

## JULY 11, 2023 – AGENDA SESSION

President Wollert called the meeting to order at 6:32 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 3<sup>rd</sup> 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. 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 – Absent        | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present       |                                   |
| ▪ President Wollert – Present |                                   |

The Clerk stated for the record that Councilman Schroth is not here this evening.

### DISCUSSION

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 225 VEHICLES AND TRAFFIC ARTICLE II PARKING SECTION 225-10.5 PARKING PROHIBITED AT CERTAIN LOCATIONS

Council President Wollert said that trucks are parking in public places around the Township, notably over at the old Curtis Bowling Lane, on land adjacent to that, and over on Parkway Avenue in front of the Township’s brush drop-off site next to the Naval Turbine Redevelopment Area. The County owns some of the property near where these trucks are parking at the Bowling Alley. The Township has been asked to entertain an Ordinance to prevent parking on all public spaces – State, County, and Township.

The Attorney provided background information and added that she is not sure why this is suddenly happening, but this prevents them from parking in any park, or any other publicly owned land unless otherwise permitted.

Councilwoman Keyes-Maloney stated that this would still allow the Township to park its own vehicles and similarly the State and County would be allowed to park their vehicles on their property. The Councilwoman mentioned that the Township already has a similar Ordinance against parking on municipal property.

The Attorney said that that Ordinance bans overnight parking at Hollowbrook and the Ewing Senior & Community Center.

Councilwoman Keyes-Maloney asked if the County and the State were supportive of the Township regulating this.

The Attorney replied that the County is supportive. She is waiting to hear back from the State DOT; the contact at Transportation needs to find the correct person.

Councilwoman Steward added that this is only for First Reading so there is time to get feedback.

President Wollert read the provision in the Ordinance which, in her view, indicates that prior permission could be granted for a specific situation such as a State of Emergency. The Council President thanked the Attorney for checking with the State and County.

The Attorney said that that section begins with...unless otherwise permitted by Ordinance, Statute, or specific permission.

The Administrator added that even to use the Department of Transportation parking lot for one night – National Night Out – he had to get the Attorney General to sign-off on it and had to provide a one-day insurance policy to protect the DOT in case anything happens.

The Mayor added that what he believes is happening is that they go into the trucking business but have no place to park these trucks when they come home. They will park at any site until someone chases them out. If you are in that business, you need to provide parking for yourself.

The Attorney added that once the Ordinance is adopted, signs will be posted.

Councilwoman Keyes-Maloney asked what will be put on the sign and what will that penalty entail?

Mayor Steinmann responded – No Overnight Parking and it will cite the Ordinance.

Councilwoman Keyes-Maloney said that truckers will usually lease a spot. Oxford Valley Mall is an example. They park their rigs with permission and pay a fee. It allows for the centralization of these large vehicles and hopefully makes it safer for everybody.

There were no additional questions or comments from Council.

This Item was Approved for Action.

2. A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP MUNICIPAL PROSECUTOR TO BRIAN R. CLANCY, ESQ. OF DASTI & ASSOCIATES INC.

Council President Wollert said that this allows the Township to fill a vacant position. The Township is required, by law, to have a municipal prosecutor. The Town has been using substitutes. Mr. Clancy will be the Prosecutor, but if he is unable to make a court session, there are others who would be able to serve in that capacity.

Councilwoman Keyes-Maloney said that the term ends on December 31<sup>st</sup>.

President Wollert replied – yes, and the salary and other terms remain the same.

Mayor Steinmann added that the difficulty is getting a Prosecutor from Mercer County because they cannot practice any other type of criminal law in Mercer County. Not too many people want to do that. It has been a difficult task. This fills the gap so the Township has time to take another look at some other individuals.

Vice President Baxter and the Attorney confirmed that it does specify that the term ends at the end of the year.

There were no additional questions or comments from Council.

This Item was Approved for Action.

3. RESOLUTION AUTHORIZING THE PURCHASE OF CONSTRUCTION OFFICE FURNITURE FOR THE NEW OFFICE ON PENNINGTON RD FROM PARAMOUNT FACILITY MANAGEMENT SOLUTIONS

President Wollert said that the Construction Office is awaiting their move. The inspectors have been using a temporary trailer for several years. With the purchase of the Pennington Road Fire House and Banquet Hall, the Banquet Hall is being reconfigured to accommodate the Construction Office. They need furniture.

Councilwoman Steward asked for confirmation that funding for this is coming from the Construction Trust.

Mayor Steinmann replied – yes.

Councilwoman Steward said, as raised at the last meeting, fees for permits and such go into the Construction Trust, so this is not coming from taxpayer funds.

There were no additional questions or comments from Council.

This Item was Approved for Action.

4. A RESOLUTION APPROVING STATE AIDE CHANGE ORDER NO. 1 FINAL DECREASE TO RICHARD T. BARRETT PAVING COMPANY FOR FY '2022 NJDOT TRUST FUND RESURFACING OF SILVIA STREET IN THE AMOUNT OF \$45,711.26

President Wollert said that this is a decrease in spending of some \$45,711 for the repaving of Silvia Street.

Councilwoman Keyes-Maloney said that this funding came through the State.

President Wollert said that the funding from the State DOT totaled \$331,817.68. The Town was able to spend some \$45,000 less but does need to give the balance back.

There were no additional questions or comments from Council.

This Item was Approved for Action.

5. A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL INCREASE TO MESSERCOLA EXCAVATING CO., INC. FOR STORM SEWER IMPROVEMENTS AT VARIOUS LOCATIONS IN THE AMOUNT OF \$3,728.50

The Council President said that this is in conjunction with work done on a couple of properties on Running Brook Road and Star Drive which resulted in a small over expenditure. They had to use a different type of piping.

There were no questions or comments from Council.

This Item was Approved for Action.

#### BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$279,843.76 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$114,190.41

There were no questions or comments from Council.

The Bills List was Approved for Action.

#### CONSENT AGENDA

Council President Wollert presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for May 9, 2023; Approval of Regular Session Minutes for May 9, 2023
2. A Resolution Authorizing Ewing Recreation Wrestling to Hold a Block Party/Road Closing on July 29<sup>th</sup>, 2023
3. A Resolution Authorizing the Ewing Green Team to Hold their Annual Fall Spin Bike Ride on Saturday, September 30<sup>th</sup>, 2023

There were no questions or comments from Council.

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 OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, NEW JERSEY ADOPTING THE TOWN CENTER REDEVELOPMENT PLAN

Council President Wollert said that this had gone to the Planning Board and has been sent back to Council with their approval.

There were no questions or comments from Council.

2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 172 FEES SECTION 25 UNIFORM CONSTRUCTION CODE

President Wollert stated that these fees are assessed when people make changes on their property whether it be commercial or residential. The fee structure had not been revised in many years causing the Town to be a little out of synch with towns in the area. As Councilwoman Steward indicated, these fees go to pay for the services and needs of the Construction Office. These fees directly fund that Office.

There were no questions or comments from Council.

3. ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY AUTHORIZING THE EXECUTION OF ASSIGNMENT AND ASSUMPTION AGREEMENTS AND THE FIRST AMENDMENT TO THE FINANCIAL AGREEMENT WITH PARKWAY TOWN CENTER URBAN RENEWAL, LLC

President Wollert said that each segment of the Town Center project, as it comes on-line, will have the benefit of a fifty-year PILOT – a maximum of fifty years. The Attorney will be at the Public Hearing to answer any questions.

There were no questions or comments from Council.

4. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 371 VEHICLES ARTICLE II SNOWMOBILES AND MINIBIKES TO REGULATE OFF-HIGHWAY VEHICLES

President Wollert said that the Township has had many complaints about off-road vehicles so, along with many other towns, these off-highway vehicles are being regulated. These vehicles are unlicensed and have become a nuisance. They create a hazard for themselves and others.

There were no questions or comments from Council.

COUNCIL COMMENTS

Councilwoman Keyes-Maloney said that she had the pleasure of attending the Ewing Historic Society's program on dairy farming in Ewing dating back to the 19<sup>th</sup> century.

There were no additional Council Comments.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Taras Pavlovsky (706 River Road) said that he wanted to bring a matter to Council's attention. He had two questions but first provided some context. He purchased this property in March. The property had previously been under contract in November of 2022. After that contract was signed, The Township reassessed the property. Those buyers lost their mortgage because of the substantially increased assessment. The sellers then filed a Tax Appeal which he inherited after buying the property. He only learned of the hearing three days prior. The Tax Board found in his favor. On Saturday, he was served with a certified letter saying that Ewing Township was suing him, contesting the judgment of the Tax Board. Mr. Pavlovsky asked: what is the logic for, the logic behind, and the legal basis for conducting spot assessments instead of overall assessments.

What is the rationale for Ewing Township to engage in a lawsuit against Mercer County's Tax Board whose authority is to evaluate taxes.

President Wollert replied that Council will need to research this and will get back to him.

Mr. Pavlovsky said that he understood; he had no expectation that Council would be aware of this issue.

Council President Wollert thanked Mr. Pavlovsky for bringing it to their attention.

The Attorney cautioned Council that they could not really comment on the merits of this because of the pending litigation.

Richard Fletcher (owner – 13 Dawes Avenue) thanked the Administration for the fireworks. They were perfect. Mr. Fletcher mentioned that the Hopewell Township Zoning is still online. Today, with everything going on, people can just watch online; they do not need to come in. It is a great way for residents to see what happens at these meetings. It is best for people to know what is going on in Town.

Matt Stanisci (14 Currier Way) said that he had been on a Council in the town where he used to live so he knows that it is a thankless job. Mr. Stanisci said that he knows that fire hydrants need to be flushed, but the one right in front of his house has been on for seven weeks and asked if another one could be turned on instead. It brings mosquitos and is causing greater corrosion to the curb that had been damaged by a plow (as he had been told by a neighbor) some ten years ago. He is hoping that the Township will repair it at some point.

President Wollert added that she checked several times with the Administration and Trenton Water about that fire hydrant. Trenton Water told her that the State was not happy with the levels of legionella, so they are running that hydrant and the two water towers.

The Administrator added that he just emailed his contract at Trenton Water to ask if they could switch hydrants. They are supposed to rotate when they get the levels negative on legionella. They think there was one case in Ewing and a few cases in Hamilton. They are also running the two water towers – one behind Wawa and the other in Mountainview by the interstate. They are running various hydrants around Town and measuring the system as it is being treated.

Taras Pavlovsky (706 River Road) said that there may have been a miscommunication earlier. He does not believe that he asked Council to delve into any of the details of the litigation. His question had to do with policy – conducting spot assessments, and the rationale for pursuing litigation, in general, when the County Board had already ruled.

President Wollert thanked Mr. Pavlovsky for the clarification.

There were no additional Statements and Comments from the Public.

#### CLOSED SESSION

(None for this Meeting)

#### ADJOURNMENT

There being no further business, President Wollert asked for a motion to adjourn. Ms. Steward so moved seconded by Vice President Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 7:06 p.m.

---

Kathleen Wollert, President

---

Kim J. Macellaro, Municipal Clerk

## July 25, 2023 – AGENDA SESSION

President Wollert called the meeting to order at 6:30 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 3<sup>rd</sup> 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. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

### ROLL CALL

- |                               |                                   |
|-------------------------------|-----------------------------------|
| ▪ Mr. Baxter – Present        | Joanna Mustafa, CFO               |
| ▪ Ms. Keyes-Maloney – Present | Catie MacDuff, Attorney           |
| ▪ Mr. Schroth – Present       | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present       |                                   |
| ▪ President Wollert – Present |                                   |

### DISCUSSION

1. AN ORDINANCE AMENDING CHAPTER 407 NUISANCES, PUBLIC HEALTH, SECTION 3, NUISANCES DEFINED AND PROHIBITED, AND CHAPTER 408 NUISANCES, NOISE, SECTION 5, PROHIBITED ACTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER

The Attorney explained that this came about at the request of the Municipal Judge. Folks in neighborhoods with smaller yards are keeping chickens as pets or to get a few eggs which is causing issues health-wise. The Municipal Judge said that she recognizes that the current Ewing Code prohibits the keeping of chickens, but it is not clear enough for her to make rulings. The Health Officer and the Animal Control Officer have also brought this up as it is increasingly becoming an issue with noise, sanitation, and with pests and vermin going after the chickens and the eggs. There is also concern with the avian flu which does spread to humans, salmonella, and e coli. Instead of drafting an entirely new section in the Code, it was added to the Nuisance Ordinance. There was also a change to the Nuisance Ordinance; a typo was corrected - “bird” had been spelled as “gird”.

President Wollert noted that the keeping of poultry is prohibited except on parcels of land that are five acres or more. There is no grandfathering.

The Attorney added that that is a State Statute.

Council President Wollert said that it is great to have fresh eggs, but if you do not have the property to maintain it in a sanitary way and in a way that does not affect the noise ordinance...

Councilwoman Steward said that there is also a public safety aspect. She knew of at least one significant fire. Someone had set up a chick warming device in their garage. This is not a change in policy; it clarifies what already existed.

Councilwoman Keyes-Maloney added that it is a step in the right direction to provide clarity, but Council does need to address the above five-acre rooster issue. There are folks in Town who may not feel the same way about the standards put forth here.

There were no additional questions or comments from Council.

This Item was Approved for Action.

President Wollert stated that further clarification is needed from the Code Official for Items Two and Three so these two Ordinances will not be considered this evening.

2. AN ORDINANCE AMENDING CHAPTER 114, BUILDING CONSTRUCTION, SECTION 3 CODE INSPECTION PRIOR TO SALE, LEASE OR OTHER TRANSFER OF REALTY, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER
3. AN ORDINANCE AMENDING CHAPTER 284, RENTAL PROPERTY, SECTION 1, REGISTRATION OF RENTAL UNITS, AND SECTION 2 CERTIFICATE OF REGISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO CLARIFY THAT ALL NON-OWNER-OCCUPIED BUILDINGS MUST BE REGISTERED
4. 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 CHARLES EWING BOULEVARD" PROJECT

President Wollert said that the Town is hoping to get funding to assist with the resurfacing of Charles Ewing Boulevard.

There were no questions or comments from Council.

This Item was Approved for Action.

