

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 23-21

1st Reading 9-12-23 Date to Mayor _____
 2nd Reading & Public Hearing _____ Date Returned _____
 Date Adopted: _____ Date Resubmitted to Council _____
 _____ Approved as to Form of Legality
 Effective Date: _____ Township Attorney _____

AN ORDINANCE AMENDING CHAPTER 168, EMPLOYMENT OF POLICE OFFICERS BY OUTSIDE ENTITIES, SECTIONS 2 AND 3, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO UNIFY THE RATES OF COMPENSATION.

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter	X					X
Keyes-Maloney			X			
Schroth	X					
Steward	X				X	
Wollert	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter						
Keyes-Maloney						
Schroth						
Steward						
Wollert						

By _____ Date _____ **Accepted** _____ Rejected _____
 Mayor

Reconsidered
 By Council _____ Override Vote YEA _____ NAY _____

 President of the Council

 Municipal Clerk

**TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO 23-21

AN ORDINANCE AMENDING CHAPTER 168, EMPLOYMENT OF POLICE OFFICERS BY OUTSIDE ENTITIES, SECTIONS 2 AND 3, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO SIMPLY AND UNIFY THE RATES OF COMPENSATION

WHEREAS, the Township of Ewing (the "Township") in Ordinance No. 15-38 previously established guidelines for commercial business, organizations and private persons desiring to hire Township police officers during their off-duty hours to engage in police-related activities, such as patrolmen to direct traffic at shopping centers, construction sites, or office complexes, as well as serving as security at shopping centers, construction projects and other environments; and

WHEREAS, the Township desires to continue to administer its program for the off-duty outside employment of Township police officers in accord with best practices as provided by the Department of Community Affairs, Division of Local Government Affairs, Local Finance Notice CFO-2000-14, 11/8/2000, "Managing and Accounting for Outside Employment of Police Officers;" and

WHEREAS, the Township and both the Superior Officers Association and Police Benevolent Association have agreed to compensation rates for the off-duty, outside employment of Township police officers; and

WHEREAS, an agreement has been reached to simply and unify the compensation rates for the off-duty, outside employment of Township police officers; and

WHEREAS, the Township is desirous of amending Chapter 168, Section 2 and Section 3 of the Revised General Ordinances of the Township of 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 168, EMPLOYMENT OF POLICE OFFICERS BY OUTSIDE ENTITIES, Section 2, REQUIRMENTS, is hereby amended as follows:

§ 168-2 Requirements.

Any hiring entity wishing to employ Township police officers for extra-duty employment shall adhere to the following:

- A.** Requests for services. A hiring entity shall submit a written request for extra-duty employment stating the nature of the employment as well as the times and dates the employment is requested to the Township Chief of Police or his or her designee. Approval shall be denied if, in the opinion of the Chief of Police, such employment would be inconsistent with the efficient functioning and good reputation of the Township Police Department, is inappropriate for any reason in the opinion of the Chief of Police or would unreasonably endanger or threaten the safety of the officer or officers who are to perform the work. In no case may an entity licensed to serve alcohol contract with the Township to provide off-duty police officers for extra duty work. All requests for extra-duty services shall be submitted at least five business days prior to the requested date of services. Requests made after that time may not be accommodated. ~~will be charged at the short notice rates provided herein.~~
- B.** Written agreement. No hiring entity shall employ a Township police officer for extra-duty employment without first having entered a signed written agreement with the Township. Said written agreement shall be in accordance with the

provisions of this chapter and must be accompanied by a certificate of insurance naming the Township as an additional insured that has been approved in accordance with this chapter.

