

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

March 14, 2023 – AGENDA SESSION

(Issues with the new equipment in the Council Room)

President Wollert called the meeting to order at 6:42 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 | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present | |
| ▪ President Wollert – Present | |

DISCUSSION

(Items One and Two were discussed together)

1. RESOLUTION OF THE TOWNSHIP OF EWING COUNTY OF MERCER, NEW JERSEY, DESIGNATING CERTAIN PARCELS WITHIN THE TOWNSHIP AS AN AREA IN NEED OF REHABILITATION IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*
2. RESOLUTION OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, NEW JERSEY, DESIGNATING CERTAIN PARCELS WITHIN THE TOWNSHIP AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.* AND RATIFYING THE INCLUSION AND REMOVAL OF CERTAIN PARCELS IN THE PRELIMINARY INVESTIGATION

Charles Latini (Redevelopment Agency, via Zoom) said, in Council’s packet, is the study which declares that certain properties in and around the Town Center meet the criteria for both rehabilitation and redevelopment.

(Mr. Latini asked the Clerk to share his screen which showed the parcels designated as an Area in Need of Rehabilitation and as an Area in Need of Redevelopment)

Mr. Latini said that, roughly, the area is from around Parkway and Scotch Road to the area around Decou and Jack Stephen Way. Mr. Latini then described the area that was studied in greater detail. It is a mix of industrial and commercial properties although most are in the retail category. All are within the Town Center Zone and anything that they recommend will be consistent with what they had done for the other redevelopment areas. The Area is clearly in need of Rehabilitation even though there have been some upgrades with sewer and water because of the GM site. There are still aging infrastructure and aging property issues. The Redevelopment criteria is a stricter standard. They looked at properties that met the criteria and properties that did not meet the criteria, per se, but were necessary for the effective redevelopment of the area (the statute allows for that).

Mr. Latini then listed the properties that either met the Redevelopment criteria or were necessary for the effective redevelopment of the area. This process was conducted as a Non-Condensation Redevelopment Area which means that the power of eminent domain cannot be exercised. Owners can voluntarily participate or continue to do business as usual. Hopefully, through the incentives that Redevelopment allows, better outcomes will be seen including the redesign of some of these properties. The Planning Board found this Study to be one that they could recommend to Council.

Kevin McManimon (Redevelopment Counsel) asked Council to consider two action items – one is a Resolution that designates the entire area as an Area in Need of Rehabilitation and the other is a Resolution that designates a smaller, more concentrated part of the overall area as an Area in Need of Redevelopment. Some redundancy is built into that so that if Council acts on both and something happens to the one then the other is still in place. Council can elect to vote for one or the other or both.

Councilwoman Keyes-Maloney said that the incentives might not be as robust in the instance of rehabilitation. Is there anything that a rehabilitative property would benefit from?

Mr. McManimon responded that there is the opportunity for shorter-term abatement or exemption from taxes. That is also why it would be important for Council to take separate action because it is just not known what might be needed.

President Wollert said that this was done previously with Olden Avenue – there were separate benefits.

There were no additional questions or comments from Council.

Ron Prykanowski (16 Thurston Avenue, via Zoom) said that he has been following this for a while and with all due respect to Mr. Latini, he believes that what is being done here tonight is overkill; it is not necessary. There are two buildings in that area that do need rehab – the gas station and what is the old Caldwell building. Regarding the shopping center, the bowling alley is under new ownership, and they will be doing some renovations. Mr. Prykanowski recommends that Mr. Latini speak with them to get whatever is necessary to bring that up to speed. Minuteman Press is part of the bowling alley and Capital Health has taken over the old CH Martin building; they are doing a good job there. The amount of redevelopment is minimal, and he would be reluctant to designate the entire area as an Area in Need of Rehabilitation. Mr. Prykanowski said that if any areas need to be studied, it is one, Jack Stephen Way through Cardinal Drive and two, Pennington Road between Atlantic and Sussex. That area is in dire need of rehabilitation. Consider the optics – millions of dollars are being put into a building to relocate Code Enforcement - imagine somebody making a turn onto Somerset and the first thing they see is the pot patrol car? Residents and contractors are being brought into this area; it is an eyesore. Mr. Prykanowski said that the frat houses will be demolished, and Two Brothers (unclear), which will be an improvement to the area. There are two strip centers that need to be addressed.

President Wollert stated that she agrees with Mr. Prykanowski's comments about Pennington Road – those two strip areas. She is familiar with them as her uncle built them about sixty-five years ago. They have not really changed in all that time.

President Wollert said that the buildings on Parkway Avenue and Scotch Road that Mr. Latini discussed have not changed over the years. It is her personal feeling that if the Town gives opportunity and the ability to act in a positive way, businesses and developers will take advantage and see that it is valuable to them and the Town.

There were no additional questions or comments from the Public.

Items One and Two, to be considered separately, were Approved for Action.

3. A RESOLUTION AMENDING RESOLUTION #22R-194 AS TO THE INSTITUTION OF A MORATORIUM ON THE GRANTING OF ANY CLASS OF CANNABIS LICENSE IN EWING TOWNSHIP FOR ONE (1) YEAR

Mr. Latini said that the original cannabis ordinance sought a limitation on dispensaries but not a limitation on cultivation and manufacturing.

Some saw larger buildings as opportunities for not only their business, but the ability to bring in ancillary businesses and workforce training and development programs to offset the cost of these larger buildings. What has happened since has been interesting because with these conditional licenses with the State of New Jersey, it is hard to pin down viable tenants for these spaces and even after you do, they may turn around and find other options. They are working multiple avenues at the same time. This hampers the economic viability of all the endorsements for a particular property. The moratorium presented unique challenges. They tried to figure out a way to honor the intent of the moratorium and to solve the issue of viable tenants in large spaces. The Attorney and the Council President came up with a simple and great idea – to not look at it in terms of the number of endorsements per se, but to look at in terms of what has been endorsed. The idea is to have the ability to swap out tenants for those spaces if the size does not exceed that which was originally endorsed.

The Attorney said that the Resolution amends the original moratorium to address this concern. It allows a swap out if the aggregate square footage and type of endorsement does not change. This came about because a very large space intended to have two manufacturing and cultivation endorsements. One of the endorsed applicants went elsewhere and the remaining applicant could not fill the entire space. The viability of the entire space was threatened. The solution was this aggregate swap out.

Council President Wollert asked, if besides limiting to the same location, does this also limit the number of participating growers/sellers?

The Attorney replied – no. It does not limit the number of endorsees. It limits the aggregate amount of endorsed canopy. The amount of canopy will not change; there might be three operators instead of just one. These operators would still need to come before the CRC and be endorsed by Council.

President Wollert said that the Township has already endorsed a business that has walked away. Legally, would they have the right to say that they found another spot in Ewing?

The Attorney replied - no. These endorsements are not transferable. They would need to come before the CRC and Council for approval for that new location. Regarding the business that walked away, Council could revoke that endorsement.

The Council President said that she just wanted it on the record that a previously endorsed applicant cannot come back and say, since they were previously endorsed, they want to come back.

Councilwoman Steward asked how is this going to proceed? Will there be some sort of RFP process?

The Attorney responded except that this is going to be site specific and will be contingent on the property owner making it known that they have lost a tenant and want a new tenant in their building. An RFP would open it up to someone else's property interest. Normally, before they come to the Town, they have already met with and negotiated with the property owner. The Attorney did agree with Councilwoman Steward that because Council may look at the Ordinance and limit Cultivation and Manufacturing going forward, an RFP would be something to look at. This is unique in that it involves a certain property. The property owner would need to let the Town know they want to swap out tenants.

President Wollert said that it is her thought that at this point, it is a business deal between the property owner and the business owner. For the Township to insert itself in a business deal...

Councilwoman Steward commented that the landlord has always had a role in vetting these businesses.

Mr. Latini added that with these multiple tenant situations, he found that a buyer's security protocols are so stringent, to insert the Township in that level of review...it becomes valuable for the property owner to review first. Mr. Latini said that he agrees with the Attorney, if retail ever opens again with a limited number of spots, then do an RFP. But, not in this instance.