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

Council President Wollert said that these are COVID monies. The amount is \$35,000.00. Council is being asked to approve this being added to the Budget. The CFO added that this is year three of the COVID vaccine supplemental. For the first two years it was \$50,000.00. This is the final year for \$35,000.00.

There were no questions or comments from Council.

This Item was Approved for Action.

6. A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR STORM SEWER IMPROVEMENTS AT VARIOUS LOCATIONS - EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-T-079

President Wollert stated that this is standard when a project has been completed to satisfaction. The Township's Engineering firm reviewed this project and said it was appropriate to release the monies.

There were no questions or comments from Council.

This Item was Approved for Action.

7. A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO AMEND THE CONTRACT LENGTH BY 72 CALENDAR DAYS TO RICHARD T. BARRETT PAVING CO. FOR 2022 ROAD IMPROVEMENT PROGRAM

Council President Wollert said that the Township's Road Improvement Program was delayed. This will amend the contract by seventy-two days.

There were no questions or comments from Council.

This Item was Approved for Action.

## BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,373,424.00 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$90,615.76

There were no questions or comments from Council.

This Bills List was Approved for Action.

## CONSENT AGENDA

Council President Wollert presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for May 23, 2023, June 13, 2023; Approval of Regular Session Minutes for May 23, 2023, June 13, 2023
2. A Resolution Authorizing a Cancellation and Refund, as Recommended by the Tax Collector, a Cancellation of Outstanding Lien and a Refund in the total principal amount of \$31,189.01 for tax sale date of 12/29/20 (original lien amount of \$6,975.96, subsequent payments of \$23,300.40, recording fees of \$43.00 and legal interest in the amount of \$869.65) for property owner Tac Technical (Mercer County Airport Land) for Block: 373, Lot: 8.02 also known as 12 W Piper Way (Mercer County Airport Land). Hangar occupied by Tac Technical. Tenant of Mercer County Airport stopped payment of property taxes starting the 3<sup>rd</sup> quarter 2020. Parcel went to tax sale in 2020 due to non-payment. Monthly delinquency notices were mailed to address on record monthly starting August 2020. All legally required notices and newspaper ads were executed. Every subsequent monthly delinquency notice continued to be mailed to the address on record. Refund to the outside lien holder. Refund should be sent to: SBMUNI CUST FOR LB-HONEY BADGER, P.O. Box 31191, Tampa, FL 33631-3191
3. A Resolution authorizing the Celestial Church of Christ to hold a block party/road closing on July 30, 2023.

There were no questions or comments from Council.

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 225 VEHICLES AND TRAFFIC ARTICLE II PARKING SECTION 225-10.5 PARKING PROHIBITED AT CERTAIN LOCATIONS

President Wollert said that this is a universal issue in Town, but it was stimulated by some parking done on public property.

The Attorney said that this came about because some trucks were parking on public land. It is getting worse because the word had spread that you are able to park in Ewing. A copy of this Ordinance had been forwarded to the County Counsel who had no comments or issues with it. A di minimis language change was suggested by the State. After review, the Attorney's Office does not believe that the State's suggested language is necessary.

The Council President polled her fellow Council members. The Ordinance will be put on for Second Reading as it currently reads.

There were no questions or comments from Council.



This Item was Approved for Action.

### COUNCIL COMMENTS

Councilwoman Keyes-Maloney said that the Environmental Commission met. They are developing a short video on cleaning storm drains to try to encourage storm drain cleaning. They also plan to participate in National Night Out which is August 1<sup>st</sup>.

There were no additional Council Comments.

### NEW BUSINESS

(None for this Meeting)

### STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Richard Fletcher (owner – 13 Dawes Avenue) asked why did the Township stop holding Township meetings online? Did it cost the Township money? Sick people, seniors, parents with children, handicapped people, people who do not want to go out at night could watch it. If a council member is out of town, they could Zoom in.

President Wollert said that it was started because of COVID. There was no other reason.

Towns always had the ability to stream meetings, and some have. Most have not. The cost for Zoom meetings was not extreme. Council's business had always been conducted in person. When the emergency ended and there was no longer the need, it was decided to not continue with the Zoom meetings. That is not to say that it will not be revisited. The Town has gone back to the way it has always done business. Zoom was put in place so towns could conduct business because a quorum is needed. It was expanded to allow public access.

Mr. Fletcher said that it is always better to get more communication out to the public.

President Wollert added that sometimes people want more in-depth information than what can be given at a meeting. Residents can always contact the Clerk, the Administration, or e-mail Council.

Mr. Fletcher said that on February 16<sup>th</sup> meeting, he brought to Council's attention, an issue. Public Works had dragged brush down the street and left a mess. Last Thursday, it happened again. Mr. Fletcher said that he is sick and tired of Public Works thinking that it is the resident's job to pick up after them. After he called Public Works, the same employee was sent out. He was cursing as he got out of the truck. Cursing is uncalled for. Is that the way the Township wants its employees to act?

Mr. Fletcher and the Council President discussed this further.

Mr. Fletcher asked if there is any idea when the other end of Dawes is going to be paved? Are there any plans to do it?

President Wollert responded that the Mayor is shaking his head – no.

Sara Hendrickson (481 Walker Avenue) mentioned that during a recent storm, the County had to close the underpass by the train station. It is a man-made waterway which goes all the way through NJ Manufacturers. She emailed the County, asking them to dredge it which would stop the flooding. Instead, they built a sandbag wall which is not a wall. They also said NJ Manufacturers could dredge their part. That is not where the problem is.

Ms. Hendrickson said that there are five dead trees at Eastern Dental. They need to cut them down.

Ms. Hendrickson mentioned that she is having a problem with her neighbor – one of her ash trees is leaning toward her house and the other is leaning toward the street. She called Public Works, Code Enforcement, and PSE&G. Code was going to check if it was a Township tree, but never called back. Ms. Hendrickson said that she told her neighbor that she was responsible.

Ms. Hendrickson added that if the Green Team/Environment Commission needs something to clean up, the soccer field by Eastern Dental would be a good spot.

Councilwoman Keyes-Maloney thanked Ms. Hendrickson for providing a couple of storm drains for the Commission to use.

Victoria Mark (Glendale section of Ewing) said that the Nuisance Ordinance is a catch-all; filled with a bunch of stuff that has nothing to do with chickens.

The Attorney explained that "nuisance" is anything that stops an occupant from the quiet enjoyment of their property.

The Attorney and Ms. Mark discussed this further.

President Wollert and Ms. Mark discussed when the public is allowed to speak.

President Wollert said that this Ordinance is not new. It has been in place for years. It is just being amended to include poultry being kept in backyards of less than five acres.

Ms. Mark said that she does not understand what poison ivy – twenty feet from my neighbor's property - has to do with poultry.

Council President Wollert said that health nuisances are in this Ordinance.

Councilman Schroth explained that "nuisance" is a legal concept. Hours are spent in law school discussing what a "nuisance" is because a "nuisance" can come in a myriad of shapes and forms. It is virtually impossible to quantify it. What is a "nuisance" to one, may not be a "nuisance" to another. The Township's Nuisance Ordinance has been on the books for generations. Poultry has become one aspect of a "nuisance" because of the noise, smell, and dirt. It is a broad-based concept in the law designed to protect people.

Ms. Mark said that something needs to change then - the State separates their laws, the Town is throwing everything into one bucket.

Councilman Schroth replied that everything is broken down to address problems and to meet out proportional penalties.

Mark Covitz (25 Clover Hill Circle) requested that the Township-owned meadow behind his home be allowed to grow wild again. Neighbors told him that the first owner of his home asked for this meadow to be cut back in the 1970s or 1980s. It would only need to be mowed once at the end of the year with perhaps a couple of paths for people to be able to walk through it.

Council President Wollert asked how many neighbors are near that open space?

Mr. Covitz replied – four. He had not polled everybody yet.

President Wollert said that she is not sure if there are any wild areas in a strictly residential area and asked Mr. Covitz to leave his information with the Clerk so they can check into it.

Mr. Covitz said that it is great that Charles Ewing Boulevard is being resurfaced and then asked if that road was always the Township's responsibility?

President Wollert said that it has always been a township road. As it was being built, there were some stipulations but once the road was completed...

Mayor Steinmann added that he did petition the County to take it as a County road but the County fought that. The Township reason was that it connects a State road and a County road. The Township lost that fight, but he was able to strike a deal – the County will do the plowing and the Township will pick up the leaves/brush on certain County roads.

Mr. Covitz said that a bike land should be put on Charles Ewing and on Lower Ferry.

Sara Hendrickson (481 Walker Avenue) said that ten feet is the buffer – from the bed of the creek – you are supposed to let the vegetation grow. It is very nice that Mr. Covitz is trying to do this...if it does not interfere with the creek and no invasive plants/flowers are used.

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. Ms. Steward so moved seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. The meeting was adjourned at 7:16 p.m.

---

Kathleen Wollert, President

---

Kim J. Macellaro, Municipal Clerk

## August 8, 2023 – AGENDA SESSION

President Wollert called the meeting to order at 6:30 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 3<sup>rd</sup> 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. 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

1. AN ORDINANCE AMENDING CHAPTER 114, BUILDING CONSTRUCTION, SECTION 3 CODE INSPECTION PRIOR TO SALE, LEASE OR OTHER TRANSFER OF REALTY, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER

James Megna (Construction Official) said that many municipalities have gotten into the habit of using the UCC term – Certificate of Occupancy – when a Property Transfer Certificate or a Rental Certificate should be used. The Department of Community Affairs has instructed municipalities not to incorrectly use Certificate of Occupancy.

President Wollert said that a Certificate of Occupancy will be replaced by a Property Transfer Certificate to capture a greater number of circumstances.

Mr. Megna stated that it is really a terminology problem.

The Attorney added that the Ordinance will also capture those situations when there has been a transfer of ownership and the seller did not obtain a Transfer of Property Certificate. This Ordinance will make it the shared responsibility of both the seller and the buyer to obtain this Certificate. If the seller does not get it, the buyer must. It puts the burden on the two parties to figure out who is responsible to get it. What is happening now is that if the seller does not get it, it falls through the cracks; the buyer says that it was the seller's responsibility. The current Ordinance does say that it is the seller's responsibility.

Council President Wollert asked how will people be made aware of this?

Councilwoman Steward said that currently they are required to get the CO. In some ways, they are already aware of that process.

The Attorney said that typically, the title company or the attorney reaches out to the municipality to find out the requirements for a property transfer or ownership of new property in a town.

Mr. Megna said that it does not seem to be stated in the law. If they want a quick sale, they will just not mention it. It is a problem for the Office.

President Wollert stated that she just wants to make sure that what is being done is helpful.

The Construction Official said that this Ordinance is in two parts. One deals with the incorrectly used verbiage and the second is that the owner shall have no further obligation once the sale has taken place. There is no law saying that they must do this, so the Office is stuck chasing transfers down.

President Wollert said that this will say that the property cannot be transferred until that certificate...

The Attorney replied – no. It says that the responsibility is now on both parties. If it does not happen and the transfer occurs, the responsibility is squarely on the new owner. Both parties need to sort out who is responsible during the transaction.

Councilwoman Keyes-Maloney stated that this has an immediate effective date upon final adoption and suggested that additional time be added to allow the Township to give notice and then recommended that it be put on the website and possibly given to the NJ Association of Realtors, and the Mercer Bar. Ample notice would then have been provided and it would not necessarily hurt the Town.

Councilwoman Steward stated that this does not change the nature of the inspection...

Mr. Megna responded – correct.

Councilwoman Steward said that the new person would need this prior to being able to occupy the property.

Mr. Megna replied – correct.

Mayor Steinmann said that he respects what Councilwoman Keyes-Maloney had to say, but Council is on hiatus for a long time, so introduce it. Notice can be given, and Council can act on it straight away in September. Not every house sale goes through a real estate company. It could be private. This will capture that. There are quite a few private sales.

Councilwoman Keyes-Maloney said that it is just about providing notice. It is a big change.

Councilwoman Steward added that Council usually does not make things effective immediately.

President Wollert asked if this would be triggered in the case of a private sale. Paperwork comes through the Assessor's Office. Will the Assessor's Office notify Code Enforcement?

Mr. Megna said that the Office has had problems with private sales. They are kind of undocumented. There is no mortgage company insisting on proper Township collaboration. A cash deal could go under the radar.

Council President Wollert said that it does not go to a mortgage company if there is no mortgage. The owner will pay the taxes themselves.

Mr. Megna said that they pick these things up when they come into the Office to get permits for work and it is noticed that they are not the owner listed on record. Then the Office tells them to do a proper transfer.

The Council President said that she is just asking that other offices be alerted to be on the lookout for change in ownership.

Mayor Steinmann said that he is in complete agreement; a protocol needs to be set-up.

President Wollert added otherwise it would be hit or miss and be penalizing to those who go through the normal channel; the others will keep doing what they had been doing.

Councilwoman Steward asked what is the potential penalty? What if Code Enforcement found out five years after a property transferred that this was not done.

Mr. Megna replied that he is not sure. It is not a UCC issue.

The Attorney explained that the Ordinance provides that for failure to comply, the person could be issued a summons under the General Penalty Section by the Construction Office.

Councilwoman Steward asked would there still be an inspection years later?

The Construction Official replied that they would still need to do the inspection.

Councilwoman Steward said - and they could still be penalized?

The Attorney – yes.

There were no additional questions or comments from Council.

This Item was Approved for Action.

2. AN ORDINANCE AMENDING CHAPTER 284, RENTAL PROPERTY, SECTION 1, REGISTRATION OF RENTAL UNITS, AND SECTION 2 CERTIFICATE OF REGISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO CLARIFY THAT ALL NON-OWNER-OCCUPIED BUILDINGS MUST BE REGISTERED

President Wollert and the Construction Official each provided an example that led to this Ordinance being amended. In Mr. Megna's example, Code Enforcement had gone to Court and the Judge found that there was a problem with the Township Ordinances because "renting" is defined as the "exchange of money".

Councilwoman Steward clarified that this is already a requirement in the Township. This is not a new process. This tightens up the language to be clear that even if cash is not being exchanged for that rental, it still must be registered.

The Attorney said that Rental Registration is by Statute.