- C. Prepayment of wages and fees. All wages and fees must be received by the Township in full prior to the performance of extra-duty employment. A hiring entity shall be required to estimate the number of hours such law enforcement services are required. The hiring entity shall be responsible for ensuring sufficient funds are paid prior to services rendered to avoid any interruption of services. Under no circumstances shall the wages and fees for extra-duty employment be paid from municipal funds.
- D. Administration of wages and fees. The Township shall administer any and all wages and fees for extra-duty police work through its dedicated police off-duty employment trust fund which has been approved by rider from the state.
- E. Overtime and pension. Wages earned for outside extra-duty employment by any police officer shall not be applied toward the pension benefits of the police officer so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime payable by the Township.
- F. Assumption of liability. The hiring entity shall assume any and all liability arising out of extra-duty police work, whether such liability is direct or vicarious, including, but not limited to, liability arising from ~~travel to and from a job location and any and all~~ services rendered during a shift or in connection with the engagement.
- G. Liability insurance.
 - (1) Any person or entity that shall employ off-duty police officers pursuant to this section shall be responsible for maintaining his, hers or its own insurance coverage. Said insurance coverage shall include but not be limited to general liability and automobile liability and shall name the Township of Ewing as an additional insured by endorsement on the policy. In addition, such policy shall provide for a minimum coverage of \$1,000,000 for any one claim or \$2,000,000 for any aggregate claims. Proof of said insurance coverage shall be provided to the Township of Ewing, as provided hereafter, prior to the assignment of any off-duty police officers to said person or entity. The person or entity shall provide for the aforementioned insurance for any and all officers, vehicles and/or equipment that is utilized in the off-duty assignment.
 - (2) Workers' compensation insurance. Prior to the commencement of any extra-duty employment, the hiring entity shall deliver to the Township a certificate of workers' compensation; such policy shall provide for a minimum coverage of \$1,000,000 for any one claim and shall otherwise be reasonably satisfactory to the Township as to amounts of coverage, types of coverage, deductibles and insurers. The hiring entity must include the Township as an additional insured under its workers' compensation policy through endorsement.
 - (3) All policies of insurance evidenced by any certificate filed hereunder shall be maintained by the employer in full force and effect at all times while any police officer is employed by such employer. Upon a change or renewal of any such policy of insurance, the employer shall forthwith file with the Township Clerk a new and current certificate of insurance in compliance with the foregoing provisions.
 - (4) No certificate of insurance required by this subsection shall be deemed filed with the Township Clerk unless it has first been reviewed and approved by the Township Risk Manager.

- H. Employment status. While performing extra-duty employment, police officers shall be considered to be performing services for the hiring entity.
- I. Indemnification. The hiring entity shall save and hold harmless the Township, and its officers, officials, agents, servants, administrators, elected officials and employees, from and against any and all liability arising out of the performance of extra-duty police work, whether such liability is direct or vicarious. This requirement shall be construed as broadly in favor of indemnification as permitted by New Jersey law.
- J. Public Entity Exception. The Township may negotiate individual agreements with State or other public entities to provide flexibility with respect to statutory, policy or other requirements, but incorporating, to the extent possible, the terms outlined herein.

Section 2 Chapter 168, EMPLOYMENT OF POLICE OFFICERS BY OUTSIDE ENTITIES, Section 3, RATE OF COMPENSATION, is hereby amended as follows:

§ 168-3 Rates of compensation.

The rate of hourly compensation, the administrative fee and the vehicle usage charge shall be established annually by the Township Administration in consultation with the Director of Public Safety and Chief of Police. The rate of compensation shall be not less than \$85 per hour in taxable wage per officer, \$5 per hour per job for administrative costs, and \$15 per hour per vehicle for vehicle usage.

~~A. Security job hourly rates. Officer's taxable wage: \$45 85 per hour per officer.~~

~~B. Administrative cost: \$5 per hour per job.~~

~~C. Police vehicle usage: \$15 per hour per vehicle.~~

~~(1) — Officer's taxable wage: \$45 per hour per officer.~~

~~(2) — Administrative cost: \$5 per hour per job.~~

~~(3) — Police vehicle usage: \$15 per hour per vehicle.~~

~~(4) — Road job hourly rates.~~

~~(5) — Officer's taxable wage: \$75 per hour per officer.~~

~~(6) — Administrative cost: \$5 per hour per job.~~

~~(7) — Police vehicle usage: \$15 per hour per vehicle.~~

~~(8) — Short notice hourly rates.~~

~~(9) — Officer's taxable wage: \$85 per hour per officer.~~

~~(10) — Administrative cost: \$5 per hour per job.~~

~~(11) — Police vehicle usage: \$15 per hour per vehicle.~~

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.