Councilwoman Keyes-Maloney said that the big thing is that the Township is using the word "applicant" which means that the Town still can vet fully whoever the new entity is regardless of whether they have a relationship with a landlord or not. A review of the underlying cannabis Ordinance needs to be done sooner rather than later. The vetting piece is important which is why the process was set up as it was. This allows underutilized space to move forward. It is Solomon's choice given where things are at this moment.

There were no additional questions or comments from Council.

Victoria Mark (9 Patton Drive via Zoom) asked when this was initially discussed prior to being on the agenda? Was there a meeting she missed?

President Wollert replied that it was initially discussed during their pre-agenda meeting with the Administration where they set the agenda for the upcoming Council meeting. It is not a public meeting.

Councilwoman Steward added that only two Council members are at this meeting. Ms. Mark mentioned that part of the reason to put a stop to the number of these businesses was to see what would happen; to let things settle. In her mind, putting this in place to try to plug a hole does not stop the process but keeps the momentum going: things cannot be reviewed.

President Wollert replied that that was why the moratorium was put in place. This does not change the number of businesses, or square feet, or the uses. It just allows another business to come into an already approved space. These businesses will still need to meet the criteria that the Township set. This is a business operation; businesses have issues that come up.

Ms. Mark stated that she understands that. But, if a process remains in motion, it cannot be evaluated.

There were no additional questions or comments from the Public.

This Item was Approved for Action

4. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 172 FEES SECTION 12 RETAIL FOOD ESTABLISHMENT LICENSES

President Wollert said that this update to the fee schedule considers the fees charged in neighboring Towns. The fees have been raised a bit but are not at the highest point. Councilwoman Keyes-Maloney noted that the reinspection process is laid out and the costs associated with that process are articulated in writing for the first time. The Council President added that it will be posted well before it is enforced.

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

This Item was Approved for Action.

5. RESOLUTION AUTHORIZING CY2023 RESERVE BUDGET TRANSFERS

President Wollert said that this is a standard operating procedure permissible by State law. The Town does this every year – move money from one account to another.

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

This Item was Approved for Action.

(The Council President asked the Vice President to take over the reading of the Items)

6. A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO PHILLIPS BOULEVARD PROJECT

President Wollert said that this was requested by the Administration. The grant would be used for a road paving project on Phillips Boulevard.

There were no questions or comments from Council.

Victoria Mark (via Zoom) asked if this has to do with the cannabis business located on Phillips or is it for something else entirely?

President Wollert replied – no, entirely different. It is a road paving project.

There were no additional questions or comments from the Public.

This Item was Approved for Action.

7. A RESOLUTION APPROVING MATTHEW A. ROGERS AS A SENIOR FIREFIGHTING MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY NO. 1

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

This Item was Approved for Action.

8. A RESOLUTION SUPPORTING THE LAWRENCE HOPEWELL TRAIL CORPORATION APPLICATION FOR FEDERAL COMMUNITY PROJECT FUNDING

Council President Wollert said that this is a letter of support for the Lawrence Hopewell Trail's grant application.

Councilwoman Steward added that the dream is to connect the Johnson Trolley Trail with the Lawrence Hopewell Trail so there is a way for cyclists to get over I95 more safely. Taking Bear Tavern or Scotch Road can be dicey for cyclists or walkers.

President Wollert added that this has been an ongoing project for years. Hopefully, it will be brought to its conclusion before too long.

Councilwoman Keyes-Maloney thanked Councilwoman Steward for bringing this to Council.

There were no additional questions or comments from Council.

Sara Hendrickson (481 Walker Avenue, via Zoom) asked if this Trail will be put through Knight's Farm?

President Wollert responded – no. The Johnson Trolley Line is off Eggerts Crossing/Whitehead Road Extension near where the ARC is located.

There were no additional questions or comments from 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 \$661,237.55 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$86,700.37

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

The Bills List was Approved for Action.

CONSENT AGENDA

1. A Resolution Authorizing a Refund, as Recommended by the Tax Collector 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. Property owner asked that we refund their overpayment which has been applied for 3rd quarter of 2023. Parcel is current on taxes to June 30, 2023.
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,251.30 for May 1, 2023 2nd Quarter Taxes to Dennis Mitchell, 46 Van Duyn Drive, Ewing, NJ 08618, for property owner Contento, Dirce, for Block: 231 Lot: 39 also known as 24 Van Duyn Drive. Dennis Mitchell asked that we refund their WIPP online payment. They selected 24 Van Duyn instead of 46 Van Duyn. Requesting permission to refund back the entire payment back to Dennis Mitchell via the WIPP platform as that action will also refund back the convenience fee Mitchell paid.

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

The Consent Agenda was Approved for Action.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 114 BUILDING CONSTRUCTION ARTICLE II CERTIFICATES OF OCCUPANCY AND CHAPTER 114 BUILDING CONSTRUCTION ARTICLE III PROPERTY MAINTENANCE CODE

President Wollert said that this is an update of the regulations that govern the Construction Office.

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

This Item was Approved for Action.

COUNCIL COMMENTS

Councilwoman Keyes-Maloney said that April 15th is a big day in Ewing Township for several reasons. The first is the clean-up at Home Depot in coordination with Riverkeeper. The second is that the College, in coordination with the Arts Commission, will be sponsoring a Day of Art at the College. Any vendors interested in showing off their art, a sign-up form is circulating on social media and is on the website.

Vice President Baxter said that April 15th will also be opening day for Little League, 10:30 a.m. at Moody Park and that evening the Mercer County Soccer Hall of Fame will be at 6:30 p.m. at the Hibernian Club in Hamilton. Also on April 15th, a Proclamation will be read letting people know that the field will be dedicated to Karen Bauer and on April 28th the Little League Field will be renamed in her honor.

This Saturday, the ERBL All-Star games will be held at Antheil starting at 10:00 a.m. They will also be honoring the Ewing High School Girls and Fisher Girls who both won basketball championships this year. The Ewing High Girls won the Mercer County Tournament and the Group III State Championship by beating Randolph High School. Shellitha Collins won the State Championship in wrestling which is the first time a lady in Ewing Township won the Wrestling Championship. The Junior Bowling Team also won a Championship. Coach Tye (Ewing Recreational Wrestling) said that they took a couple of kids to a championship last month – eleven champions came out of that tournament for the Recreation Division; six were first-time wrestlers. The age group is six to thirteen. One person suggested the idea of starting a Swim Team or a Swim League. Director Forst and the Board are looking into it. There had been one years ago.

There were no additional comments from Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Richard Fletcher (24 Orchard Avenue, Pennington – Owner 13 Dawes Avenue) read the Township flyer informing residents of the update to the Leaves, Brush, and Yard Waste regulations about loose leaves no longer being picked up at the curb. Mr. Fletcher said that after he put two bags of leaves out at the curb, Public Works picked up the bags by dragging them down the street. Mr. Fletcher showed photos to Council. Mr. Fletcher said that he is not paying taxes to Ewing to pay salaries for Public Works to do damage to his fence and to make a mess for him to cleanup; he already bagged the leaves.

The trees on his property are small; most of the leaves he gets are from the park. He complained to the Administrator and showed the Public Works Director the photos. Council needs to speak with their supervisors. Township residents are fed up; they are not here to cleanup after Public Works or after any damage they cause.

Mr. Fletcher put Public Works on notice. When they mow the park, they need to mow three or four mower widths away from his fence. Last year they damaged his fence; soda cans were shot through it. He has two dogs and two young children under three that are in the yard.

Mr. Fletcher said that last week he called the Department of Health to have the ACO call him about a problem his daughter had last Monday night. He spoke with Mike and told him that the last time, the ACO never returned his call. Mike remembered that incident. Mike told him that she was out and would return his call on Wednesday. A week later, and the ACO did not return his call. It is twice now that he has asked a Township employee to call him concerning a problem that the Police Department became involved in. Mr. Fletcher discussed that incident and thanked the Police Department for their professionalism; they are number one.

Mr. Fletcher said that in the seven years he has been there, unless he trimmed the branches, no one has come out to trim the trees in the park behind his house. There are a lot of dead branches. He understood that Public Works is waiting for the truck, but just so the Township knows, it is dangerous.

Sara Hendrickson (481 Walker Avenue, via Zoom) asked how many Ewing residents signed up for the cleanup at Home Depot?