Councilwoman Steward said that it also clarifies that this is the responsibility of the Construction Office, not the Municipal Clerk's Office.

The Attorney said that the Statute says that the registration is done through the Clerk's Office or the Clerk's designee. It has always been done through the Construction Office. This makes it clear that the Municipal Clerk's designee is the Construction Office.

Councilwoman Keyes-Maloney said that it tightens the Ordinance to make sure that all iterations are captured. It also makes it safer for renters because they go through the inspection process.

The Attorney said that the point of the Statute is to allow for inspections to make sure that renters/occupants are not taken advantage of.

President Wollert said that renters can look for that certificate of occupancy before they sign a lease or agree to pay.

There were no additional questions or comments from Council.

This Item was Approved for Action.

**3. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING ("TOWNSHIP") TO ENTER A NEW COLLECTIVE BARGAINING AGREEMENT AS MODIFIED BY THE ATTACHED AGREEMENT WITH THE AFSCME Local 2472 ("AFSCME") BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2027**

David Truelove (Labor Negotiator) gave an overview. If this and the SOA are approved tonight, there will be new contracts in place prior to the current contracts expiring. That has not been done for a while in Ewing. Mr. Truelove gave credit to the Mayor, the CFO, and the Administrator for being very helpful in this process. There are also negotiations coming up with the PBA, the IBEW, and the CWA.

Mr. Truelove said that it is a four-year contract. The Seniority provision is being amended only to clarify that while seniority is the primary reason for promotions and other job actions, it is not exclusive. The proposal eliminates the Tuesday-Saturday work schedule. Saturday work is fleeting. If someone is needed on a Saturday, that could be done with overtime. Juneteenth is a Township holiday. It is being aligned with the Mercer County designation and not the State.

Regarding salary increases, for employees earning less than \$40,000.00, there will be a pay increase to \$40,000.00. For those who make \$35,000.00 or more, there will be a \$5,000.00 pay increase. The reason for this is the challenge to retain employees especially those with job descriptions covered by this Union. The next three years will be 3.50% on top of that.

There is also clarifying language regarding the pay periods and a resolution of the 27-pays grievance. Payout of \$1,000.00 or \$1,200.00 depending on current salary. The three individuals who retired who were a part of the grievance will get the respective payouts. The court action will be withdrawn.

President Wollert asked if this payment is pensionable?

Mr. Truelove said that he believes that it is pensionable because it is not a stipend.

Once an employee receives CDL training, he/she will commit to three years of employment with the Township. If the employee does not stay for three years, they will pay the Township back. There will also be a 0.5% increase for all employees employed through the end of the year, as an incentive if the contract is ratified before September 1, 2023. The contract was ratified on July 19<sup>th</sup>.

Vice President Baxter said that there is a typo – it should be CBA instead of CNA.

Mr. Truelove replied that he practices in both New Jersey and Pennsylvania – he has found that judges tend to prefer the term CNA (Collective Negotiations Agreement) instead of Collective Bargaining Agreement. It can be changed.

President Wollert said that it is acceptable and can be left as is since Council understands what it means.

Councilwoman Keyes-Maloney said that she is onboard as to what is being done with the wages; hopefully, it will help to retain folks. It is easy for those making less than \$40,000.00, they are being taken up to the \$40,000.00 mark. For other employees, that make \$35,000.00 or more, they will see \$5,000.00.

Mayor Steinmann added that there are some (three people) making \$36,000.00 or \$37,000.00. This is for 2024. 2025 is when the percentages come into play.

Councilwoman Keyes-Maloney said that she is happy about the CDL – three years is acceptable. In the future, the Town may want to think about additional investment in the workforce; to increase their knowledge to hopefully benefit the Town.

Council President Wollert asked if the 27<sup>th</sup> pay makeup would be done now after Council's approval.

Mayor Steinmann replied – yes. He spoke with the CFO; the \$1,000.00 or \$1,200.00 could be paid out at any time. He is anticipating next week. The 0.5% starts September 1<sup>st</sup>; the \$5,000.00 is January 1<sup>st</sup>.

Councilwoman Steward asked if the Town would wait for the legal matter to be withdrawn or in good faith pay it out.

Mr. Truelove said it could be done in good faith. To Vice President Baxter, Mr. Truelove apologized for the confusion as it does say Collective Bargaining Agreement in the Resolution title.

President Wollert said that since the contract has been ratified by the Union, the suit should be dropped.

Councilwoman Steward said that for any future 27<sup>th</sup> pay scenario, nothing would change. The bi-weekly pay would remain the same and roll as it does.

Mayor Steinmann said that various scenarios were run by the Union – bi-monthly, weekly. It was made very clear that they work a forty-hour work week. Anything above that is overtime. Whether it is cut into twenty-six or twenty-seven pays, it remains the same. They were under the impression that they were getting the short end of the stick. They were told that this was the Township's offer to settle, if they did not like it, they could take it to Court. The Town could clearly show that they got paid what they had to get paid.

There were no additional questions or comments from Council.

This Item as Approved for Action.

4. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING (“TOWNSHIP”) TO ENTER A NEW COLLECTIVE BARGAINING AGREEMENT AS MODIFIED BY THE ATTACHED AGREEMENT WITH THE EWING TOWNSHIP POLICE SUPERIOR OFFICERS’ ASSOCIATION (“ETSOA”) BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2028

Mr. Truelove (Labor Negotiator) said that this is a five-year contract and then gave an overview. To comply with New Jersey law on the number of sick days required, twelve sick days is being changed to fifteen effective next year. Since there is not an issue with wages being below market for retention purposes, they went with straight percentages effective January 1, 2024, through 2028.

Language about the 27<sup>th</sup> pay is included. It is essentially the same language as in the AFSCME contract. The only difference is that they get holiday pay as part of the base rate.

There is an odd provision in the current agreement. Officers who have served in the Criminal Investigative Bureau and then leave for another department or go back to patrol, still receive a stipend for their service in the Detective Bureau. That seems to be overly generous. The thought was that the stipend would not be taken away from those officers who are currently enjoying it, but anyone who starts in one of those bureaus after ratification would not receive the stipend after they leave those bureaus. There is ratification pay of 0.5%, the same as AFSCME, and the addition of Juneteenth as a paid holiday. Maternity language was tightened to make it consistent across the board between male and female employees and to make sure it is consistent with FMLA and NJ FLA. The Union asked for a “Me-Too” Clause - regarding contribution amounts towards health care.

A Police licensing requirement will become effective January of next year. It is not known if a fee will be charged. The Union wants to negotiate who will pay this fee.

Councilwoman Steward commented that this contract has the language about the 26/27 pays but it does not say anything about what happens in the eleventh year as the AFSCME contract does. It just seems to leave it hanging.

Mr. Truelove and Mayor Steinmann mentioned how it was not an issue during negotiations.

President Wollert said that it might be worthwhile to clarify that language so there is not a possibility of a misunderstanding.

Councilwoman Keyes-Maloney asked if it could be approved, subject to clarification, as an addendum, if necessary.

Councilwoman Steward stated that she does not want to hold this up or reopen the whole thing, she just wants clarification.

Mr. Truelove said that 27<sup>th</sup> pay issue will not come up in this contract.

President Wollert said that if it is not going to come up under this contract, it is mute.

Councilwoman Keyes-Maloney asked about the origin story on the maternity clause. There is a lot of precise language in here. It runs relatively consistent with both the FLMA and NJ FLA, but it is a little different.

Mr. Truelove said that the Union requested it.

Mr. Steinmann added that the Administration is actively negotiating with the CWA, PBA, and the IBEW. Because Council is not meeting until September, he told each Union that if the contract gets done during their meeting, they will still get the 0.5%. If it is ratified after September 1<sup>st</sup>, it will be retroactive to September 1<sup>st</sup>. The Mayor commented that he does not foresee running into any issues with any of those negotiations.

President Wollert said that she was reading some information about the rates for the State Health Benefits Plan for next year. They are not anticipating raising it for local government. The Town's insurance rate should stay flat.

Mayor Steinmann commented – staying flat at a higher rate.

There were no additional questions or comments from Council.

This Item was Approved for Action.

**5. A RESOLUTION AWARDED TOP LINE CONSTRUCTION CORPORATION A CONTRACT IN THE AMOUNT OF \$708,707.45 FOR THE RESURFACING OF PINGREE AVENUE PROJECT**

Council President Wollert said that this is the low bid. It is covered by monies that came in in the form of a grant.

The Administrator added that the grant is for \$900,000.00. Some of it will be sent back, but because you are allowed to amend the grant application up to 20%, he has instructed the Engineer to look for additional roads that could be resurfaced.

There were no questions or comments from Council.

This Item was Approved for Action.

**6. A RESOLUTION APPROVING DAVID G. ORTIZ TO ENROLL AS A MEMBER IN THE NEW JERSEY STATE FIREMEN'S ASSOCIATION**

President Wollert stated that Mr. Ortiz is a full-time firefighter for the Township.

There were no questions or comments from Council.

This Item was Approved for Action.

**7. A RESOLUTION AUTHORIZING THE CATHOLIC CHURCH OF ST. HEDWIG TO HOLD A WALKING PILGRIMAGE ON AUGUST 12, 2023**

President Wollert said that the lateness of this is because they were not sure they were going to be able to do this. It does not involve the closing of any streets and it is happening very early in the morning.

There were no questions or comments from Council.

This Item was Approved for Action.

#### BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$845,369.29 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$510,887.15

There were no questions or comments from Council.

The Bills List was Approved for Action.

#### CONSENT AGENDA

Council President Wollert presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for June 27, 2023; Approval of Regular Session Minutes for June 27, 2023.
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,020.46 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Bloom, Joseph A. & Marino, Maria G., for Block: 284 Lot: 121 also known as 628 Concord Circle for overpayment.
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,575.96 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner 1122 Lower Ferry Road LLC, for Block: 262 Lot: 1 also known as 1122 Lower Ferry Road for overpayment.
4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,477.29 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Reed, Shelly, for Block: 189 Lot: 124 also known as 54 Mabel Street for overpayment.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,199.02 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Rosato, Anthony P., for Block: 444 Lot: 237 also known as 1193 Pennington Road for overpayment.
6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,358.88 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Rosco Holdings, LLC, for Block: 465 Lot: 84 also known as 122 Stratford Avenue for overpayment.
7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,875.74 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Li, Liwen, for Block: 225.01 Lot: 2.05 Qualifier: C0332 also known as 332 Timberlake Drive for overpayment.
8. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,687.79 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to LERETA, LLC, Attn: Central Refunds, 901 Corporate Center Dr., Pomona, CA 91768, for property owner Dziminski Jr., Richard & Margaret, for Block: 103 Lot: 1 also known as 28 Wardman Avenue for overpayment.
9. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,291.11 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Moore, Lisa, for Block: 419 Lot: 20 also known as 7 Wilburtha Road for overpayment.



10. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,897.36 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Fine, Aaron & Sarah, for Block: 139 Lot: 55 also known as 179 Woodland Avenue for overpayment.

11. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the total amount of \$3,915.53 (\$1,315.65 for C301; \$1,315.65 for C304; \$1,284.23 for C402) for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corporate Aviation/Patterson, 25 Orchard Way, Yardley, PA 19067, for property owner Corporate Aviation, for Block: 373 Lot: 7.02 Qualifiers: C301, C304, C402 also known as hangars on Sam Weinbroth Road. William Patterson erroneously made payments toward additional hangars which they are not responsible for. Refund of the incorrectly paid hangars is for William Patterson.

There were no questions or comments from Council.

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 CHAPTER 407 NUISANCES, PUBLIC HEALTH, SECTION 3, NUISANCES DEFINED AND PROHIBITED, AND CHAPTER 408 NUISANCES, NOISE, SECTION 5, PROHIBITED ACTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER

The Council President said that this was prompted by reportage from citizens and the Township's Animal Control Officer as to the need to control poultry.

There were no questions or comments from Council.

This Item was Approved for Action.

#### COUNCIL COMMENTS

There were no Council Comments.

The Administrator announced the 911 Ceremony will be held on September 11<sup>th</sup>, at 6:00 p.m.

President Wollert read a notice from the Department of Health concerning flu vaccine clinics.

There were no additional announcements.

Councilman Schroth thanked the Police Department, and everyone involved with National Night Out. It was a great success and well-attended.

There were no additional Council Comments.

#### NEW BUSINESS

(None for this Meeting)

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

Zachery Doney (37 Dawes Avenue) said that he has a situation with a neighbor pointing a camera at his bedroom. He has called the Police; nothing has been done. It has been going on for three years.

President Wollert asked Mr. Doney to provide his contact information to the Clerk who will give it to the Administration.

Lorraine Hall (10 Windsor Avenue) and June Bailey (6 Louisiana Avenue) said that there is a lot on Oak Lane between Louisiana and Oregon that is overgrown. It has been like that for years. Two weeks ago, someone partially cut it. They wanted to know what was going on.

The Administrator said that he will go out there tomorrow.

Ms. Hall said that she has a concern about Eggerts Crossing Road. It is always sinking but now it is bad.

The Administrator said that they are aware of the situation. Eggerts Crossing has been paved twice and holes filled numerous times. They will continue to patch up the holes. The Administrator said that he is not sure that there is money to repave it this year. There are many roads that he has not had paved in thirteen years.

Mayor Steinmann explained the situation on Eggerts Crossing Road. It is not sinking; it was done intentionally to try to drain water.

Ms. Hall mentioned that commercial trucks are still parking on Western Avenue. They are gone for a couple of days and then they come back.

The Administrator explained that a long-haul trucker lives there. He has been ticketed in the past. He should find a place to park his truck.

President Wollert added that for repeated offences, the fines increase.

There were no additional statements 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. Mr. Schroth so moved seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote. The meeting was adjourned at 7:30 p.m.

---

Kathleen Wollert, President

---

Kim J. Macellaro, Municipal Clerk

July 11, 2023 – REGULAR SESSION

President Wollert called the meeting to order at 7:15 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 3<sup>rd</sup> 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. 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 – Absent        | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present       |                                   |
| ▪ President Wollert – Present |                                   |

The Clerk stated for the record that Councilman Schroth is out this evening.