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 23-22

1st Reading 9-12-23 _____ Date to Mayor _____
 2nd Reading & Public Hearing _____ Date Returned _____
 Date Adopted: _____ Date Resubmitted to Council _____
 _____ Approved as to Form of Legality
 Effective Date: _____ Township Attorney _____

AN ORDINANCE AMENDING CHAPTER 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, CHAPTER 14-61, DESIGNATION OF HISTORIC LANDMARKS

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter	X				X	
Keyes-Maloney			X			
Schroth	X					
Steward	X					X
Wollert	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter						
Keyes-Maloney						
Schroth						
Steward						
Wollert						

By _____ Date _____ Accepted _____ Rejected _____
 Mayor

Reconsidered
 By Council _____ Override Vote YEA _____ NAY _____

 President of the Council

 Municipal Clerk

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 23-22

AN ORDINANCE AMENDING CHAPTER 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, CHAPTER 14-61, DESIGNATION OF HISTORIC LANDMARKS

WHEREAS, the Township of Ewing (the "Township") previously adopted Ordinance No. 98-13, which established Chapter 14, Article VI, Historic Preservation Commission; and

WHEREAS, pursuant to §14-56, and in accordance with N.J.S.A. 40:55D-107, *et seq.*, the Township created the Ewing Township Historic Preservation Commission (the "Commission"); and

WHEREAS, the Township has determined that several amendments to the ordinance are necessary to conform with state requirements and updates to master plan documents, better stabilize Commission membership, and clarify the requirements for historic property maintenance; and

WHEREAS, for that reason, the Township has determined to amend Chapter 14, Boards, Commissions and Committees, Article VI, Historic Preservation Commission, Chapter 14-61, Designation of Historic Landmarks.

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 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, is hereby added as follows:

§ 14-61 Designation of historic landmarks.

A. The Commission shall recommend to the Planning Board guidelines for review to be utilized in determinations of historic landmark status and for review of development applications or permits affecting historic landmarks or improvements within historic districts. The Planning Board may recommend modifications of the guidelines and shall make the final decision as to their adoption.

B. The Commission shall consider for historic designation buildings, structures, objects, sites and districts within the Township which merit landmark designation and protection by reason of possessing integrity of location, design, setting, materials, workmanship or association, based on its review or upon the recommendation of other Township bodies or of concerned citizens. The Commission shall make a list of landmarks recommended for designation. For each landmark, there shall be a brief description of the landmark, of the landmark's significance pursuant to the criteria set forth above, a description of the landmark's location and boundaries and a map. The Commission shall, by certified mail:

- (1) Notify each owner that his property is being considered for historic landmark designation and the reasons therefor.
- (2) Advise each owner of the significance and consequences of such designation, and advise him of his opportunities and rights to challenge or contest such designation.
- (3) Notify each owner of the date, time and location of the public meeting to be held.

C. The list of potential landmarks, as well as the description, significance, location, boundaries and map of each, shall be subject to review at a Commission public hearing. At least 10 days before such a hearing, a preliminary list and a map showing proposed landmarks shall be published, together with notice of the hearing, in an official newspaper of the municipality. At

the hearing, interested persons shall be entitled to present their opinions, suggestions and objections on the proposed recommendations for landmark designation. The Commission shall then vote on its recommendation to the Planning Board for resources to be designated as local landmarks.

D. The Commission shall prepare a concise report of its recommendations for sites to be designated as local landmarks. Copies of the report shall be delivered to the Planning Board and the Municipal Clerk and a notice of action published by the Commission Secretary in an official newspaper. The published notice shall state the Commission's recommendations and also that final designation shall be made by the Planning Board at a public meeting specified on a date not less than 15 nor more than 45 days from the date of publication.

E. Final determination that landmark status exists shall be made by the Planning Board and incorporated into the Master Plan. Such a final determination by the Planning Board shall create landmark status. A certificate of designation shall be issued by the Planning Board. Within seven days of the creation of landmark status, the Planning Board shall, by certified mail, notify the owner of the property involved of the determination and advise him of his rights with respect to an appeal of said determination to Superior Court.