Councilwoman Keyes-Maloney said that she does not have that information because the sign up is through the Delaware Riverkeepers. She will ask a member of the Green Team to find out.

Ms. Hendrickson said that the Green Team and Environmental Commission should hold cleanups once a month. The trash is overwhelming in this Township. She cannot pick up this trash by herself.

Ms. Hendrickson asked Councilwoman Keyes-Maloney if she had seen the photos, she sent of the storm drains at Home Depot.

The Councilwoman replied – yes. It will be part of the cleanup. They can certainly encourage Home Depot to clear out their storm drains.

Ms. Hendrickson replied – they should be fined. There is five inches of filth, and those storm drains are not covered.

Councilwoman Keyes-Maloney said that she believes that that is private property, which makes it more challenging.

Ms. Hendrickson said that even storm drains in the Township are not covered. Why?

The Administrator stated that Ms. Hendrickson has raised this issue with him. The Township made an extensive effort to cover storm drains. Unused covers are still stored at a Public Works property. In some areas, debris filled the storm drain and caused flooding. So, some covers were removed. If addresses are provided, he will send Public Works, on a schedule, to add covers. The DEP was satisfied with the Township's effort at the time, and he has not heard from them since.

Ms. Hendrickson commented that she is not satisfied.

President Wollert said that Council appreciates Ms. Hendrickson looking into it and reporting back to them. As does the Administration. Efforts will be made regarding Home Depot. As Mr. McManimon indicated, the Town does have some covers and there were issues with some drains being filled with debris.

Ms. Hendrickson mentioned that kids are drinking at Rambling Creek Park, leaving a lot of litter.

President Wollert said that that will be checked out.

Ms. Hendrickson said that she was told by Beverly from the Arts Commission that Artist of the Month is filled for 2023 but when she came in yesterday, there was no art on the walls. She knows a few people who would like to display their art.

Councilwoman Keyes-Maloney said that she will take it back to the Commission. There was a health issue with this month's artist which prevented the art from being displayed. A relative of Ms. Hendrickson is on the schedule; if there is somebody else, please refer them to the Arts Commission's page.

Richard Fletcher (24 Orchard Avenue, Pennington – owner 13 Dawes Avenue) said regarding the ACO, they have still not seen anyone out there. Dogs are being allowed to run in the baseball field.

The Administrator said that the ACO just returned today. He will get her out there. She does drive around the Town once in the AM and once in the PM checking out the parks. The Mayor and Council have scheduled a dog park to be built at Moody at the old football field. It is a \$100,000 capital project.

Mr. Fletcher said that the main thing is that when they are walking to and from the park, the dogs are not on leashes. Mr. Fletcher wanted to know if a video is good enough or does the Police/ACO need to see it?

President Wollert replied that Mr. Fletcher would need to check with the ACO or the Police Department about the legalities.

Sara Hendrickson (481 Walker Avenue, via Zoom) commented that they should get rid of dog parks. Anybody who knows about dogs, knows that you should not bring dogs to dog parks because of disease. Dog parks are disgusting and dirty. No one cleans up after the dogs.

There were no additional questions or comments from the Public.

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Wollert asked for a motion to adjourn. Vice President Baxter so moved seconded by Ms. Steward. It was agreed by unanimous voice vote. The meeting was adjourned at 7:55 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk

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

March 28, 2023 – AGENDA SESSION

Acting President Keyes-Maloney called the meeting to order at 6: 31 p.m. and read the Open Public Meetings Statement:

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian all on the 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 – Excused | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present | |
| ▪ President Wollert – Excused | |

The Clerk stated for the record that both Vice President Baxter and President Wollert are excused this evening.

PRESENTATION – Recognition of Women in Public Safety

Acting President Keyes-Maloney introduced Chief Rhodes and Fire Director Strauss.

Mayor Steinmann added that the EMS Director is also here.

The Acting President read the Proclamation which recognizes women in the Police Department and then presented the Proclamation.

Chief Rhodes gave brief remarks.

Acting President Keyes-Maloney then read the names of the other officers being honored.
(applause)

The Acting President read the Proclamation which recognizes women in Dispatch and read the names of those being honored.
(applause)

Acting President Keyes-Maloney read the Proclamation which recognizes women in EMS and read the name of the woman being honored.

The EMS Director gave brief remarks.

(applause)

Fire Director Strauss said that they were right behind him when he left the fire house...they just pulled up.

The Mayor commented that tonight they are honoring women in law enforcement and public safety but added that he does need to recognized all the women who work for the Township. They do not do as dangerous a job, but they should be recognized. They come in every day and do a great job assisting everyone in the Town to make it run more smoothly.

(Council recessed for about three minutes to allow Fire Department personnel to arrive)

The Acting President read the Proclamation which recognizes the woman in the Fire Department and then presented the Proclamation.

Director Strauss gave brief remarks.

(applause)

DISCUSSION

1. A RESOLUTION INTRODUCING AND APPROVING THE MUNICIPAL BUDGET OF THE TOWNSHIP OF EWING, COUNTY OF MERCER FOR THE CALENDAR YEAR 2023

Acting President Keyes-Maloney said that this is a little bit of a deceptive title. They are only introducing the Budget this evening.

Mayor Steinmann introduced the Budget for 2023 and then went over a few highlights. This year, they looked everywhere to get and to save as many dollars as they could. Initially, when they started to put the Budget together, they were at a seven and a half cent tax increase which was not acceptable. They were able to bring it down significantly, but there is a tax increase this year just as there has been over the last thirteen years. Every household sees increases year over year over year. Ewing Township is no exception. This year's increase is 2.9 cents. For the average taxpayer, that is about \$70.00 per year. The General Operating Budget went up eleven-point-eight percent. By using surplus and other things, it is only being increased three cents. Because of some tax exemptions, the Town's overall net worth went down slightly. Mayor Steinmann commended Joanna Mustafa for her due diligence and for watching the Budget throughout the year. The Township received about \$9.8 million in State Aid which is an increase of about \$450,000.00 over last year. The School Board received \$5.3 million; the Mayor does not believe they will be increasing taxes.

Councilwoman Steward asked if questions are allowed.

Acting President Keyes-Maloney replied – no.

The Attorney said that at least twenty-eight days from now, Council can hold a hearing. At that point, it can be discussed in Open Session.

The Mayor added that they are using the American Rescue Plan Funding for Police and Fire.

The Acting President explained to the Public that they will not be able to answer any questions about the specifics; questions can be asked about process.

There were no questions from Council.

Victoria Mark (Glendale section of Ewing, via Zoom) asked what does 2.9 cents mean? Repeating what Counsel indicated, Acting President Keyes-Maloney said that it is 2.9 cents per hundred on the assessed value of the home.

Ms. Mark asked about the education component.

The Acting President said that that would go to the specifics of the Budget. Tomorrow, the Budget will be available at the library and the Clerk's Office and will be posted on the website. Specifics of the Budget cannot be discussed tonight.

The Mayor added that the Town collects 100% of the Budget. Out of that 100%, whatever that number is, fifty-four cents on every dollar goes to the schools. That is mandatory. Twenty-six cents out over every dollar goes to the Township. The rest go to the school and to Mercer County.

Acting President Keyes-Maloney said that Council will only deliberate on the Township's portion. Your entire tax bill is a composite of all three and will be struck after all three entities adopt their budgets.

The Acting President and Ms. Mark discussed this further.

Sharon Copeland (Upland Avenue, via Zoom) asked if, regarding the 2.9 cents, is there a formula so residents can figure out their increase and then asked if it has anything to do with the Senior Freeze.

Acting President Keyes-Maloney explained the Senior Freeze application process and the budgetary process.

Following up on Councilwoman Steward's suggestion, Acting President Keyes-Maloney mentioned that Council will be hearing from the individual departments and will be holding conversations about Capital.

Ms. Mark said, so that could be three meetings – a month and a half?

The Attorney responded that the earliest would be twenty-eight days – the 25th of April.

Councilwoman Steward said that she does not know that the Public Hearing has been set.

The Acting President said that it will be at least twenty-eight days. Once the Public Hearing is scheduled, it will be announced. That and the Department Head meeting is up to the Council President and Vice President.

There were no additional questions or comments from the Public.

