY THE TAX COLLECTOR

Resolution #23R- WHEREAS, State Law authorizes the Tax Collector to recommend refunding of monies collected; 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 REFUND in the amount of \$2,139.68 for August 1, 2023 3rd Quarter Taxes to Ramirez, Libardo, 1555 Prospect Street, Ewing, NJ 08638, for property owner Ramirez, Libardo, for Block: 118.01 Lot: 23 also known as 1555 Prospect Street for overpayment.

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 25th day of April 2023.

SEAL

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

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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 REFUND in the amount of \$101.33 for 2023 Sewer to Ewing Properties LLC c/o Hilton Management LLC, 902 Carnegie Center #400, Princeton, NJ 08540, for property owner Ewing Properties LLC c/o Hilton Management LLC, for Block: 341.01 Lot: 5 also known as 800-846 Silvia Street for overpayment.

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 25th day of April 2023.

SEAL

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