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

Victoria Mark (Glendale section of Ewing) said that she is bringing Zoom up once again. People still want it. It is still listed as being offered on the website even though it is not being offered. The website should be cleaned up or Zoom should be started again.

There were no additional statements and comments from the Public.

BILLS LIST

1. The Clerk read (Resolution #23R-136) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$279,843.76 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$114,190.41

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

ROLL CALL

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

The above-mentioned 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-137/)**

1. Approval of Agenda Session Minutes for May 9, 2023; Approval of Regular Session Minutes for May 9, 2023
2. A Resolution Authorizing Ewing Recreation Wrestling to Hold a Block Party/Road Closing on July 29<sup>th</sup>, 2023
3. A Resolution Authorizing the Ewing Green Team to Hold their Annual Fall Spin Bike Ride on Saturday, September 30<sup>th</sup>, 2023

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

**ROLL CALL**

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

The above-referenced Minutes are available in the Clerk's Office in the 2023 Agenda Session & Regular Session Minute Books. 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 #23-17)** AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 225 VEHICLES AND TRAFFIC ARTICLE II PARKING SECTION 225-10.5 PARKING PROHIBITED AT CERTAIN LOCATIONS

Vice President Baxter moved the Ordinance, seconded by Ms. Steward.

President Wollert said that this is the parking in public space Ordinance. There were no questions or comments from Council or the Public. The Council President asked for a roll call.

**ROLL CALL**

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

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

1. The Clerk read **(Ordinance #23-13)** AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, NEW JERSEY ADOPTING THE TOWN CENTER REDEVELOPMENT PLAN

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law") authorizes the Township of Ewing (the "Township") to determine whether property within the Township constitutes an "area in need of redevelopment" or an "area in need of rehabilitation"; and

**WHEREAS**, the Township Council (“**Township Council**”) of the Township authorized and directed the Township Planning Board (the “**Planning Board**”) to conduct a preliminary investigation to determine whether the area including Block 344, Lots 31, 32, 33, 34, 35, 36 and 37; Block 345, Lots 1.01, 141 and 142, Block 351, Lots 1-15, Block 352, Lots 1-12; Block 364, Lots 1, 73 and 77; Block 365, Lots 10.01, 11, 12, 13, 14, 15, 19.01, 20 and 23; Block 375, Lots 1, 2, 4-12, 14, 18, 19, 20, and 24 on the Township’s tax map the (“**Study Area**”), which consists of approximately 67.47 acres on Parkway Avenue, Scotch Road and Silvia Street, meets the criteria in the Redevelopment Law for designation as an “area in need of rehabilitation” and/or an “area in need of redevelopment” and should be so designated, provided, however, that, if the area is designated as an “area in need of redevelopment”, the Township may use all of the powers provided by the New Jersey Legislature for use in a redevelopment area, except the power of eminent domain; and

**WHEREAS**, on March 14, 2023, the Township Council adopted Resolution #23R-64, designating the entire Study Area as an area in need of rehabilitation (the “**Town Center Rehabilitation Area**”) and authorizing Latini & Gleitz Planning (the “**Planner**”) to prepare a redevelopment plan for such area; and

**WHEREAS**, on March 14, 2023, the Township Council also adopted Resolution #23R-65, designating the portion of the Study Area consisting of Block 344, Lots 31.011, 31.012, and 37.01, Block 345, Lot 1.01, Block 364, Lots 1, 73 and 77, Block 365, Lots 10.01 – 15, 19.01, 20 and 23, and Block 375, Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 19, 20 and 24 as a Non-Condemnation area in need of redevelopment (the “**Town Center Redevelopment Area**” and, together with the Town Center Rehabilitation Area, the “**Town Center Redevelopment/Rehabilitation Area**”) and authorizing the Planner to prepare a redevelopment plan for such area; and

**WHEREAS**, the Planner prepared a redevelopment plan for the Town Center Redevelopment/Rehabilitation Area (the “**Town Center Redevelopment Plan**”); and

**WHEREAS**, pursuant to the Redevelopment Law, the Planning Board must review the Town Center Redevelopment Plan and transmit its recommendations relating to such plan to the Township Council in accordance with the provisions of *N.J.S.A. 40A:12A-7(e)*; and

**WHEREAS**, Pursuant to *N.J.S.A. 40A:12A-7e*, the Mayor and Council hereby refer the Town Center Redevelopment Plan to the Planning Board for review. The Planning Board shall prepare a report regarding its recommendations as to the Town Center Redevelopment Plan and submit same to the Mayor and Council within 45 days as required by the Redevelopment Law.

**WHEREAS**, the Township Council hereby finds that the Town Center Redevelopment Plan is in the best interests of the Township and now desires to approve and adopt same.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Ewing, New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.
2. The Town Center Redevelopment Plan, a copy of which is on file with the Municipal Clerk and is incorporated herein by reference, is hereby adopted and shall govern the redevelopment/rehabilitation of the Town Center Redevelopment/Rehabilitation Area.
3. The zoning district map of the Township’s Land Development Ordinance is hereby amended to reflect the applicability of the Town Center Redevelopment Plan to the Town Center Redevelopment/Rehabilitation Area.
4. The Town Center Redevelopment Plan shall supersede the Township’s Land Development Ordinance as it affects the Town Center Redevelopment/Rehabilitation Area.
5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of the inconsistency.
6. This ordinance shall take effect as provided by law.

Councilwoman Keyes-Maloney made a motion to open the Public Hearing, seconded by Councilwoman Steward. It was agreed by unanimous voice vote.

Kevin McManimon (Redevelopment Attorney) gave an overview of the Ordinance. In March, Council adopted a Resolution designating the area surrounding what is now known as the Town Center as an Area in Need of Redevelopment and as an Area in Need of Rehabilitation. Since then, the Township Planner prepared a Redevelopment Plan. On June 12<sup>th</sup>, Council Introduced an Ordinance approving that Plan. On July 6<sup>th</sup>, the Planning Board reviewed the Plan and unanimously determined that this Plan is not inconsistent with the Town's Master Plan. It is now before Council for Second Reading.

There were no questions or comments from Council.

Victoria Mark (Glendale section of Ewing) said that she does not understand why this is important.

Mr. McManimon responded that this process allows for two important things. One is that the Redevelopment Plan creates new zoning for the area to help facilitate redevelopment. For the most part, this will continue the existing zoning regulations. It will also add important features that will impact the Parkway Avenue Redevelopment Area such as parking features that are more contemporary to facilitate development. Second, it allows the municipality to engage directly with the owner of the property or the developer to determine what will be built there. It allows for terms to be negotiated. In the conventional development world, the municipality creates the zoning and then steps back. The developer comes before the Zoning or Planning Board; they are entitled to whatever the zoning allows, or they apply for variances. For the most part, there is no negotiation about what will be built.

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

#### ROLL CALL

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

#### 2. The Clerk read (Ordinance #23-14) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 172 FEES SECTION 25 UNIFORM CONSTRUCTION CODE

WHEREAS, pursuant to N.J.A.C. 5:23-1.1 and N.J.A.C. 5:23-4.17 the Township of Ewing ("Township") is authorized, by way of ordinance, to set and modify the fees for construction related activities such as permitting and plan review; and

WHEREAS, the Township has not revised the building subcode fees in approximately thirteen (13) years; and

WHEREAS, the Township has reviewed the building subcode fees and is desirous of amending same; and

WHEREAS, the revision of these fees will be greatly beneficial to the Township and can potentially be used for a number of programs serving residents; and

WHEREAS, the Mayor and the Council of the Township have determined that certain amendments to Chapter 172 "Fees", Section 25 "Uniform construction Code" are necessary to promote and support the welfare of the residents of the Township; and

**WHEREAS**, in all other respects Chapter 172 entitled "Fees" 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:

Chapter 172, FEES Section 25 UNIFORM CONSTRUCTION CODE, is hereby amended as follows:

§ 172-25 **Uniform Construction Code.**

Construction permit. The fee for a construction permit shall be the sum of subcode fees listed in Subsection A (1) through (3) and shall be paid before such permit is issued.

Building subcode fees.

For new construction:

a. ~~Residential R-5: \$0.0225~~ All use groups: \$0.04 per cubic foot of building or structure volume, provided that the minimum fee for residential R-5 shall be ~~\$200~~ \$400. The minimum fee for all other uses shall be \$600.

b. ~~All other uses: \$ 0.0340 per cubic foot of building or structure volume, provided that the minimum fee shall be \$600/400.~~

~~Renovations, alterations and repair: for single family residences, \$75 per for the first \$2,000 of estimated cost of the project and \$30 per \$1,000 of estimated cost thereafter. For renovations, alterations and repair: for single family residences, \$50 for the first \$2,000 of estimated cost and \$1.50 per \$100 of estimated cost thereafter; for all other uses, \$200 for the first \$2,000 of estimated cost and \$2.50 per \$100 of estimated cost thereafter.~~

For additions, the permit fee shall be computed on the same basis as new construction, Subsection A(1)(a) above.

For a combination of renovation and addition, the fee shall be computed in accordance with Subsection A(1)(b) and (c) above.

All fees payable pursuant to Subsection A(1)(a) and (b) above shall be rounded off to the nearest whole dollar and shall be in addition to any and all fees and surcharges mandated by the New Jersey Department of Community Affairs.

For a plan review, the fee shall be:

- c. Twenty percent (20%) of the cost of the permit.
- d. Five percent (5%) of the cost of the fee for prototype plans.

~~For amendments to plans, the fee shall be:~~

- ~~e. Residential R-5: \$20 per hour.~~
- ~~f. All other uses: \$100 per hour.~~

For review of plans indicating a variance to the Code, the fee shall be:

- g. Class 1 structures: \$800~~748~~.
- h. Class 2 and 3 structures: \$200~~150~~
- i. Class 3, R-5 structures: \$75~~50~~.
- j. Resubmission of Class 1: \$300~~289~~.
- k. Resubmission of Class 2 and 3: \$100~~82~~.
- l. Resubmission of Class 3, R-5: no fee.

For review of plans limited to the following improvements/structures, the fee shall be:

- m. Roofs and siding:
  - ~~i. Residential R-5: \$50. All other uses other than R-5 costs will be:~~ as set forth in A(1)(b) above
  - ii. ~~All other uses: as set forth in A(1)(b) above.~~
- n. Sheds:
  - iii. Residential R-5: \$50.
  - iv. All other uses: as set forth in A(1)(b) above.
- o. Decks:
  - v. Residential R-5: costs based on \$0.50 per square foot of deck or raised patio surface per level, minimum \$400 200.
  - vi. All other uses: as set forth in A(1)(b) above.
- p. Tents:
  - vii. Residential R-5: \$7550.
  - viii. All other uses: as set forth in A(1)(b) above.
- q. Retaining walls (where a UCC permit is required):
  - ~~ix. Residential R-5: \$1.75 per linear foot or part thereof, minimum fee of \$100 for each individual retaining wall. less than 550 square feet: \$50.~~
  - ~~x. All other uses: \$2.50 per linear foot o part thereof, minimum fee of \$100 for each individual retaining wall. Residential R-5 greater than 550 square feet: \$100.~~
  - ~~xi. All other uses: as set forth in A(1)(b) above.~~
- r. Lead/asbestos abatement:
  - xii. Lead Residential R-5: \$7550.
  - xiii. All other uses: as set forth in A(1)(b) above.
- s. Swimming pools, hot tubs and spas:
  - xiv. Residential R-5 aboveground: \$20050.
  - xv. Residential R-5 in-ground: \$400.
  - xvi. Swimming pools other than R-5: \$600. ~~All other uses: as set forth in A(1)(b) above.~~
- t. Fences Exceeding 6 feet, pool fence:
  - xvii. Residential R-5: \$10050.
  - xviii. All other uses: as set forth in A(1)(b) above.
- u. Radon abatement:
  - xix. Residential R-5: \$75.
  - xx. All other uses: as set forth in A(1)(b) above.
- v. Signs:
  - xxi. Wall ~~or ground~~ less than 400 square feet: \$2 per square foot with a minimum of \$250.



xxii. ~~Wall or ground or monument greater than 400 square feet or greater of surface area: \$1.25 per square foot of surface area~~500.

~~xxiii. New Pylon sign with foundation shall be \$5 per square foot of surface area for the first 100 square feet; \$3.50 per square foot of surface area for 101 to 400 square feet; \$2 per square foot of surface area thereafter; minimum fee shall be \$250.~~

~~xxiv. Ground greater than 400 square feet: \$350.~~

~~xxv. Pylon less than 400 square feet: \$500.~~

~~xxvi. Pylon greater than 400 square feet: \$750.~~

w. Demolition:

~~xxvii. Residential R-5: \$150~~50.

~~xxviii. Class 2 and 3 structures: \$300~~200.

~~xxix. Class 1 structures: \$750~~500.

x. Moving building (to one lot or location):

~~xxx. \$200 for first \$1,000 cost plus \$10 for each \$1,000 cost thereafter.~~

~~xxxi. \$0.034 per cubic foot for foundation plus UCC permits.~~

y. Annual permits.

~~xxxii. One to 25 workers: \$840 per worker.~~

~~xxxiii. Each worker over 25: \$292.~~

Plumbing subcode fees shall be:

The minimum fee shall be ~~\$75~~50.

#### Special Devices:

~~The fee shall be \$82 \$90.00 per special device for the following: gas outlets grease traps, oil separators, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone, and pressure vacuum breaker backflow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), HVAC equipment, gas piping, oil piping, active solar systems, sewer pumps, and interceptors. Per each plumbing fixture, piece of equipment or appliance connected to the plumbing system and for each appliance connected to a gas piping system or for each commercial fixture, piece of equipment or appliance connected to a gas piping system, the fee shall be:~~

~~z. Additional gas outlets: \$25-Residential R-5: \$13.~~

~~aa. All other Residential or Commercial: \$25.~~

~~Water heater (gas, oil or electric): \$75~~

~~bb. Residential R-5: \$13.~~

~~cc. All other Residential or Commercial: \$60~~

~~Roof drains: \$50~~

~~Special devices. The fee shall be \$91 \$82 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone, and pressure vacuum breaker backflow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), HVAC equipment, oil piping \$91 per riser, active solar systems, sewer pumps, and interceptors, water-cooled air conditioning units, sewage ejectors, domestic steam boilers, gas piping, active solar systems, fuel-oil piping, refrigeration units, backflow preventers, utility service connections and hot water boilers.~~

Gas outlets: \$25

Cross-connections and backflow preventers that are subject to annual (or quarterly) testing or retesting: \$75.