2. A RESOLUTION GRANTING ROBERT T. JONES PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 45, 9MM SEMI-AUTOMATIC PISTOL SERIAL NUMBER BLAS649) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT APRIL 1, 2023

Acting President Keyes-Maloney said that this is common. It is done each time an officer retires. The pistol cannot be used by others which lends itself to retiring the weapon with the officer.

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

3. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER AN ADOPTION AGREEMENT WITH OFFICER ROBERT T. JONES FOR THE ADOPTION OF A RETIRED POLICE CANINE

Acting President Keyes-Maloney said that this is sad and bittersweet, but good. As officers retire, the K9s are usually nearing the end of their years of service. The K9, in this case, is property and needs to be transferred to the officer for care.

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

(Acting President Keyes-Maloney inadvertently skipped over the Bills List)

CONSENT AGENDA

Acting President Keyes-Maloney presented the Consent Agenda for review.

1. Approval of Reorganization Minutes for January 2, 2023
2. A Resolution Authorizing a Refund, as Recommended by the Township Health Officer, for Fees in the amount of \$80.00 to Steve's Hot Dogs LLC, dba Jeremiah's Food Truck, 25 Winslow Homer Way, Marlton, NJ 08053 for payment of a temporary mobile truck fee for an event at TCNJ which was cancelled.
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,499.95 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Devlin, Kyle M. Revocable Trust, for Block: 482 Lot: 129 also known as 57 Farrell Avenue. Trident Land Transfer made payment for the 1st quarter of 2023 as part of the closing. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.
4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,766.10 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Reyes, Pedro & Peralta, Ylbania, for Block: 214.09 Lot: 53 also known as 9 Heather Drive. National Title made payment for the 1st quarter of 2023 as part of the closing. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,819.19 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Yake, John F. & Beth, for Block: 214.01 Lot: 31 also known as 131 Nancy Lane. Property owner made payment for 1st quarter of 2023. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.

6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,088.06 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Mollica, Linda M., for Block: 552 Lot: 86 also known as 10 Pioneer Court. Trident Land Transfer made payment for the 1st quarter of 2023 as part of the closing. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.
7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$85.43 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Moore, Patrick T. & Sandra A., for Block: 227 Lot: 16 also known as 52 Upper Ferry Road. Property owner made payment for the Added/Omitted coupon for 1st quarter of 2023. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.
8. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,749.91 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Araya, Gerald, for Block: 423 Lot: 6.02 also known as 296 W. Upper Ferry Road. Allstate Title Service made payment for the 1st quarter of 2023 as part of the closing. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.

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

(The Acting President discussed the Bills List following discussion on the Consent Agenda)

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$573,248.72 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$96,279.42

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 172 FEES SECTION 12 RETAIL FOOD ESTABLISHMENT LICENSES

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

Everything was Approved for Action.

COUNCIL COMMENTS

Acting President Keyes-Maloney said that the Historic Preservation Commission met this past week. They spoke about attending upcoming training given by the State in the October timeframe.

The Environmental Commission is continuing to work on a "script" for a short video on tree volcanoes. They will also be embarking on a social media campaign that was issued last year to educate the Public on the issues related to straw usage.

There were no additional Council Comments.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Michael Dobrowolski (26 Walton Avenue) proposed that "Welcome to Ewing" signs be put up to give Ewing some recognition that is lacking. One sign would be placed on Route 31 South near Arm & Hammer. Another sign would be placed off I295 on Bear Tavern Road. Acting President Keyes-Maloney thanked Mr. Dobrowolski for coming in and providing such a detailed hand-out as to what he is looking for.

Gracie Montgomery (170 Upland Avenue) said that she is speaking on behalf of the Ewing Park/ Brae Burn Association. Ms. Montgomery said that this first issue is her own problem. At 1678 Pennington Road by Paul's Liquor Store there used to be three cars, now there is only one. It is distracting and degrading to the neighborhood and should be removed. It has no plates and looks as if it had been in an accident.

Acting President Keyes-Maloney asked if this vehicle is on their property or on the street.

Ms. Montgomery replied that it is in the old parking lot.

The Acting President said that she will defer to the Business Administrator as to what can be done in terms of removal because it is private property.

Ms. Montgomery said that she thought there was an ordinance about old cars parked for a length of time and not licensed.

Acting President Keyes-Maloney said yes, as it relates to the public streets. It will need to be investigated.

The Administrator explained that three cars had been placed there by a gentleman who wanted to open a cannabis business. He was never approved for that. The owner of the property has other plans. That third car will be removed soon. The other two had been removed. Ms. Montgomery brought this up about three months ago. Progress is being made. There will be a new business there, not cannabis. There will be a new tenant.

Ms. Montgomery said that the second issue is a house on Buttonwood Drive. Three to five cars have been sitting on the lawn for a long time.

The Business Administrator asked for the address.

Ms. Montgomery said that the mailbox does not have a number; from Somerset, it is about the fourth house. You cannot miss it.

Ms. Montgomery mentioned that it is Spring, clean-up time. They just want their neighborhood to look nice.

The Administrator mentioned to Council that he received his first call about solo cups being left on a lawn. That will be addressed today.

Victoria Mark (Glendale section of Ewing, via Zoom) suggested that the Administration put out a Reverse 911 call about the issues with Trenton Water. She has not seen much about it and a call will reach more people.

Acting President Keyes-Maloney said that Council can request the Administration to do that. As indicated during the Board of Health meeting, they just found out for themselves. They look forward to getting the word out as effectively as possible.

Ms. Mark said that this has been going on since last year and with the Administration not being notified that this was still going on, there has been a major breakdown in communication. This could have been very bad for a lot of people.

The Acting President said, to be clear, they only investigated the seven properties where they discovered the issue. In many respects, this is the final disposition associated with those cases that were investigated in October. It is a continuation of the same issue. As for Ms. Mark's point, they do need to get the word out to people.

The Administrator said that it is already on the website.

Mayor Steinmann added that he takes Ms. Mark's comments seriously. He has been in meetings with the State and the City of Trenton. They do not want panic to set in when there is no reason for it. At the end of the day, there was one case reported in Ewing Township and they will be testing more throughout their system. The only thing that they could say in a call is to tell people to go to the Trenton Water website. The Department of Health press release is ten pages long with a lot of recommendations which he could not record on a message. They could put out a message telling people to go to the website, if that would help, but he cannot explain the problem because the Department of Health and the DEP are saying that the water is safe to drink.

Acting President Keyes-Maloney suggested that it also be posted to social media.

The Mayor said that a recommendation is setting the water heater between 120 and 130 degrees, but then the possibility of scalding is an issue. The idea is to avoid hot water under 120 degrees because it then could vaporize and be inhaled – that is the only way one can get legionella. He just does not want to add to the confusion.

Ms. Mark said that she agrees that you do not want to cause panic. The information needs to be provided in a way that.... People have the right to know. There are sick people in Ewing that need to know; the Township does not want to be liable because the information was not shared.

Jane Moon (279 West Upper Ferry Road) said that Tom (unclear) 's property on Wilburtha Road is about ready to implode. It has been that way for at least twenty-five years. She does not understand it...you are worried about leaves, and this property is already starting to implode...if someone walks by there...what is the situation?

The Administrator said that the property is still owned by the family. They have tried to sell it to the DEP Green Acres/Blue Acres program. They could not come to a price. It has environmental issues. The D & R Canal was willing to take it over if someone clean-up the property because they do not want that liability. The Administrator said that he will try to get an update. If the Township takes ownership, then he would need to come before Council to ask for funds to clean-up the property.

Ms. Moon reiterated that people are going to get hurt.

The Administrator said that he will have someone look at it.

Acting President Keyes-Maloney asked Ms. Moon to leave her contact information with the Clerk so she could be provided with any updates.

Ms. Moon commented that twenty years ago, it could have been saved.

The Administrator replied that that the family did not want to do that.

Ms. Moon is also concerned about the building that has collapsed next to the Revere Restaurant.

The Administrator said that it is under remediation. It needs to be cleaned up first and then it will be redeveloped.

The Acting President responded to Ms. Moon and explained remediation. The Acting President asked the Administrator to get an update on that property as well.

Ms. Moon said that this past week she received...it is great to donate to the firehouse, but you cannot send out deceitful information. It said that they were one hundred percent volunteer.