F. After Planning Board review and approval, the Commission shall submit the list of designated landmarks and a map to the Municipal Clerk. The Township Council shall then consider the designation list and map and may approve, reject or modify the same by ordinance. Once adopted, the designation list and map may be amended in the same manner in which it was adopted. Upon adoption, the designation list and map shall be incorporated by reference into the Municipal Master Plan and Zoning Ordinance.

G. Copies of the designation list and official map, as adopted, shall be made public and distributed to all municipal agencies reviewing development applications and building permits. A certificate of designation shall be served by certified and regular mail upon each owner included in the list, and a true copy thereof shall be filed with the County Clerk for recording in the same manner as a certificate of a lien upon real property.

H. The following properties, reviewed and approved by the Historic Preservation Commission and the Planning Board, as more particularly described in proceedings before said bodies, be and the same are hereby approved and designated historic landmarks:

- (1) William Green House, on the grounds of The College of New Jersey (formerly Trenton State College), (circa 1730), Section 215, Lot 42.
- (2) ~~Trenton~~ Bath House and Day Camp of the Ewing Senior and Community Center (Trenton Bath House), on the grounds of the Jewish Ewing Senior and Community Center, 999 Lower Ferry Road, (circa 1930), Section 345, Lot 140.
- (3) West Trenton Railroad Train Station, Railroad Avenue, 400 Sullivan Way (circa 1930), Section 392, Lot 1.
- (4) Fish-Howell House, 481 Grand Avenue, (circa 1830), Section 411, Lot 1.
- (5) Temple Ryan Farmhouse, (Benjamin Temple House), 27 Federal City Road, (circa 1750), Section 223, Lot WP.
- (6) Anthony Cook Farm House, 1189 Parkside Avenue, (circa 1750), Section 293, Lot 18.
- (7) David Howell House, 2 Peck Avenue, (circa 1730 and 1790), Section 506, Lot 43.
- (8) Green Reading Knight and (Knight and Green Farm) Houses, on the grounds of the State of New Jersey, 107 Upper Ferry Rd. and Wilburtha Road, (circa 1795), Section 411, Lot 11.
- (9) ~~The last remaining quarry workman's house, a two-story frame building, circa 1840, currently on the southwest quadrant of Mansion Hill Estates, Ewing Township, New Jersey.~~ Woodruff House, 146 Summit Ave. (circa 1897), Section 382, Lot 11.01.

- (10) The Nathaniel Lanning House, 2051 Pennington Road, (circa 1812), Block 229H, Lot 5.
- (11) The Spafford-Bergen House, 2061 Pennington Road, (circa 1890), Block 229H, Lot 6.
- (12) The Tindall-Lanning House, 2071 Pennington Road, (circa 1790), Block 229H, Lot 8.
- (13) The original Log Cabin Barracks at the headquarters of the New Jersey State Police, (circa 1930), Block 423 Lot 17.
- (14) Wilmot House, 9 Wilburtha Road, (circa [1800], Block 419, Lot 19.
- (15) Ewingville School, 440 Ewingville Road, (circa 1858/[built] 1896), Block 214, Lot 13.
- (16) St. Michaels Cemetery, on the grounds of Trenton Psychiatric Hospital, established 1703, (circa 1702), Block 414, Lot 2.
- (17) (S.T.)Atchley Farmouse, 24 Rockleigh Dr. (circa 1802), Block 541, Lot 14.
- (18) Scudder-Reeder House, 295 W. Upper Ferry Rd. (circa 1780/1850), Block 422, Lot 2.
- (19) Sherratt House, 16 Wilburtha Rd. (circa 1926), Block 420 Lot 16.
- (20) Hills-Hollow, 26 Wilburtha Rd. (circa 1765), Block 420.01 Lot 23.
- (21) Cornell-Brophy Spring House, 2260 Pennington Rd. (circa 1750), Block 223.10 Lot 135
- (22) Paxson House, 453 Grand Ave. (circa 1892), Block 411 Lot 6.

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.