Stacks/vents R3-R5: \$25.

All other use groups \$90.

Modular homes, smoke test, check systems: \$100

For the purpose of computing the fees below, fixtures, and/or devices ~~or stacks~~ shall include, but not be limited to, lavatories, kitchen sinks, sinks, slop sinks, urinals, bathtubs, water closets, laundry tubs, shower stalls, floor drains, drinking fountains, dishwashers, garbage disposals, clothes washers, hose bibs, ~~roof drains~~ and backflow devices not equipped with test ports or other similar devices - \$25.

Stacks \$25 for R3 or R5, \$90 for all other uses.

dd. Mechanical: Mechanical inspections within Residential R-3 or R-5 structures by a mechanical inspector. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical appliance inspected. ~~for Use Groups R-1, R-2, R-3 and R-4 where no work requiring additional permits is to be undertaken:~~

xxxiv. Minimum fee: \$75

xxxv. First device: \$75.

xxxvi. Each additional device: \$50.

xxxvii. Duct work: \$100

xxxviii. Gas or oil piping for first outlet: \$25

xxxix. Gas or oil piping for each additional outlet: \$90

xl. Oil tank installation: \$75

xli. Range hoods: \$75

ee. Mechanical inspections related to the installation of oil piping on fuel tanks:

xlii. Residential R-5: \$26.

~~xliii. All other residential or commercial: \$40.~~

ff. Appliance inspections for each appliance connected to the gas or oil piping system, including but not limited to furnaces, stoves, dryers, fireplaces and log lighters:

xliv. Residential R-5: \$25.

~~xliv. All other residential or commercial: \$50.~~

gg. Additional mechanical inspection fees for all use groups ~~(except as noted for R-5):~~

xlvi. Per 50 linear feet of hydronic piping: \$25 (R-5: \$13).

xlvii. Per 50 linear feet of steam or hydronic radiation: \$25 (R-5: \$13).

xlviii. For each steam or hot-water coil: \$25 (R-5: \$13).

xlix. Per 50 linear feet of refrigerator piping: \$25 (R-5: \$13).

hh. Geothermal inspections:

i. Residential: \$50.

~~ii. Commercial: \$100.~~

Electrical subcode fees for installation of the following:

The minimum fee shall be ~~\$75~~50.

Electrical fixture and devices (15 to 20 amps):

ii. First 25 devices: ~~\$6055~~ (~~\$6045~~ for R-5).

jj. Over 25 devices: ~~\$2512~~ (~~\$258~~ for R-5) each.

Receptacles and switches (30 to 50 amp): ~~\$2515~~ (\$13 for R-5) each.

Receptacles and switches (greater than 50 amp): ~~\$6558~~ each.

Motors:

kk. One to 10 hp motor: ~~\$2515~~ (~~\$13~~ for R-5).

ll. Eleven to 50 hp motor: ~~\$7568~~ (~~\$58~~ for R-5).

mm. Fifty-one to 100 hp motor: ~~\$150125~~ (~~\$116~~ for R-5).

nn. Greater than 100 hp motor: \$576.

Transformers and generators:

oo. One to 10 kw: ~~\$2515~~ (~~\$2513~~ for R-5).

pp. Eleven to 45 kw: ~~\$7568~~ (~~\$58~~ for R-5).

qq. Forty-six to 112.50 kw: ~~\$150125~~ (~~\$116~~ for R-5).

rr. Greater than 112.5 kw: \$576.

Service equipment:

ss. Zero to 225 amp: \$75 (~~\$58~~ for R-5).

tt. Two-hundred twenty-six to 1,000 amp: ~~\$175150~~ (~~\$116~~ for R-5).

uu. Greater than 1,000 amp: \$576.

Aboveground pools: ~~\$8575~~ (~~\$69~~ for R-5).

In-ground pools: ~~\$125100~~ (~~\$69~~ for R-5).

Pool underwater light: ~~\$2513~~ each.

Smoke detectors per dwelling unit: See fixtures and devices \$39 (~~\$29~~ per dwelling unit for R-5).

Light standards exceeding 8 feet: \$25.

~~Hydro-massage~~ Hot tub: ~~\$8575~~ (~~\$69~~ for R-5).

Storable pool: ~~\$1510~~.

Commercial alarm control unit: ~~\$2515~~.

Commercial closet: \$15.

Annual pool inspection: ~~\$9075~~.

Signs (20 to 225 amp): ~~\$6546~~.

Replacement wiring per branch circuit: ~~\$2515 (\$13 for R-5).~~

Temporary pole connection: See § 172-25A(3)(g), Service equipment.

Photovoltaic (solar system):

vv. One to 50 kw: \$20 per kw ~~75 (\$58 for R-5).~~

ww. Fifty to 100 Over 50 kw: \$15 per each kw over 50 ~~\$150 (\$116 for R-5).~~

xx. ~~Greater than 100 kw: \$576.~~

Residential alarm: \$50 each unit.

HVAC: \$65.

Card Readers MAG locks: See fixtures/devices ~~minimum fee.~~

Boiler: \$50

Fire subcode fees: for installation of the following, the permit fees shall be no less than \$75 or as detailed below:

Sprinkler heads or detectors:

yy. One to 20: \$7565.

zz. Twenty-one to 100: ~~\$175150.~~

aaa. One-hundred one to 200: ~~\$300250.~~

bbb. Two-hundred one to ~~300400~~: \$600.

ccc. ~~Three Four-hundred one to 5001,000~~: ~~\$900800.~~

ddd. Over ~~5011,000~~: \$1,500.

Smoke detectors, heat detectors, fire alarms:

eee. One to 20: ~~\$7565.~~

fff. Twenty-one to 100: ~~\$175150.~~

ggg. One-hundred one to 200: ~~\$300250.~~

hhh. Two-hundred one to ~~300400~~: ~~\$400600.~~

iii. ~~Three Four-hundred one to 5001,000~~: ~~\$900800.~~

jjj. Over ~~5011,000~~: \$1,500.

Standpipes: ~~\$300250~~ for each riser.

Kitchen exhaust commercial hood systems and spray booths: The fee for a permit to construct or install shall be ~~\$150100~~ for the first \$2,000 of estimated cost and \$2.25 per \$100 of estimated cost thereafter, provided that the minimum fee shall be ~~\$150100~~.

Dry or wet alarm valves: \$75

Kitchen exhaust residential hood system: \$60.

Aboveground or underground storage tanks. The fee for a permit to install, remove or abandon shall be:

kkk. Residential: ~~\$12550~~ for the first \$2,000 of estimated cost and \$1.50 per \$100 of estimated cost thereafter.

lll. Commercial: For installation, the fee shall be ~~\$280100~~ for the first \$2,000 of estimated cost and \$2.25 per \$100 of estimated cost thereafter. For removal or abandonment,

the fee shall be \$100 for the first \$2,000 of estimated cost and \$1.50 per \$100 of estimated cost thereafter.

Gas- or oil-fired appliances:

mmm. Residential: \$75.50 for the first \$2,000 of estimated cost and \$1.50 per \$100 of estimated cost thereafter.

nnn. Commercial: \$150.40 for the first \$2,000 of estimated cost and \$2.25 per \$100 of estimated cost thereafter.

Pre-engineered system: \$220.25.

Incinerator: \$365.

Crematorium: \$365.

Preaction valves: \$150

Smoke detector, heat detector, fire alarms for residential: \$35 per unit.

Flammable and combustible liquid piping: The fee for a permit to construct or install shall be \$30.40 per \$1,000 of estimated cost, provided that the minimum fee shall be \$75.35.

Smoke-control system: \$229.

Wood, coal or solid fuel appliance: \$75.50 each.

Underground water storage tank for fire protection: \$100.

Underground water service for fire protection: \$400.200 each one to five-hundred feet of pipe and \$100 for each additional one-hundred feet of pipe.

Yard hydrants: \$80.65 each.

Fire alarm panel replacement: \$125

Backflow preventers for fire protection: \$65 each.

Hose cabinets and stations: \$50 each.

Fire pumps: \$300.250 each.

Rooftop solar:

ooo. Residential R-5: \$75

ppp. All other groups: \$125

Exit signs: \$75.

Fire extinguishers:

qqq. one to 20: \$65

rrr. 21 to 50: \$75

sss. 51-100: \$150

ttt. Every 10 or portion over 100: \$40

Administrative Fees:

Priority Plain Review The fee for a priority plan review shall be charged at a rate of \$250 per discipline in addition to the applicable construction permit fee. Upon written request from the applicant or authorized agent of the applicant, the construction office will commence the plan review within 10 business days of receipt of a properly completed construction permit application that has received the required zoning approval. The per discipline fee shall not be

applicable if the construction office is not able to commence the plan review within 10 business days. This section shall not apply to prototype plan review projects. projects: \$250

Off hour inspections will be performed at a rate of \$125 per hour per inspector. A request for off hour inspections must be made in writing stating the number of hours anticipated to be needed and submitted a minimum of 5 business days before the planned off hour inspection is needed. The Township shall add an additional 2 hours due to inspector administrative related work. Full payment is required before the off-hour inspection date.

Expedited inspections: \$125 per each discipline and inspections will be performed within 24 hours of full payment and all requests must be in writing stating the specific inspections desired.

Copying fee per page: \$0.25

Amendments or revisions to plans:

uuu. R5 rate per hour: \$75

vvv. All other uses rate per hour: \$100

Change of contractor rate for each discipline: \$75

Electronic online plan review submission: \$50

Annual permits:

www. 1-25 workers rate per hour: \$850

xxx. Each worker over 25: \$300

Senior discount: 25% for age 65 and older

Certificates required.

Certificates of occupancy. Fees for certificates of occupancy shall be:

New building.

yyy. Residential.

lii. Residential R-5: \$15075.

liii. Addition, R-5: \$15050.

liv. Garage (detached): \$50.

Iv. Residential units: \$50.

zzz. All other uses: \$200.

Ivi. Each tenant: \$150.

Temporary certificates of occupancy.

aaaa. \$30. If CO is paid when permit was issued, the first TCO is free.

Certificate of continued occupancy.

bbbb. Residential R-5: \$100.

cccc. All other uses: \$500.

Change of use: \$200.

Elevators: installations; inspection: as set forth in Subsection B(2), entitled "Certificates of approval."

NOTE: ALL FEES BELOW ARE NON-UCC RELATED

Resales or new rental.

dddd. Residential: \$125.

eeee. Nonresidential: \$200 per unit.

ffff. First reinspection: no fee.

gggg. Second reinspection: \$75.

hhhh. Reinspections thereafter: \$150.

~~Elevators; installations; inspection: as set forth in Subsection B(2), entitled "Certificates of approval."~~

Indemnity bonds.

Sign bonds. The owner of every sign shall be bonded in an amount not less than \$1,000 for the erection and maintenance of such sign or billboard.

Wrecking bonds. An owner of a property demolishing a building located on the property is not required to provide any bond in connection with the demolition but must obtain a permit for the demolition from the Building Inspector of the Township of Ewing. Any other person or corporation to whom a permit has been issued to wreck or demolish a building shall provide a bond in the amount of 10% of the assessed value of the property with a minimum requirement of a bond of \$1,000, which bond shall require the completion of the work, the clearing and filling in of the site and which will protect and indemnify the municipality against loss or damage.

Moving bonds. The owner of a building to be moved shall furnish a bond in the amount of \$5,000 or double the assessed value of the property to be moved, whichever is greater.

New construction, surcharge fee. As provided in § 114-1D of this Code, a state surcharge fee shall be collected for construction. The current fee schedule is on file and available for inspection at the office of the Construction Official.

Road improvement application fees.

Improved road, Class A. Excavation for a connection from a utility to a curbline: \$200, except that the fee shall be \$100 if the road is five years or more of age; excavation for extension of utility lines from existing terminus to point of proposed connection: \$1 per square foot of pavement to be restored.

Improved road, Class B. Excavation for a connection from a utility line to a curbline: \$60; excavation for extension of utility lines from existing terminus to point of proposed connection: \$0.80 per square foot of pavement to be restored.

Improved road, Class C. Excavation for a connection from a utility line to a curbline: \$40; excavation for extension of utility lines from existing terminus to point of proposed connection: \$0.70 per square foot of pavement to be restored.

Unimproved road. Excavation for a connection from a utility line to a curbline: \$20; excavation for extension of utility lines from existing terminus to a point of proposed connection: \$0.30 per square foot of pavement to be restored.

Sign permit, when not a part of a comprehensive site plan: \$100.

~~Contractor's registration license.~~

~~Initial registration after January 31 of the calendar year: \$75.~~

~~Renewal prior to January 31 of the calendar year: \$50.~~

Driveway construction.

New or expanding driveways. For all new or expanding driveways, the applicant shall apply for a driveway permit, shall submit a plan of the proposed driveway pursuant to the requirements of Subsection I(5), a copy of a property survey pursuant to the requirements of

Subsection I(6), a New Jersey One Call confirmation number pursuant to the requirements of Subsection I(7), and an application fee in the amount of \$50 for residential properties and \$150 for commercial/income-producing properties.

Recovering or resurfacing driveways. For all recovering or resurfacing of driveways, the applicant shall apply for a driveway permit, shall submit a plan of the proposed driveway pursuant to the requirements of Subsection I(5), a copy of a property survey pursuant to the requirements of Subsection I(6), a New Jersey One Call confirmation number pursuant to the requirements of Subsection I(7), and an application fee in the amount of \$25 for residential properties and \$75 for commercial/income-producing properties.

The Construction Official, in consultation with the Township Engineer, shall review and issue all driveway permits.

A driveway permit issued hereunder is valid for a period of two years from the date of issuance.

Construction plan. The plan of the proposed driveway shall demonstrate the location of the driveway, actual driveway dimensions, stations, as well as compliance with all other ordinance requirements, including encroachment, lot coverage, size, clearing/grading for sight distance, drainage and, where necessary, a profile of the driveway showing existing and proposed center-line grade and elevations for the entire driveway length.