The Administrator responded that that it has nothing to do with the Township; but he will bring it up with West Trenton.

Acting President Keyes-Maloney asked Ms. Moon if she had a copy of what she received.

Ms. Moon replied – no, not with her.

The Administrator asked her to bring him a copy and he will address it.

Ms. Moon said why is the Town paying for a service to clean up the roads, especially this winter when there was no snow. Why is the Town paying for a lawn service for the Firehouse. The Administrator responded that the Township does not own that firehouse; the West Trenton Board takes care of that; they contract out for lawn services. The Township owns one firehouse – Pennington Road.

Victoria Mark (Glendale section of Ewing) said that she again received mail out of Texas asking for money for Ewing Township Council. She threw it away, but others are probably sending money. A reverse 911 call should be made to let as many people as possible know.

Acting President Keyes-Maloney asked Ms. Mark if she had saved it?

Ms. Mark replied that she did not save this one but did give the first one to the Police. Ms. Mark reiterated that this should be put out on the reverse 911.

The Acting President said she will defer to the Police as to the best course of action. No one here has put out anything seeking money and then asked Ms. Mark to give her a copy if she receives another one.

Councilwoman Steward said that Council does know that the volunteer fire companies raise money and does not imply that their mailing was fraudulent although she does understand Ms. Moon's concern about their representation of volunteer. Not fraudulent but should be characterized in a different way. Local fire companies should be supported.

Ms. Mark, regarding the mail she received, said that there is always something a little unusual and does not sit right.

Acting President Keyes-Maloney again asked Ms. Mark to report it to the Police and give her a copy.

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

Acting President Keyes-Maloney announced that the Closed Session will be deferred to the end of the Regular Session agenda.

CLOSED SESSION - A Resolution Excluding the Public from a Public Meeting for the purposes of:

- a. McCall v. Ewing Twp. et al. – Advise Council as to Pending Litigation & Receive Advice of Counsel
- b. Camp v. Ewing Twp. et al. – Advise Council as to Pending Litigation & Receive Advice of Counsel
- c. Kelly v. Ewing Twp. et al. – Advise Council as to Pending Litigation & Receive Advice of Counsel

ADJOURNMENT

There being no further business, Acting President Keyes-Maloney asked for a motion to adjourn. Mr. Schroth so moved seconded by Ms. Steward. It was agreed by unanimous voice vote. The meeting was adjourned at 7:30 p.m.

Jennifer Keyes-Maloney, Acting President

Kim J. Macellaro, Municipal Clerk

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

March 14, 2023 – REGULAR SESSION

President Wollert called the meeting to order at 8:08 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 | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present | |
| ▪ President Wollert – Present | |

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

Victoria Mark (Glendale section of Ewing, via Zoom) said that she is trying to have something reconsidered at the Zoning Board but there is a problem with the Township regarding paperwork. She wants to appeal something decided at the last Zoning meeting, but there is no appeal form for her to fill out.

The Attorney explained that Zoning appeals can be taken either to the Superior Court or to this Body. The Attorney advised Council not to respond to any questions about the Zoning appeal process because Council will sit as a Finder of Fact and Decision Maker in the event an appeal of the Zoning Board is brought to Council under the Township Ordinances. Section 215-96 deals with appeals of decisions of the Zoning Board of Adjustment. The process is laid out there. The Township is not required to have a form. Appeals are taken to this Body about once every ten years. All that an applicant needs to do is to put in writing the basis for their appeal, the name/address of the appellant and the attorney, if represented, and provide transcripts of the decision.

Ms. Mark said that it is confusing.

The Attorney said that it is filed with the Clerk. The appeal must be taken within ten days of the publication of the final decision. Within five days of the filing of the appeal, the provision for obtaining transcripts of the Board’s decision must be made. It is laid out in the Ordinance. There are other appeal processes in the Ordinance, but Ms. Mark needs to follow 215-96.

Ms. Mark and the Attorney discussed this process further.

The Attorney said that the transcript provided must be of the entirety of the proceedings regarding the matter being appealed.

Sara Hendrickson (481 Walker Avenue, via Zoom) said that she agrees with Ms. Mark. Those rules and regulations are very hard to follow. What is the training for new Zoning Board members? She does not believe they are trained enough.

The Attorney responded that members of the Zoning Board are required to attend training about zoning law in New Jersey and their responsibilities as Zoning Board members. President Wollert added that they have training. Whether they have photographic memories and can remember everything and quote off the top of their head...they have resources. The Zoning Board Attorney is there to give guidance. Ms. Hendrickson commented that she has been going to these meetings for two years. They are not educated. If they forget that fast, they should not be on the Zoning or Planning Board.

There were no additional statements or comments from the Public.

BILLS LIST

1. The Clerk read (Resolution #23R-62) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$661,237.55 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$86,700.37

Ms. Keyes-Maloney moved the Resolution, seconded by Vice President Baxter. There were no questions or comments from Council or the Public. President Wollert asked 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 Bills List Resolution and the Bills List are available in the Clerk's Office in the 2023 Resolution Book Number Two.

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

CONSENT AGENDA

The Clerk read the Consent Agenda: (Resolution #23R-63/)

1. A Resolution Authorizing a Refund, as Recommended by the Tax Collector 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. Property owner asked that we refund their overpayment which has been applied for 3rd quarter of 2023. Parcel is current on taxes to June 30, 2023.
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,251.30 for May 1, 2023 2nd Quarter Taxes to Dennis Mitchell, 46 Van Duyn Drive, Ewing, NJ 08618, for property owner Contento, Dirce, for Block: 231 Lot: 39 also known as 24 Van Duyn Drive. Dennis Mitchell asked that we refund their WIPP online payment. They selected 24 Van Duyn instead of 46 Van Duyn. Requesting permission to refund back the entire payment back to Dennis Mitchell via the WIPP platform as that action will also refund back the convenience fee Mitchell paid.

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

The above-referenced Consent Agenda Resolutions are available in the Clerk's Office in the 2023 Resolution Book Number Two.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #23-06) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 172 FEES SECTION 12 RETAIL FOOD ESTABLISHMENT LICENSES

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

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

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

1. The Clerk read (Ordinance #23-05) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 114 BUILDING CONSTRUCTION ARTICLE II CERTIFICATES OF OCCUPANCY AND CHAPTER 114 BUILDING CONSTRUCTION ARTICLE III PROPERTY MAINTENANCE CODE

WHEREAS, the Township of Ewing ("Township") has a duty to ensure properties within the Township are built and maintained as safely as possible to protect the health and safety of residents; and

WHEREAS, the Township is desirous of amending Chapter 114 of the General Ordinances of the Township of Ewing to update various provisions to make it consistent with current practice and law, and to incorporate necessary changes regarding the International Property Maintenance Code; and

WHEREAS, the Township's Construction Official recommends the above-referenced changes and has determined that said amendments are in the best interest of the Township and its residents; and

WHEREAS, the Mayor and the Council of the Township have determined that certain amendments to Chapter 114 "Building and Construction", Article II entitled "Certificates of Occupancy" and Article III entitled "Property Maintenance Code" are necessary to protect the health, safety, and welfare of the residents of the Township; and

WHEREAS, in all other Chapter 114 entitled "Building and Construction", Article II entitled "Certificates of Occupancy" and Article III entitled "Property Maintenance Code" shall remain in full force and effect; and

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 114, BUILDING CONSTRUCTION Article II CERTIFICATES OF OCCUPANCY is hereby amended as follows:

§ 114-4 INSPECTION.

- A. The owner of real estate, set forth above, shall apply for the issuance of a certificate of occupancy on forms to be provided by the Construction Official. The application shall at least contain the name of the owner and the name of the person signing the notice and the relationship to the owner; shall describe the property or portion thereof to be transferred by street address or in such other manner as may reasonably be required by the Construction Official; and shall be accompanied by the fee set forth in Chapter 172 of this Code.
- B. Conduct of inspection.
- (1) Within 15 working days of receipt of the application and fee, the Construction Official shall make an inspection and issue a written inspection certificate, in duplicate, stating: [Amended 7-24-2001 by Ord. No. 01-22]
 - (a) That an inspection of the premises has been made, specifying any violations of any applicable ordinance, statute or code relating to the premises, including the ~~1998~~ most current edition of the International Property Maintenance Code as adopted by the Township of Ewing;
 - (b) If there are no such violations, stating that there are none; or
 - (c) That an inspection is not required because of the provisions below
 - (2) Each certificate shall be dated, and the Construction Official shall retain a duplicate copy.
 - (3) If the inspection is not conducted within the time specified above, the owner shall be under no further obligation.
 - (4) By such inspection, the Township of Ewing, its agents, servants, employees or officers do not guarantee quality or soundness of any property or structure, and it is not and will not be liable for any act or omission in connection with an inspection or failure to inspect, nor is the Township, its agents, servants, employees or officers, in any way involved in any contractual relationship between owners, tenants and/or purchasers. Such inspections are conducted only to determine compliance with established codes as may be ascertained by reasonable observation.
 - (5) This article shall not be construed to prohibit a transfer of property but shall be construed to prohibit occupancy without the issuance of a certificate of occupancy or temporary certificate of occupancy, or which is otherwise exempt as provided in this article.
- C. If an inspection has been made and a certificate of occupancy issued within one year prior to the date of receipt of the completed application, or if a certificate of occupancy has been issued for the premises within one year prior to the date of receipt of such completed application, the Construction Official may, but is not required to, make an inspection.
- D. Prior to completing the sale, rental or other transfer, the owner shall inform any transferee(s) of any violations reported by the Construction Official and shall give the transferee(s) a copy of the certificate of inspection.
- (1) All violations shall be corrected prior to completing the sale, rental or other transfer, except as otherwise provided for in this article.
 - (2) Failure of the owner to comply with this provision does not relieve the transferee(s) from the obligations imposed by this article or any of the relevant statutes, ordinances or codes.
- E. Any owner who violates this article by failing to apply for a certificate of occupancy under this article or by failing to inform the transferee(s) of violations shall be liable, upon conviction of such violation, to forfeit and pay a penalty not to exceed \$500- or 90-days' imprisonment or both, in the discretion of the court, for every such violation.
- F. Upon correction of all violations noted in the inspection certificate, the Construction Official shall issue a certificate of occupancy. In the case of a sale or other transfer of title to residential property or the sale, rental or other transfer of nonresidential property or a part thereof, a temporary certificate of occupancy may be issued, in the discretion of the

Construction Official, when the inspection reveals a departure from the most current edition of the 1998 International Property Maintenance Code but such departure leaves the housing space in substantial compliance with such code; that is, where there is no serious or immediate threat to health, safety or welfare and when the prospective transferee of title or of nonresidential property or a part thereof agrees to assume the violations. Such assumption shall be in writing, signed by the owner and the transferee. [Amended 7-24-2001 by Ord. No. 01-22]

G. Exceptions:

- (1) No inspection under this article shall be required in the case of the sale, rental or other transfer of unimproved real estate.
- (2) Where no immediate occupancy is contemplated in a residential property transfer, an inspection under this article shall not be required; however, prior to residential occupancy, an inspection under this article or as required by the New Jersey Uniform Construction Code shall be conducted.
- (3) Any nonresidential property for which a certificate of occupancy is required under the New Jersey Uniform Construction Code prior to occupancy shall be exempt from this section.
- (4) The provisions of this article shall not apply to hotels and multiple dwelling units governed by the New Jersey Hotel and Multiple Dwelling Law or those residential multifamily dwelling units governed by Chapter 230, Article II, of the Code of the Township of Ewing.

H. Any owner who desires to appeal from a certificate of occupancy may file an appeal pursuant to the most current edition of the 1998 International Property Maintenance Code. [Amended 5-8-2001 by Ord. No. 01-13; 7-24-2001 by Ord. No. 01-22]

- (1) Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this code or of any rule or regulation adopted pursuant thereto shall have the right to request and shall be granted a hearing on the matter before the Board, provided that such person shall file, in the office of the Board, a written petition requesting such hearing and containing a statement of the grounds therefor within 20 days after the day the notice was served. The Board shall meet within 21 days of the day the request for a hearing has been filed in the office of the Board. The aggrieved party shall appear and present evidence to the Board regarding the notice which was issued in connection with the enforcement of any provision of this code or of any rule or regulation adopted pursuant thereto. The Construction Official or his designee shall also appear and present evidence regarding said notice.
- (2) In order to protect existing structures in the Township by vigorous enforcement of the provisions of this code, there shall be and is hereby created a Code Appeals Board, hereafter referred to as the Board, consisting of five members who shall be appointed by the Mayor with the advice and consent of Council.
- (3) The Board shall consist of one elected official of the Township; one volunteer fireman; one real estate agent; two citizens, one of whom shall be the following: a licensed professional engineer, an architect, a builder or a superintendent of building construction. No more than one member of the Board shall be of the specified professions. The Mayor shall appoint an alternate member of such Board in addition to the five members above provided for, who shall act with full power only when a member of the Board refuses to vote because of a conflict of interest or when a member is absent. The Mayor shall designate one member of the Board to act as Secretary to the Board.
- (4) The Board shall hear all appeals relative to the enforcement of this code and, by a concurring vote of the majority of its members, shall reverse or affirm, wholly or partly, or modify the decision appealed from and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Construction Official.
- (5) A member of the Board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest or is engaged as a contractor or is engaged in the preparation of plans and specifications or in which that member has any personal interest.

- (6) The Secretary of the Board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the Board. An aggrieved party may provide for transcription of the proceedings at his/her own cost and shall provide a copy of said transcript to the Board, at no cost to the Board.
- (7) An appeal from the Board shall be to the Ewing Township Council within 20 days of the decision from the Board. The Ewing Township Council shall schedule the appeal to be heard at the next regularly scheduled meeting of the Council

Section 2 Chapter 114, BUILDING CONSTRUCTION Article III PROPERTY MAINTENANCE is hereby amended as follows:

§ 114-7 ADOPTION OF STANDARDS BY REFERENCE; PLUMBING AND MECHANICAL AMENDMENTS.

The Township of Ewing adopts the most current edition of the 1998 International Property Maintenance Code, with the following additions, in place of the 1996 BOCA National Property Maintenance Code:

Chapter 5

Plumbing Facilities and Fixture Requirements

Section 508

Hot Water

508.1. Hot Water. Hot water is not to exceed 140°.

Chapter 6

Mechanical and Electrical Requirements

Section 602

Heating Facilities

602.3. Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitories or guest rooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68° F. (18° C.) in all habitable rooms, bathrooms, and toilet rooms.

Section 604

Electrical Facilities

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires. If it is determined that a 60 amp service is not sufficient for the electrical load, a minimum of 100 amp service is to be installed.

§ 114-8 USE OF ROOFTOP; VIOLATIONS AND PENALTIES.

It shall be unlawful to inhabit or utilize any rooftop in a manner inconsistent with the most current edition of the International Property Maintenance Code, as adopted by the Township. Any person violating the provisions of this article shall be liable to the penalties set forth in Chapter

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 the 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.

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. Keyes-Maloney then moved the Ordinance, seconded by Ms. Steward. The Council President called for a roll call.

ROLL CALL

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

NEW BUSINESS

The Clerk read Items One and Two as a Block.

1. The Clerk read (**Resolution #23R-64**) RESOLUTION OF THE TOWNSHIP OF EWING COUNTY OF MERCER, NEW JERSEY, DESIGNATING CERTAIN PARCELS WITHIN THE TOWNSHIP AS AN AREA IN NEED OF REHABILITATION IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 *ET SEQ.*
2. The Clerk read (**Resolution #23R-65**) RESOLUTION OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, NEW JERSEY, DESIGNATING CERTAIN PARCELS WITHIN THE TOWNSHIP AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 *ET SEQ.* AND RATIFYING THE INCLUSION AND REMOVAL OF CERTAIN PARCELS IN THE PRELIMINARY INVESTIGATION

Mr. Schroth moved the Resolutions, seconded by Vice President Baxter. There were no questions or comments from Council or the Public. Council President Wollert asked 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-66**) A RESOLUTION AMENDING RESOLUTION #22R-194 AS TO THE INSTITUTION OF A MORATORIUM ON THE GRANTING OF ANY CLASS OF CANNABIS LICENSE IN EWING TOWNSHIP FOR ONE (1) YEAR

Council President Wollert said that this does not change the parameters; it just allows for another operator to come into an existing place of business to fill empty space. In all other respects, the moratorium will remain in place.