Property survey. The survey shall indicate where on the property the driveway will be located, all property lines and easements.

New Jersey One Call. The Underground Facilities Protection Act, N.J.S.A. 48:2-74 et seq., requires notice be provided to the One-Call Damage Prevention System prior to any digging and/or excavating by calling 1-800-272-1000. A confirmation number is provided to each notice of intent to engage in digging and excavation, and applicants must provide that assigned confirmation number with their driveway permit application.

Discount on construction fees. The balance, after remittance of all state-mandated fees and allowances, shall be reduced by 50% for all residents aged 62 years or older living in a house located within the Township of Ewing that they own.

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.

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.

Effective Date. This ordinance shall take effect on August 1, 2023 for all new permits, following final adoption and publication in accordance with law.

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

**ROLL CALL**

<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>President Wollert</b>	<b>YES</b>

- 3. The Clerk read (Ordinance #23-15) ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY AUTHORIZING THE EXECUTION OF ASSIGNMENT AND ASSUMPTION AGREEMENTS AND THE FIRST AMENDMENT TO THE FINANCIAL AGREEMENT WITH PARKWAY TOWN CENTER URBAN RENEWAL, LLC**



**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, Block 343, Lot 1.01 (the “**Project Site**”) has been designated by the Mayor (the “**Mayor**”) of the Township of Ewing, County of Mercer, New Jersey, (the “**Township**”) and Township Council (the “**Council**”) as an “area in need of redevelopment”; and

**WHEREAS**, on January 29, 2013, pursuant to Ordinance No. 13-02, the Mayor and Council adopted a redevelopment plan for the redevelopment of the Project Site, (the “**Redevelopment Plan**”); and

**WHEREAS**, Parkway Town Center Urban Renewal, LLC (the “**Entity**”) entered into an agreement, as amended, (the “**Redevelopment Agreement**”) with the Township governing the Entity’s redevelopment of the Project Site with a mixed-use project pursuant to the Redevelopment Plan (the “**Project**”); and

**WHEREAS**, the Entity filed an application with the Township seeking a long term tax exemption pursuant to the Long Term Tax Exemption Law *N.J.S.A. 40A:20-1 et seq.* (the “**LTTE Law**”) and approval of a financial agreement in connection with the Project; and

**WHEREAS**, in accordance with the LTTE Law, the Township and the Entity entered into a financial agreement dated February 27, 2017, which was authorized by Ordinance No. 17-01 adopted by the Council on January 24, 2017 (the “**2017 Financial Agreement**”); and

**WHEREAS**, the Township and the Entity have determined to execute an amendment to the 2017 Financial Agreement (the “**First Amendment**”, and together with the 2017 Financial Agreement, the “**Financial Agreement**”) to provide for phasing of the Project in accordance with *N.J.S.A. 40A:20-12(a)(2)*; and

**WHEREAS**, the Financial Agreement and the Redevelopment Agreement authorize the transfer of the individual phases of the Project to separate Urban Renewal Entities in accordance with the LTTE Law and the terms and conditions as set forth in the Financial Agreement and the Redevelopment Agreement; and

**WHEREAS**, the Planning Board of the Township approved the subdivision of the Project into seven (7) development phases (the “**Phases**”) to be undertaken by the entities as set forth below and in the Assignment and Assumption Agreements as herein defined (each a “**Phase Entity**” and together the “**Phase Entities**”)

    Lots A (Designated as Lot 1.01W01) & B (Designated as Lot 1.01W02) are known as Phase I (Alpha @ Ewing Town Center Urban Renewal, LLC),

    Lot C (Designated as Lot 1.01W03) is Phase II (Bravo @ Ewing Town Center Urban Renewal, LLC),

    Lot D (Designated as Lot 1.01W04) is Phase III (Charlie @ Ewing Town Center Urban Renewal, LLC),

    Lot E (Designated as Lot 1.01W05) is Phase IV (Ewing Town Center Urban Renewal, LLC),

    Lot F (Designated as Lot 1.01W06) is Phase V (Delta @ Ewing Town Center Urban Renewal, LLC),

    Lot G (Designated as Lot 1.01W07) is Phase VI, (Echo @ Ewing Town Center Urban Renewal, LLC)

    and Lot H (Designated as Lot 1.01W08) is Phase VII (Foxtrot @ Ewing Town Center Urban Renewal, LLC)

**WHEREAS**, the Phase Entities shall be responsible for the four (4) common element lots: Lot I (Designated as Lot 1.01W09) - the Maintenance Building; Lot J (Designated as Lot 1.01W10)-the Town Center Boulevard; Lot K (Designated as Lot 1.01W11)-the Club House and Lawn Area; and Lot L (Designated as Lot 1.01W12) - the Conservation Area, as set forth in the Assignment and Assumption Agreements; and

**WHEREAS**, the Township and the Entity desire to enter into agreements with the Phase Entities for each applicable Phase providing for the assignment and transfer of the rights and obligations in and to the Financial Agreement and the Redevelopment Agreement as they relate to the applicable Phase (the “**Assignment and Assumption Agreements**”); and

**WHEREAS**, the Council desires to approve the transfer of the Financial Agreement and the Redevelopment Agreement to the Phase Entities in accordance with the Assignment and Assumption Agreements and to authorize the execution of the First Amendment and the Assignment and Assumption Agreements.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, AS FOLLOWS:**

1. The aforementioned recitals hereof are incorporated herein as though set forth at length.
2. The Mayor is hereby authorized and directed to execute the First Amendment, substantially in the form attached hereto as **Exhibit A**, together with such additions, deletions, and other modifications deemed necessary upon consultation with counsel to the Township and other appropriate professionals, and prepare, amend, or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions as deemed necessary and appropriate.
3. The Mayor is hereby authorized and directed to execute the Assignment and Assumption Agreements, substantially in the form attached hereto as **Exhibit B**, together with such additions, deletions, and other modifications deemed necessary upon consultation with counsel to the Township and other appropriate professionals, and prepare, amend, or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions as deemed necessary and appropriate.
4. The Clerk of the Township is hereby authorized and directed, upon execution of the First Amendment and the Assignment and Assumption Agreements by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon each document.
5. The Township Clerk shall file certified copies of this ordinance and the First Amendment with the Tax Assessor of the Township in accordance with Section 12 of the LTTE Law.
6. In accordance with Section 12 of the LTTE Law, within ten (10) calendar days following the later of the effective date of this ordinance or the execution of the First Amendment by the Entity, the Township Clerk shall transmit a certified copy of this ordinance and the First Amendment to the chief financial officer of Mercer County and to the Mercer County Counsel for informational purposes.
7. The Mayor and Township Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Township, in consultation with Township counsel and other appropriate professionals, as is necessary to effectuate the terms of the Redevelopment Agreement and Financial Agreement.
8. If any part of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.
9. This ordinance shall take effect in accordance with applicable law.

**ATTEST:**

**TOWNSHIP OF EWING**

\_\_\_\_\_  
Kim Macellaro,  
Township Clerk

\_\_\_\_\_  
Bert Steinmann,  
Mayor

**Vice President Baxter made a motion to open the Public Hearing, seconded by Councilwoman Keyes-Maloney. It was agreed by unanimous voice vote. There were no questions or comments from Council.**

Victoria Mark (Glendale section of Ewing) said that she is confused as to what is happening with this.

Kevin McManimon (Redevelopment Attorney) explained that this Ordinance does two things. First, it authorizes the existing entity to create seven different entities that will undertake seven different phases of the project. Each of those entities will assume the piece of the project that they will build. Second, it creates the ability for these seven different phases to start later. When this project began several years ago, the law required that a PILOT term be thirty years from the date the project was completed or thirty-five years from the date the agreement was executed. Basically, you had five years to build a project. If it took seven or ten years to build, that would eat into the thirty-year term. The statute was amended. The max is still thirty years, but it extended the construction period for projects being constructed in phases. It has nothing to do with the cost. The components of the project that have been completed are in their thirty-year period and are already paying PILOTS to the Town. The phases that are not yet built, when they are built, they will have their period of exemption start. Nothing else about the project has changed – not the cost, not the amount that will be coming in, and not what is being built.

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

#### ROLL CALL

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

4. The Clerk read (Ordinance #23-16) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 371 VEHICLES ARTICLE II SNOWMOBILES AND MINIBIKES TO REGULATE OFF-HIGHWAY VEHICLES

**WHEREAS**, pursuant to N.J.S.A. 39:3C-35 the Township of Ewing (“Township”) is authorized, by way of ordinance, to declare that an all-terrain vehicle or dirt bike operated on a public street, highway, or right of way in violation of N.J.S.A. 39:3C-17 poses an immediate threat to the public health, safety or welfare; and

**WHEREAS**, N.J.S.A. 39:3C-17 designates such all-terrain vehicles or dirt bikes operated on a public street, highway, or right of way as contraband subjected to forfeiture in accordance with N.J.S.A. 2C:64-1 et. seq. and that an all-terrain vehicle or dirt bike forfeited under this section shall be disposed of in accordance with the provisions of N.J.S.A. 2C:64-6 or, at the discretion of the entity funding the prosecuting agency involved, may be destroyed; and

**WHEREAS**, the Township has an interest in protecting the health, safety, and welfare of its citizens; and

**WHEREAS**, the Mayor and the Council of the Township have determined that certain amendments to Chapter 371 “Vehicles”, Article II “Snowmobiles and Minibikes” are necessary to protect the health, safety, and welfare of the residents of the Township; and

**WHEREAS**, in all other respects Chapter 371 entitled “Vehicles” 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 371, VEHICLES Article II, SNOWMOBILES AND MINIBIKES is hereby amended as follows:

**TITLE:** Article II, ~~SNOWMOBILES AND MINIBIKES~~ OFF-HIGHWAY VEHICLES AND SIMILAIR TYPES OF VEHICLES

## **§ 371-3 DEFINITIONS**

When used in this Article, the following terms shall have the meanings indicated:

### **OFF-HIGHWAY VEHICLE**

1. Snowmobile;
2. Minibike;
3. Dirt bike;
4. All-terrain vehicle;
5. Recreational off-highway vehicle;
6. Utility vehicle;
7. Go-cart; or
8. Any vehicle which is not licensed for street use and is propelled other than by muscular power.

### **SNOWMOBILE**

A vehicle that:

1. Weighs less than one thousand pounds;
2. Uses sled-type runners or skis, endless belt-type tread with a width of forty-eight inches or less, or any combination of runners, skis, or tread;
3. Is designed for travel on snow or ice; and
4. Is powered by fuel such as gasoline or oil, or by a battery, or the motor is electric.

### **MINIBIKE**

A vehicle that:

1. Is a small, one passenger motorcycle; and
2. Is powered by fuel such as gasoline or oil, or by a battery, or the motor is electric.

### **DIRT BIKE**

A motor vehicle that:

1. Has two-wheels;
2. Is designed to be used on off-road terrains, including unsurfaced tracks and roads;
3. Is powered by fuel such as gasoline or oil, or by a battery, or the motor is electric.

### **ALL-TERRAIN VEHICLE (ATV)**

A vehicle that:

4. Has a seat or seats for the rider and one passenger;
5. Has three or more tires;
6. Is not more than 50 inches wide;
7. Is designed for off-highway use;
8. Is not designed by the manufacturer for farm or lawn care; and
9. Is powered by fuel such as gasoline or oil, or by a battery, or the motor is electric.

### **RECREATIONAL OFF-HIGHWAY VEHICLE (ROV)**

A vehicle that:

1. Has a seat or seats for the rider and one or more passengers;
2. Has four or more tires;
3. Is designed for off-highway use;
4. Is not designed by the manufacturer for farm or lawn care; and
5. Is powered by fuel such as gasoline or oil, or by a battery, or the motor is electric.

### **UTILITY VEHICLE (UTV)**

A vehicle that:

1. Has side-by-side seating for the operator and passenger;
2. Has four or more tires;
3. Is designed for off-highway use;
4. Is designed by the manufacturer for utility work and not for recreational purposes;  
and
5. Is powered by fuel such as gasoline or oil, or by a battery, or the motor is electric

## GO-CART

A vehicle that:

1. Is a type of small, low to the ground sports car, close wheeled car, open-wheel car or quadracycle;
2. Has a lightweight or skeleton body with an open frame; and
3. Is powered by a two-stroke or four-stroke engine which uses fuel such as gasoline or oil, a battery, or the motor is electric.

## § 371-4.3 UNLAWFUL OPERATION

It shall be unlawful for any person to operate an ~~snowmobile, two-wheel motor vehicles known as "mini-bicycles" and "trail-bicycles" and four-wheel motor vehicles known as "go-carts"~~ off-highway vehicle under the following circumstances:

- A. On private property of another without the express permission to do so by the owner or occupant of the property.
- B. On public grounds without express provision or permission to do so by the proper public authority.
- C. In a manner which creates loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- D. In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or the property of any other person.

## § 371-5.4 OPERATION ON PUBLIC STREETS

~~It shall also be unlawful to operate snowmobiles and go-carts off-highway vehicles on any public street located within the Township of Ewing.~~

It shall be unlawful and pose an immediate threat to the public health, safety and welfare of the residents of the Township of Ewing for any person to operate any off-highway vehicle upon any public street, highway, right-of-way, or sidewalk located within the Township in violation of N.J.S.A. 39:3C-17.

## § 371-6 SALE OF GASOLINE TO OFF-HIGHWAY VEHICLES AND SIMILAIR TYPES OF VEHICLES

- A. It shall be unlawful and pose an immediate threat to the public health, safety and welfare of the residents of the Township of Ewing for any person owning or operating a gas station in the Township, which disburses petroleum products from dispensing pumps to the general public, to disburse or allow to be disbursed gasoline or diesel fuel directly into any off-highway vehicle. However, it shall be lawful to distribute gasoline or diesel fuel directly into an any off-highway vehicle that has been conveyed upon or in a properly registered trailer, truck, or other lawful means of conveyance.
- B. All gas stations within the Township of Ewing must display at least one (1) sign, large enough to be easily read by motorists fueling their vehicles at the gas station, which states "Per Ordinance 371-6, no gas station shall dispense fuel to an unlicensed off highway vehicle that is not trailered".