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

ROLL CALL

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

4. The Clerk read (Resolution #23R-67) RESOLUTION AUTHORIZING CY2023 RESERVE BUDGET TRANSFERS

President Wollert said that this is standard procedure. Several line items had money left that was able to be reappropriated into other line items.

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

ROLL CALL

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

5. The Clerk read (Resolution #23R-68) A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO PHILLIPS BOULEVARD PROJECT

President Wollert said that this allows the Township to apply for a grant. The money will go towards repaving Phillips Boulevard.

Mr. Schroth 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

6. The Clerk read (Resolution #23R-69) A RESOLUTION APPROVING MATTHEW A. ROGERS AS A SENIOR FIREFIGHTING MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY NO. 1

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

ROLL CALL

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

7. The Clerk read (Resolution #23R-70) A RESOLUTION SUPPORTING THE LAWRENCE HOPEWELL TRAIL CORPORATION APPLICATION FOR FEDERAL COMMUNITY PROJECT FUNDING

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

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

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 Ms. Steward. It was agreed by unanimous voice vote. The meeting was adjourned at 8:28 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk

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

March 28, 2023 – REGULAR SESSION

Acting President Keyes-Maloney called the meeting to order at 7:42 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

Acting President Keyes-Maloney 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 Acting Council President. When addressing the Council, please give your name and address.

ROLL CALL

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

The Clerk stated for the record that both Vice President Baxter and President Wollert are absent this evening. Ms. Keyes-Maloney is the Acting President.

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

June Moon (279 West Upper Ferry Road) said that a neighbor, who is a Police Officer in Hopewell, told her that recently there were two homicides in Hopewell. Ms. Moon added that Council knows that she never wanted unlimited access to weed. One of the murders had something to do with marijuana. Ms. Moon asked where the Township stands with selling businesses; she hopes there are no more than the three.

Acting President Keyes-Maloney responded that the Township has one medicinal facility that recently transformed into both medicinal and recreational. There are a number that have sought licenses through the State to do cultivation and manufacturing and a number that have sought retail micro licenses. So far, none have been approved by the Cannabis Control Commission. Also, the Township is in a moratorium and will be looking at the Ordinance to see if any changes need to be made. The Town took a judicious pathway as to where these are permitted as well as what is being permitted. A vetting process exists.

Ms. Moon said, for clarification, there is only one? She thought there were three.

Acting President Keyes-Maloney responded that they may have been seeking it, but the State must approve. At this point, there is just the one.

Ms. Moon commented that that is not as horrible as she thought, but it is still horrible, in her opinion, to have unlimited access to that, especially considering what is going on.

Ms. Moon asked, since there was no snow, what did Public Works do all winter.

The Acting President responded.

Ms. Moon said that Council knows her objection about the leaf pick-up. She was recently in Hamilton for the St. Patricks’ Day Parade. Hamilton is clean. They have a fabulous website about their leaf collection. They come through two or three times and then they come through with the street cleaner. The Township should pick up loose leaves.

It is difficult for people to do what the Township wants people to do especially when the Township has the men and the equipment, and every other Township is doing it. She lives in an area that is heavily treed and is paying high taxes. Her taxes are \$250 per week, and she does not get any services. Ms. Moon stated that she will work to get the Ordinance changed.

Victoria Mark (Glendale section of Ewing, via Zoom) said, regarding closed sessions, she thought only Council was allowed to attend. Who is allowed to attend?

Acting President Keyes-Maloney replied that a closed session can involve the Administration. It usually involves pending litigation.

The Attorney explained that a closed session may be for a variety of reasons – contract negotiations, the settlement of litigation, litigation strategy, taking advice from counsel. It usually involves litigation, or some dispute the Township is involved in that were it to happen in open session, the Township’s negotiating position could be compromised. Personnel issues are also not subject to disclosure. Minutes are taken of closed session meetings. Some things will never become public, some things could become public after the matter is over. Closed sessions are permitted under the Open Public Meetings Act which outlines eight different areas when Council is permitted to meet in closed session. The Town Council always endeavors to hold these sessions when it is least inconvenient for the Public. Tonight, it will be held at the end of the Regular Session because no votes are needed.

Ms. Mark commented that the Town needs to be honest with the Community about these cannabis businesses.

Sara Hendrickson (481 Walker Avenue, via Zoom) said that regarding leaves in the street, she attends other meetings in Hopewell and Lawrence. Ewing Township does not get many volunteers to clear out storm drains. In the other Towns, it is mainly the neighbors who clear the storm drains.

There were no additional statements and comments from the Public.

BILLS LIST

1. The Clerk read (Resolution #23R-71) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$573,248.72 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$96,279.42

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

ROLL CALL

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

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

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

CONSENT AGENDA

The Clerk read the Consent Agenda: (Resolution #23R-72/)

1. Approval of Reorganization Minutes for January 2, 2023
2. A Resolution Authorizing a Refund, as Recommended by the Township Health Officer, for Fees in the amount of \$80.00 to Steve’s Hot Dogs LLC, dba Jeremiah’s Food Truck, 25 Winslow Homer Way, Marlton, NJ 08053 for payment of a temporary mobile truck fee for an event at TCNJ which was cancelled.

3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,499.95 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Devlin, Kyle M. Revocable Trust, for Block: 482 Lot: 129 also known as 57 Farrell Avenue. Trident Land Transfer made payment for the 1st quarter of 2023 as part of the closing. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.
4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,766.10 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Reyes, Pedro & Peralta, Ylbania, for Block: 214.09 Lot: 53 also known as 9 Heather Drive. National Title made payment for the 1st quarter of 2023 as part of the closing. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,819.19 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Yake, John F. & Beth, for Block: 214.01 Lot: 31 also known as 131 Nancy Lane. Property owner made payment for 1st quarter of 2023. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.
6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,088.06 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Mollica, Linda M., for Block: 552 Lot: 86 also known as 10 Pioneer Court. Trident Land Transfer made payment for the 1st quarter of 2023 as part of the closing. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.
7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$85.43 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Moore, Patrick T. & Sandra A., for Block: 227 Lot: 16 also known as 52 Upper Ferry Road. Property owner made payment for the Added/Omitted coupon for 1st quarter of 2023. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.
8. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,749.91 for February 1, 2023 1st Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Araya, Gerald, for Block: 423 Lot: 6.02 also known as 296 W. Upper Ferry Road. Allstate Title Service made payment for the 1st quarter of 2023 as part of the closing. Second payment that created the overpayment was made by Corelogic. Credit is due to Corelogic.

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

ROLL CALL

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

The above-referenced Minutes are available in the Clerk's Office in the 2023 Regular Session Minute Book. The above-referenced Consent Agenda Resolutions are available in the Clerk's Office in the 2023 Resolution Book Number Two.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

1. The Clerk read (**Ordinance #23-06**) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 172 FEES SECTION 12 RETAIL FOOD ESTABLISHMENT LICENSES

WHEREAS, pursuant to N.J.S.A. 26:3-69.1 et seq., the Board of Health of the Township of Ewing (the "Township") is empowered to enact and amend ordinances regulating food establishments; and

WHEREAS, the Township is desirous of amending Chapter 172, Section 12 of the General Ordinances of the Township of Ewing to make it consistent with current practice and law regarding retail food establishes; and

WHEREAS, the Township Health Department recommends the proposed changes to certain licensing fees and has determined that said amendments are in the best interest of the Township and its residents; and

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 172, FEES Section 12 RETAIL FOOD ESTABLISHMENT LICENSES is hereby amended as follows:

§ 172-12 Retail food establishment licenses.