## § 371-7.5 VIOLATIONS AND PENALTIES

Any off-highway vehicle operated in a manner that violates this Article shall be deemed contraband subjected to forfeiture in accordance with N.J.S.A. 2C: 64- 1 et. seq., and shall be disposed of in accordance with the provisions of N.J.S.A. 2C: 64- 6 or, at the discretion of the entity funding the prosecuting agency involved, may be destroyed.

Except as provided herein, violations of this article shall be punishable as provided in Chapter 1, Article III, General Penalty.

**§ 371-7 EXEMPTIONS**

Notwithstanding sections 371-4 and 371-5 of this Article, public safety and/or public works personnel employed by the Township, County, State or other public body may operate an off-highway vehicle on any public highway, road, or right-of-way within the town when the off-highway vehicle is being used in the performance of official duties.

Notwithstanding section 371-6 of this Article, gas stations may sell fuel to public safety and/or public works personnel who drive up to a gas station in an off-highway vehicle, so long as the public safety and/or public works personnel is operating an off-highway vehicle in the performance of official duties.

**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.

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

**ROLL CALL**

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

**NEW BUSINESS**

1. The Clerk read **(Resolution #23R-138) A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP MUNICIPAL PROSECUTOR TO BRIAN R. CLANCY, ESQ. OF DASTI & ASSOCIATES INC.**

President Wollert said that this allows the Township to have a Prosecutor in place as is required.

Ms. Steward then 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
Ms. Steward	YES
Mr. Baxter	YES
President Wollert	YES

2. The Clerk read **(Resolution #23R-139) RESOLUTION AUTHORIZING THE PURCHASE OF CONSTRUCTION OFFICE FURNITURE FOR THE NEW OFFICE ON PENNINGTON RD FROM PARAMOUNT FACILITY MANAGEMENT SOLUTIONS**

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

**ROLL CALL**

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

The Clerk read Items Three and Four as a Block.

3. The Clerk read (Resolution #23R-140) A RESOLUTION APPROVING STATE AIDE CHANGE ORDER NO. 1 FINAL DECREASE TO RICHARD T. BARRETT PAVING COMPANY FOR FY '2022 NJDOT TRUST FUND RESURFACING OF SILVIA STREET IN THE AMOUNT OF \$45,711.26
4. The Clerk read (Resolution #23R-141) A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL INCREASE TO MESSERCOLA EXCAVATING CO., INC. FOR STORM SEWER IMPROVEMENTS AT VARIOUS LOCATIONS IN THE AMOUNT OF \$3,728.50

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

**ROLL CALL**

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

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

**CLOSED SESSION**

(None for this Meeting)

Mayor Steinmann announced that, regarding the Community Center, last week he was informed that the Township was granted the requested five-million dollars from the State. The site may be unsafe to work in as more asbestos was found. An engineer will be going to the site tomorrow to say yes or no. If it is a no, demolition will start right away. Where the asbestos was found, whether contaminated or not, all that material will need to be treated as if it is contaminated. By the end of this month, the building will be down and backfilled.

**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 7:36 p.m.

---

Kathleen Wollert, President

---

Kim J. Macellaro, Municipal Clerk

## July 25, 2023 – REGULAR SESSION

President Wollert called the meeting to order at 7:27 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 3<sup>rd</sup> 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. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

### ROLL CALL

- |                               |                                   |
|-------------------------------|-----------------------------------|
| ▪ Mr. Baxter – Present        | Joanna Mustafa, CFO               |
| ▪ Ms. Keyes-Maloney – Present | Catie MacDuff, 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

Sara Hendrickson (481 Walker Avenue) asked if it is true that the Town is going to get rid of the little park in West Trenton?

President Wollert replied that she has not heard of a specific plan to do that. There had been talk of doing that in the past. It would come up during periodic discussions about the by-pass. To do that, some properties would need to be taken; whether that particular property would be taken...Council has not been given any information. Residents will be made aware at the appropriate time.

Ms. Hendrickson asked if the Environmental Commission knew that Mercer County planted 550 trees around the Airport and near the cemetery.

Councilwoman Keyes-Maloney said that she will let the Commission know and added that she was aware that there was a plan to do that, but she did not know that they had already planted the trees.

Ms. Hendrickson said that the problem is that they got rid of the thistle and vegetation that the state bird eats and asked if the County was going to mow the grass or just let it grow. She also thought they were going to plant 600 to 1200 trees because the Airport is taking down 600.

President Wollert said that they may plant them at other locations.

There were no additional questions or comments from the Public.

### BILLS LIST

1. The Clerk read (Resolution #23R-142) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,373,424.00 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$90,615.76

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



**ROLL CALL**

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

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-143/)

1. Approval of Agenda Session Minutes for May 23, 2023, June 13, 2023; Approval of Regular Session Minutes for May 23, 2023, June 13, 2023
2. A Resolution Authorizing a Cancellation and Refund, as Recommended by the Tax Collector, a Cancellation of Outstanding Lien and a Refund in the total principal amount of \$31,189.01 for tax sale date of 12/29/20 (original lien amount of \$6,975.96, subsequent payments of \$23,300.40, recording fees of \$43.00 and legal interest in the amount of \$869.65) for property owner Tac Technical (Mercer County Airport Land) for Block: 373, Lot: 8.02 also known as 12 W Piper Way (Mercer County Airport Land). Hangar occupied by Tac Technical. Tenant of Mercer County Airport stopped payment of property taxes starting the 3<sup>rd</sup> quarter 2020. Parcel went to tax sale in 2020 due to non-payment. Monthly delinquency notices were mailed to address on record monthly starting August 2020. All legally required notices and newspaper ads were executed. Every subsequent monthly delinquency notice continued to be mailed to the address on record. Refund to the outside lien holder. Refund should be sent to: SBMUNI CUST FOR LB-HONEY BADGER, P.O. Box 31191, Tampa, FL 33631-3191
3. A Resolution authorizing the Celestial Church of Christ to hold a block party/road closing on July 30, 2023.

Mr. Schroth moved the Resolution, seconded by Ms. Steward. There were no questions or comments from Council or the Public. The Council President 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 Minutes are available in the Clerk's Office in the 2023 Agenda Session and Regular Session Minute Books. The above-referenced Consent Agenda Resolutions are available in the Clerk's Office in the 2023 Resolution Book Number Two.

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

1. The Clerk read (Ordinance #23-18) AN ORDINANCE AMENDING CHAPTER 407 NUISANCES, PUBLIC HEALTH, SECTION 3, NUISANCES DEFINED AND PROHIBITED, AND CHAPTER 408 NUISANCES, NOISE, SECTION 5, PROHIBITED ACTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER

Vice President Baxter moved the Ordinance, 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

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

1. The Clerk read (Ordinance #23-17) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 225 VEHICLES AND TRAFFIC ARTICLE II PARKING SECTION 225-10.5 PARKING PROHIBITED AT CERTAIN LOCATIONS

WHEREAS, the Township of Ewing ("Township") is authorized, by way of ordinance, to declare when and/or where parking on certain land shall be prohibited; and

WHEREAS, the Township has an interest in protecting the health, safety, and welfare of its citizens; and

WHEREAS, the Mayor and the Council of the Township have determined that certain amendments to Chapter 225 "Vehicles and Traffic", Article II "Parking" Section 225.10.5 is necessary to protect the health, safety, and welfare of the residents of the Township; and

WHEREAS, in all other respects Chapter 225 entitled "Vehicles and Traffic" 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 225, VEHICLES AND TRAFFIC Article II PARKING Section 225-10.5 PARKING PROHIBITED AT CERTAIN LOCATIONS is hereby amended as follows:

§ 225-10.5 **Parking prohibited at certain locations.**

A. No person shall park a vehicle in excess of four tons at the Ewing Senior and Community Center, the Hollowbrook Community Center, and Lou Lamata Soccer Fields at Rambling Creek Park, except for deliveries or Township business.

B. Unless otherwise permitted by ordinance, statute or specific permission, no box trucks, tractor trailers, commercial vehicles, trailers, heavy equipment or other vehicles shall be permitted to park overnight on any public lands, streets, parks, thoroughfares, or parking lots owned by the Township, County, or State.

a. Penalties: Any vehicle and/or trailer which has been parked on public land overnight may be subject to seizure (towing) at the owner's expense and/or the owner may be issued a ticket and/or any other penalties available to law enforcement including those 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.

**Councilman Schroth made a motion to open the Public Hearing, seconded by Vice President Baxter. It was agreed by unanimous voice vote. There were no questions or comments from Council.**

Sara Hendrickson (481 Walker Avenue) asked if this means all trucks? There is a state trooper who parks a tow truck on Walker. Is he allowed to park on the road?

The Mayor replied that it would include box trucks, tractor trailers – anything like that. Vans are excluded. A tow truck would be included. There are also specific ordinances about where these types of vehicles are allowed to park. They are not allowed on Township roads in neighborhoods. If someone calls in, it will be investigated, and proper action will be taken.

Mayor Steinmann commented that these Ordinances are not a money grab for the Township. They just want people to be responsible for their trucks and everything else. They are given a warning. If the warning is ignored, that is when they begin to start charging these individuals. The intent is to make sure everyone complies.

There were no additional questions or comments from the Public.

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

**ROLL CALL**

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

**NEW BUSINESS**

1. The Clerk read **(Resolution #23R-144)** 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 CHARLES EWING BOULEVARD” PROJECT

The Council President said that this will allow improvements...paving...to Charles Ewing Boulevard to be done.

Vice President Baxter then moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions or comments from Council.

Victoria Mark (Glendale section of Ewing) asked if it is just paving?  
President Wollert replied – yes.

Sara Hendrickson (481 Walker Avenue) commented as long as they cover the storm drains. Since they are paving, it is State law that they must cover the drains with what are called guards.

There were no additional questions or comments from the Public.

President Wollert asked for a roll call.

**ROLL CALL**

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

2. The Clerk read (Resolution #23R-145) A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

President Wollert said that this is done regularly when monies come in,

Ms. Keyes-Maloney then moved the Resolution, seconded by Vice President Baxter. There were no questions or comments from the Council.

Victoria Mark (Glendale section of Ewing) asked what is the \$35,000.00 going to be used for?

President Wollert replied that it is COVID money that will be used in the Health Department.

The CFO added – to purchase vaccines.

There were no additional questions or comments from the Public.

Council 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 Clerk read Items Three and Four as a Block.

3. The Clerk read (Resolution #23R-146) A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR STORM SEWER IMPROVEMENTS AT VARIOUS LOCATIONS – EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-T-079
4. The Clerk read (Resolution #23R-147) A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO AMEND THE CONTRACT LENGTH BY 72 CALENDAR DAYS TO RICHARD T. BARRETT PAVING CO. FOR 2022 ROAD IMPROVEMENT PROGRAM

Mr. Schroth moved the Resolutions, 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 Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 7:40 p.m.**

---

**Kathleen Wollert, President**

---

**Kim J. Macellaro, Municipal Clerk**

August 8, 2023 – REGULAR SESSION

President Wollert called the meeting to order at 7:40 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 3<sup>rd</sup> 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. 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

President Wollert stated for the record that no members of the Public are present.

BILLS LIST

1. The Clerk read (Resolution #23R-148) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$845,369.29 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$510,887.15

There were no questions or comments from Council. No members of the Public were present. Ms. Keyes-Maloney then moved the Resolution, seconded by Vice President Baxter. 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-149/)

1. Approval of Agenda Session Minutes for June 27, 2023; Approval of Regular Session Minutes for June 27, 2023.
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,020.46 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Bloom, Joseph A. & Marino, Maria G., for Block: 284 Lot: 121 also known as 628 Concord Circle for overpayment.
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,575.96 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner 1122 Lower Ferry Road LLC, for Block: 262 Lot: 1 also known as 1122 Lower Ferry Road for overpayment.
4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,477.29 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Reed, Shelly, for Block: 189 Lot: 124 also known as 54 Mabel Street for overpayment.
5. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,199.02 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Rosato, Anthony P., for Block: 444 Lot: 237 also known as 1193 Pennington Road for overpayment.
6. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,358.88 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Rosco Holdings, LLC, for Block: 465 Lot: 84 also known as 122 Stratford Avenue for overpayment.
7. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,875.74 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Li, Liwen, for Block: 225.01 Lot: 2.05 Qualifier: C0332 also known as 332 Timberlake Drive for overpayment.
8. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,687.79 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to LERETA, LLC, Attn: Central Refunds, 901 Corporate Center Dr., Pomona, CA 91768, for property owner Dziminski Jr., Richard & Margaret, for Block: 103 Lot: 1 also known as 28 Wardman Avenue for overpayment.
9. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$2,291.11 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Moore, Lisa, for Block: 419 Lot: 20 also known as 7 Wilburtha Road for overpayment.
10. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the amount of \$1,897.36 for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corelogic Centralized Refunds, PO Box 9202, Coppell, TX 75019-9760, for property owner Fine, Aaron & Sarah, for Block: 139 Lot: 55 also known as 179 Woodland Avenue for overpayment.

11. A Resolution Authorizing a Refund, as Recommended by the Tax Collector in the total amount of \$3,915.53 (\$1,315.65 for C301; \$1,315.65 for C304; \$1,284.23 for C402) for August 1, 2023 3<sup>rd</sup> Quarter Taxes to Corporate Aviation/Patterson, 25 Orchard Way, Yardley, PA 19067, for property owner Corporate Aviation, for Block: 373 Lot: 7.02 Qualifiers: C301, C304, C402 also known as hangars on Sam Weinroth Road. William Patterson erroneously made payments toward additional hangars which they are not responsible for. Refund of the incorrectly paid hangars is for William Patterson.

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

**ROLL CALL**

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

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

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

1. The Clerk read (Ordinance #23-19) AN ORDINANCE AMENDING CHAPTER 114, BUILDING CONSTRUCTION, SECTION 3 CODE INSPECTION PRIOR TO SALE, LEASE OR OTHER TRANSFER OF REALTY, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER

Mr. Schroth moved the Ordinance, seconded by Vice President Baxter.

Ms. Keyes-Maloney reiterated her request that somehow the Township get the word out about this.

There were no additional questions or comments from Council. No members of the Public were present. 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

2. The Clerk read (Ordinance #23-20) AN ORDINANCE AMENDING CHAPTER 284, RENTAL PROPERTY, SECTION 1, REGISTRATION OF RENTAL UNITS, AND SECTION 2 CERTIFICATE OF REGISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO CLARIFY THAT ALL NON-OWNER-OCCUPIED BUILDINGS MUST BE REGISTERED

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

**ROLL CALL**

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



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

1. The Clerk read (**Ordinance #23-18**) AN ORDINANCE AMENDING CHAPTER 407 NUISANCES, PUBLIC HEALTH, SECTION 3, NUISANCES DEFINED AND PROHIBITED, AND CHAPTER 408 NUISANCES, NOISE, SECTION 5, PROHIBITED ACTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER

**WHEREAS**, Township of Ewing (the "Township") is charged with promoting the health and wellbeing of residents; and

**WHEREAS**, excessive sound and improperly keeping animals are a serious hazard to the public health, welfare, safety, and the quality of life; and

**WHEREAS**, a substantial body of science and technology exists by which excessive sound may be substantially abated;

**WHEREAS**, the people have a right to quiet enjoyment of their property and residence and should be free from any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township and be free from foulness, odors, and the breeding of vermin; and

**WHEREAS**, the Council of the Township of Ewing is empowered to "declare and define what shall constitute a nuisance" pursuant to *N.J.S.A. 26:3-45 et seq.*; and

**WHEREAS**, the Township is desirous of amending Chapter 407, Section 3 and Chapter 408, Section 5 of the Revised General Ordinances of the Township of Ewing in order to promote and preserve the public health, welfare, safety, and the quality of life in Ewing; 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 407, NUISANCES, PUBLIC HEALTH, Section 3 NUISANCES DEFINED AND PROHIBITED, is hereby added as follows:

**§ 407-3 Nuisances Defined and Prohibited.**

Any matter, thing, condition or act which, after investigation by the Health Officer or other enforcing official, is deemed to be injurious, detrimental or a menace to the public health or environment or is deemed to be an annoyance or to interfere with the comfort or wellbeing of the inhabitants of the Township is hereby declared to be a nuisance and shall include but not be limited to the following:

Pollution or the existence of a condition or discharge or release which causes or threatens pollution of any surface water or subsurface water of the Township.

The escape or entrance into open air/outdoor environment from any stack, vent, chimney, process or from any fire such quantities and duration of smoke, fly ash, dust, fumes, vapors, mists, or gases that tend to be injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property throughout the Township.

The growth, existence or presence of ragweed of six inches in height or greater, or in such a quantity so as to cause damage or injury to adjacent properties or be a public health concern, on any plot of land, lot, highway, street, sidewalk, right-of-way or any other public or private place within 200 feet of an occupied dwelling.

The growth, existence or presence of poison ivy, of six inches in height or greater, or in such a quantity so as to cause damage or injury to adjacent properties

or, or be a public health concern, within 20 feet of an adjoining property line of an occupied residential or commercial property, sidewalk or right-of-way.

The growth, existence or presence of any weeds or noxious weeds, of six inches in height or greater, or in such a quantity so as to cause damage or injury to adjacent properties or be a public health concern, on any residential or commercial property, with the exception of state, county or local designated conservation areas or other restricted use areas.

All residential and commercial lawn areas are to be maintained and mowed and may not exceed six inches in height. Areas allowed to return to natural conditions must be approved by the Health Department as provided herein.

The existence or presence of dead and dying trees or limbs on any land within 50 feet of an adjoining dwelling or within 20 feet of an adjoining residential property line.

Any dead or dying tree that harbors insects or rodents.

The presence on any plot of land, highway, street, right-of-way or any other public or private place of any solid waste, but excluding usable materials properly stored. The practice of composting shall not fall within the meaning of this subsection, provided that such compost pile, mound or area is maintained on one's own private property and is properly maintained so as not to present offensive odors, the breeding or harborage of flies or other insects, rodents, vermin or any other public health nuisance.

Depositing, dumping, accumulating, maintaining or otherwise allowing any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects, rodents or pigeons of a public health significance in or on any land, premises, building or other place.

The existence or presence of any accumulation of solid waste which may attract insects, rodents or other vermin and to which insects, rodents or other vermin may have access, or in which they may breed or dwell.

The existence or presence of any water or other liquid in which mosquito eggs, larvae or pupae exist or of any condition which allows water to lie, pond, stand or otherwise accumulate so as to provide a breeding environment for mosquitoes. The meaning of this subsection shall not apply to ponds where fish are adequately maintained so as to preclude the breeding of mosquitoes. This section shall not apply to fountains or swimming pools which maintain adequate circulation to preclude the breeding of mosquitoes.

The keeping of any animal or animals in such a manner as to cause or present a source of foulness, odors or breeding of insects, rodents or other vermin. The keeping of poultry is specifically prohibited except on parcels of five (5) acres or more in accordance with §215-8 of the Ewing Code.

The existence or maintenance of any condition which may reasonably constitute a safety hazard, an attractive nuisance or otherwise present a threat to the safety and well-being of the inhabitants of the Township or of the public at large, including but not limited to the following:

- (a) Any vacant building which is not adequately sealed, boarded up or otherwise secured so as to preclude the entry of inquisitive minors or others.
- (b) Any excavation, depression, hole, shaft, abandoned or unused well which is of such depth or dimension so as to present a hazard in terms of one falling into or being entrapped therein and which has not been adequately fenced or sealed so as to prevent injury or harm.
- (c) Any discarded refrigerator, cabinet, automobile or other piece of equipment, machinery, device or material which may offer or present an

enclosure and a hazardous attraction to children or others which has not been properly sealed or discarded.

- (d) Any dead or dying trees or limbs in such proximity to a dwelling, building, street, sidewalk, pathway, right-of-way, thoroughfare, driveway, park, playground or other frequented area where the falling of the tree or part thereof would endanger life or threaten injury or damage property.

The willful abandonment of any domestic animal within the boundaries of the Township.

Accumulation and storage of solid waste on any private or commercial property, unless properly contained or stacked for disposal, for 10 days or more.

Placement of solid wastes at curb for more than one day prior to the scheduled pick-up date. All items must be removed after the day of collection if not collected for any reason.

Any sidewalk, walkway, driveway, parking spaces or similar area containing cracks, potholes, or other defect which creates a hazardous condition or which is obstructed by plant growth or other natural or artificial barrier.

The runoff, sump pump discharge or drainage of water from any premises or building which results in the accumulation of ice, stagnant water or discharges on public roadways or onto an adjoining property in an uncontrolled (via pipe or swale) manner without permission of adjoining property owner or Township if a public roadway. This subsection shall not apply to water detention/retention areas approved by the Township when properly maintained and cleaned of silt and debris.

Public restrooms shall be kept in good repair; all surfaces of fixtures, walls and floors are to be cleaned on a regular schedule and must be provided with running hot and cold water of adequate pressure per the Plumbing Code. A supply of toilet paper, soap and hand drying supplies or equipment shall be provided at all times. Hand washing signs shall be posted.

It shall be unlawful for any person or persons to commit, maintain or allow any nuisance, as declared and described in this section.

**Section 2** Chapter 408, NUISANCES, NOISE, Section 5, PROHIBITED ACTS, is hereby added as follows:

**§ 408-5 Prohibited Acts.**

The following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section, and are prohibited between the hours of 10:00 p.m. and 7:00 a.m., on Sunday, Monday, Tuesday, Wednesday and Thursday; and the hours of 11:00 p.m. and 7:00 a.m. on the days of Friday and Saturday, in a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which noise is emanating shall be prima face evidence of a violation of this section.

Radios; televisions; phonographs. The using, operating, or permitting to be played, used or operated, of any radio-receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the machine or devices is operated and who are voluntary listeners.

Loudspeakers; amplifiers for advertising. The using, operating, or permitting to be played, used or operated, of any radio-receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for

the purposes of commercial advertising, or attracting the attention of the public to any building or structure.

Yelling; shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., on Sunday, Monday, Tuesday, Wednesday and Thursday; and the hours of 11:00 p.m. and 7:00 a.m. on the days of Friday and Saturday, or at any other time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, apartment or other type of residence or of any persons in the vicinity.

Animals; ~~birds~~ birds. Notwithstanding the provisions of § 240-8C, the keeping of any animals or birds, including poultry, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity, but nothing herein contained is intended to apply to a dog pound or kennel licensed in accordance with this Code.

Horns; signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, bus, streetcar or other vehicle, except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger to persons driving other vehicles, or of persons upon the street: the creation by means of any signaling device of any unreasonably loud or harsh sound, or for any unnecessary period of time; the use of any signaling device except one operated by hand or electrically; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is held up for any reason.

Steam whistles. The blowing of any locomotive steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or as a signal or warning in connection with civil defense, fire or ambulance calls, or upon request of the proper municipal authorities.

Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

Schools; courts; churches; hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital which unreasonably interferes with the working of the institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.

Drums. The use of any drums or other instrument or device for the purpose of attracting attention by creation of noise of any performance, show or sale.

Hawkers; peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturb the peace and quiet of the neighborhood.

Pile drivers; hammers. The operation other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, of any pile driver, steam shovel, bulldozer or other earthmoving machinery, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

Miscellaneous night noises. The "warming up" of diesel motors of motor vehicles; creation of loud or excessive noise in connection with loading or unloading of any vehicle; the repair, erection or demolition of any building, the operation of any lawn mower, weed-cutting device or other lawn equipment or the creation of any other loud or raucous sound or noise between the hours

of 9:00 p.m. and 7:00 a.m. in proximity of any dwelling, residence or other inhabited buildings.

The above enumeration is only intended to give typical illustrations of prohibited noise and shall not be construed as exclusive.

**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.

**Councilman Schroth made a motion to open the Public Hearing, seconded by Vice President Baxter. It was agreed by unanimous voice vote. No members of the Public were present. Councilwoman Keyes-Maloney made a motion to close the Public Hearing, seconded by Vice President Baxter. It was agreed by unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Vice President Baxter.**

**Councilwoman Keyes-Maloney said that she is happy this is being clarified. However, she believes that it will need to be revisited to deal with roosters on properties over five acres.**

**There were no additional questions or comments from Council. Council President Wollert asked for a roll call.**

**ROLL CALL**

<b>Mr. Baxter</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>President Wollert</b>	<b>YES</b>

**NEW BUSINESS**

- 1. The Clerk read (Resolution #23R-150) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING (“TOWNSHIP”) TO ENTER A NEW COLLECTIVE BARGAINING AGREEMENT AS MODIFIED BY THE ATTACHED AGREEMENT WITH THE AFSCME Local 2472 (“AFSCME”) BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2027**

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

**ROLL CALL**

<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>President Wollert</b>	<b>YES</b>

- 2. The Clerk read (Resolution #23R-151) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING (“TOWNSHIP”) TO ENTER A NEW COLLECTIVE BARGAINING AGREEMENT AS MODIFIED BY THE ATTACHED AGREEMENT WITH THE EWING TOWNSHIP POLICE SUPERIOR OFFICERS’ ASSOCIATION (“ETSOA”) BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2028**

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

**ROLL CALL**

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

3. The Clerk read (Resolution #23R-152) A RESOLUTION AWARDDING TOP LINE CONSTRUCTION CORPORATION A CONTRACT IN THE AMOUNT OF \$708,707.45 FOR THE RESURFACING OF PINGREE AVENUE PROJECT

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

**ROLL CALL**

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

4. The Clerk read (Resolution #23R-153) A RESOLUITON APPROVING DAVID G. ORTIZ TO ENROLL AS A MEMBER IN THE NEW JERSEY STATE FIREMEN'S ASSOCIATION

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

**ROLL CALL**

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

5. The Clerk read (Resolution #23R-154) A RESOLUTION AUTHORIZING THE CATHOLIC CHURCH OF ST. HEDWIG TO HOLD A WALKING PILGRIMAGE ON AUGUST 12, 2023

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

**ROLL CALL**

Mr. Baxter	YES
Ms. Steward	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	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 Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 7:50 p.m.**

\_\_\_\_\_  
**Kathleen Wollert, President**

\_\_\_\_\_  
**Kim J. Macellaro, Municipal Clerk**

**THE TOWNSHIP OF EWING**

Municipal Complex  
2 Jake Garzio Drive  
Ewing, NJ 08628



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

**A RESOLUTION AUTHORIZING A REFUND, AS RECOMMENDED BY THE TOWNSHIP CONSTRUCTION OFFICIAL**

**Resolution #23R- WHEREAS, State Law authorizes the Construction Official to recommend refunding of monies collected upon determination of unnecessary payment; and**

**WHEREAS, the Township Council is likewise authorized to confirm the Construction Official's recommendation; now therefore**

**BE IT RESOLVED THAT, Upon the thorough review and recommendation of the Township Construction Official, the Governing Body of the Township of Ewing does hereby resolve to authorize a refund in the amount of \$90.00 to Prospect Heights Volunteer Fire Company, 1660 Ninth Street, Ewing, NJ 08638 for property address: 1660 Ninth Street. The applicant is a Volunteer Fire Company in Ewing.**

**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 12<sup>th</sup> day of September 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](http://www.ewingnj.org)

**A RESOLUTION AUTHORIZING A REFUND, AS RECOMMENDED BY THE MUNICIPAL CLERK, FOR A BINGO/RAFFLE LICENSE**

**Resolution #23R- WHEREAS, State Law authorizes the Municipal Clerk to recommend refunding of monies collected upon determination of an overpayment; and**

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

**BE IT RESOLVED, that upon the thorough review and recommendation of the Municipal Clerk, the Governing Body of the Township of Ewing does hereby resolve to authorize a REFUND in the amount of \$260.00 to EASEL (Ewing Animal Shelter Extension League), 33 Quakerbridge Road, Princeton, NJ 08550 for an on premises tricky tray raffle that was \$20.00. The applicant paid \$280.00 initially but Legalized Games of Chance sent back the application stating that the fee was only \$20.00 so therefore a difference of \$260.00 is owed.**

**IT IS SO RESOLVED**

**I, Kim 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 12th day of September 2023.**

**SEAL**

---

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