- A. Retail food establishments with a permanent location, serving food for consumption on premises (including, for example, restaurants, taverns and luncheonettes, but not limited thereto):
- (1) One to 50 seats: ~~\$150~~ 125.
 - (2) Fifty-one to 200 seats: ~~\$250~~ 200.
 - (3) More than 200 seats: ~~\$350~~ 335.
 - (4) Limited retail food establishment (one where food is served to be consumed on premises but offers only prepackaged products that have been purchased from other suppliers and which meet all packaging and labeling requirements, including but not limited to prepackaged candy, alcohol or nonalcoholic beverages, canned and frozen goods, and so on): ~~\$50~~ 45.
 - (5) Theaters and auditoriums: \$335.
- B. Retail food establishments with a permanent location, where food is not customarily consumed on premises (including, for example, supermarkets, grocery stores and delicatessens, but not limited thereto):
- (1) Zero to 3,500 square feet: ~~\$125~~ 100.
 - (2) From 3,501 to 5,000 square feet: ~~\$200~~ 175.
 - (3) From 5,001 to 10,000 square feet: ~~\$325~~ 300.
 - (4) More than 10,000 square feet: \$450.
- C. Temporary or itinerant retail food establishments, except farmers markets:
- (1) Mobile units (each): ~~\$150~~ 60.

(2) Temporary establishments: ~~\$75~~ \$50 weekdays, \$80 weekend/holidays.

D. Daycare/Nursery Schools:

(1) Provide lunch services: \$100.

(2) Do not provide lunch services: \$50.

E. Issuance of duplicate retail food establishment license: \$10.

F. Retail food establishment plan review.

(1) Zero to 1,000 square feet: \$120.

(2) From 1,001 to 5,000 square feet: \$150.

(3) Over 5,001 square feet: \$250.

G. Seasonal farmers market operators license (good from April 1 to October 31):

(1) One to five vendors: \$100.

(2) Six to 10 vendors: \$150.

(3) Eleven to 15 vendors: \$200.

(4) More than 15 vendors: \$250.

H. Reinspection Fees: In the event a retail food establishment receives a conditionally satisfactory or unsatisfactory rating, a fee for reinspection will be charged as follows:

(1) First reinspection: \$75.

(2) Second reinspection: \$150.

(3) Third reinspection: \$275.

Reinspection fees must be paid to the Health Department within five (5) business days from the date of inspection.

I. Licensing late fees shall be applied as follows:

(1) Failure to make application for license renewal: \$25 per week after a one (1) week grace period.

(2) Maximum late fee charge: \$200.

(3) Operation of an unlicensed establishment after the expiration of all grace periods and assessment of the maximum late fee charge will result in assessment of fines and other legal penalty as provided in Chapter 1, Article III, General Penalty.

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

Section 3 Repealer. All prior ordinances or parts of 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 upon final adoption and

publication in accordance with law, except § 172-12H shall not take effect until January 1, 2024.

There were no questions or comments from Council.

Mr. Schroth made a motion to open the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote.

Victoria Mark (via Zoom) asked what is the Ordinance?
Acting President Keyes-Maloney responded that it is small increases in fees related to food establishment licenses.

There were no additional questions or comments from the Public.

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

ROLL CALL

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

NEW BUSINESS

1. The Clerk read (Resolution #23R-73) A RESOLUTION INTRODUCING AND APPROVING THE MUNICIPAL BUDGET OF THE TOWNSHIP OF EWING, COUNTY OF MERCER FOR THE CALENDAR YEAR 2023

The Acting President said that this is the Introduction of the Budget. There is a holding period of twenty-eight days. At the direction of the Council President and Vice President, Department Head meetings will be scheduled. The Community will be made aware of when those are scheduled.

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

ROLL CALL

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

The Clerk read Items Two and Three as a Block.

2. The Clerk read (Resolution #23R-74) A RESOLUTION GRANTING ROBERT T. JONES PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 45, 9MM SEMI-AUTOMATIC PISTOL SERIAL NUMBER BLAS649) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT APRIL 1, 2023

3. The Clerk read (Resolution #23R-75) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER AN ADOPTION AGREEMENT WITH OFFICER ROBERT T. JONES FOR THE ADOPTION OF A RETIRED POLICE CANINE

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

ROLL CALL

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

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

CLOSED SESSION – The Attorney read (**Resolution #23R-76**) A Resolution Excluding the Public from a Public Meeting for the purposes of:

- a. **McCall v. Ewing Twp. et al.** – Advise Council as to Pending Litigation & Receive Advice of Counsel
- b. **Camp v. Ewing Twp. et al.** – Advise Council as to Pending Litigation & Receive Advice of Counsel
- c. **Kelly v. Ewing Twp. et al.** – Advise Council as to Pending Litigation & Receive Advice of Counsel

At 8:00 p.m., the Attorney asked Council to adopt a Resolution to enter into Closed Session under the Open Public Meetings Act, specifically, Section 7B which provides that Council may go into Closed Session and exclude the Public therefrom to receive the advice of Counsel and to discuss pending litigation. The matters to be discussed are **McCall v. Ewing Township et al**, **Camp v. Ewing Township et al**, and **Kelly v. Ewing Township et al**. All are pending in Mercer County Superior Court. Minutes of the Closed Session will be made available if appropriate when the matter is concluded.

At 8:01 p.m., Councilwoman Steward made a motion to adopt the Resolution to enter into Closed Executive Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote. The Clerk called roll.

ROLL CALL

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

At 8:13 p.m., Councilwoman Steward made a motion to close the Closed Executive Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote.

At 8:13 p.m., Councilwoman Steward made a motion to enter back into Open Session, seconded by Councilman Schroth. It was agreed by unanimous voice vote.

ADJOURNMENT

There being no further business Acting President Keyes-Maloney called for a motion to adjourn. Mr. Schroth so moved seconded by Ms. Steward. It was agreed by unanimous voice vote. The meeting was adjourned at 8:13 p.m.

Jennifer Keyes-Maloney, Acting 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 THE PALMER LANE/LOWER FERRY ROAD CIVIC ASSOCIATION TO HOLD A BLOCK PARTY/ROAD CLOSING ON MAY 29th, 2023

Resolution #23R- WHEREAS, the code of the Township of Ewing provides for the review and approval of application for parades/block party/road closing; and

WHEREAS, the Palmer Lane/Lower Ferry Road Civic Association has requested the following road to be closed: Palmer Lane; and

WHEREAS, the Chief of Police and Fire Official have reviewed and approved the application of Palmer Lane/Lower Ferry Road Civic Association for a block party/road closing to be held on Monday, May 29th, 2023 starting at 9:00 a.m. and ending at 7:00 p.m.; and

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Ewing does hereby approve the application for a block party/road closing on May 29th, 2023.

IT IS SO RESOLVED.

Certification:

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regular Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 23rd day of May 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 REINSTATEMENT OF LEVY, AS RECOMMENDED BY THE TAX COLLECTOR

Resolution #23R- WHEREAS, property owner Kenneth Faulkner, 5 Michelle Court, Ewing, NJ 08628, paid 1st and 2nd quarter taxes for 2022 in the amount of \$3,750.69; and

WHEREAS, Kenneth Faulkner was approved for 100% tax exemption as a disabled veteran effective 6/28/22; and

WHEREAS, vital zeroed out the entire year of 2022 erroneously and after the tax rate certification of \$3.597 for 2022, the parcel should have been billed a total levy of \$3,805.13, a difference of \$54.44; and

NOW BE IT RESOLVED, that the Tax Collector will notify said resident and make arrangements for payment of \$54.44 within 30 days from the date of mailing without interest penalty.

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 23rd day of May 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 \$1,865.94 for May 1, 2023 2nd Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner McGreevy, Brian T., for Block: 452 Lot: 51 also known as 20 Bradway Avenue 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 23rd day of May 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 \$2,315.57 for May 1, 2023 2nd Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Fain, Tyrone & Vega, Alisia, for Block: 49 Lot: 363 also known as 2507 Columbia Avenue 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 23rd day of May 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 \$1,287.72 for May 1, 2023 2nd Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Secretary of HUD, for Block: 134 Lot: 280 also known as 121 Keswick Avenue 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 23rd day of May 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 \$1,366.86 for May 1, 2023 2nd Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Valdez, Anitta L., for Block: 365 Lot: 2.01 Qualifier: C0711 also known as 76 Kyle Way 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 23rd day of May 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 \$1,771.52 for May 1, 2023 2nd Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Waterhouse, Bennett UTX, for Block: 414 Lot: 41 also known as 139 Palmer Lane 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 23rd day of May 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 \$1,191.51 for May 1, 2023 2nd Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Lee, Kelly M., for Block: 341 Lot: 6 Qualifier: C501 also known as 501 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 23rd day of May 2023.

SEAL

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