

September 12, 2023 – AGENDA SESSION

President Wollert called the meeting to order at 6:36 p.m. and read the Open Public Meeting Statement:

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian all on the 3rd of January 2023, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room. 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 – Excused | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present | |
| ▪ President Wollert – Present | |

The Clerk stated for the record that Ms. Keyes-Maloney has an excused absence this evening.

PRESENTATION – Quarterly Report – Police Chief Albert Rhodes

Chief Rhodes explained that he provided two reports to Council. As he has not been before Council for some time, the first report is Year-to-Date as of September 1, 2023. The second document consists of Federal Reporting System crime numbers.

The Department now has eighty-three officers - seventy-eight plus five in the Academy - and is now back to where it was three or four years ago; with plans to fill future retirement vacancies. Hiring has been going okay and added that he appreciates everyone’s assistance with that. Calls-for-Service are up slightly – 2,000 – from last year to this year. Arrests are about the same at 529. Summonses are up quite a bit due to an increase in motor vehicle enforcement. Nationally, since COVID, it has been noted that motor vehicle fatalities have gone up. It has been proven that motor vehicle enforcement lowers fatalities. The Department received some grants for this which is why there are about 1,000 more motor vehicle stops than the previous year.

The Department has been involved in several things throughout the year. They did Rapid Response Training with the Mercer County Rapid Response Partnership. One training was held at Fisher. Some of the traffic initiatives involved targeted enforcement. The areas were chosen based on citizen complaints, motor vehicle accident statistics, and feedback from the deployed radar signs. A lot of that was done with grant money. Retail theft continues to be an issue. They did some undercover operations targeting the Olden Avenue Corridor. It has been successful. Retail theft is still occurring but not at the rate of two or three months ago. The Department is up and running with the state-wide Ride Together Program which partners law enforcement with mental health professionals to respond to calls. It has been going well; there is improvement in their return calls for service when it comes to mental health related calls.

Dispatch is operating with nine dispatchers and one supervisor. One is in training, and they are attempting to hire three more positions. The Records Bureau is currently fully staffed. One staff member is out on leave but will be returning soon. As part of the decriminalization of marijuana, they were directed to expunge almost 300 marijuana arrests. That has been completed. The Community Relations Unit participated in National Night Out, conducted the 22nd Youth Academy, attended an Overdose Awareness event in Hamilton, and participated in Campus Police Safety Night. Community Fest will be on September 30th with plans to hold a Bike Rodeo.

The K9 Unit has two teams with one new dog named Nitro who graduated from explosives training and will be going through the Academy for obedience and tracking missing people. Upcoming for this Quarter - Back to School, five recruits started Monday at the Academy, and the officers are completing their mandatory training which includes firearms, Use of Force, and Vehicle Pursuits.

President Wollert said that on the marijuana expungements, you did about 200...

Chief Rhodes said that those were just the automatic expungements sent to them by the County Prosecutor – 286. There are additional expungements – people come in every day to apply on their own.

Council had no additional questions for Chief Rhodes.

DISCUSSION

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

The Attorney explained that the Township has an Ordinance governing Extra Duty work by police officers. The Attorney General provides that police officers are not allowed to hire themselves out; any extra duty work must go through the Township. The Ordinance provides for how that program is administered. The existing Ordinance provides for a staggered level of pay depending on the type of work involved or whether it is a short-notice job. This amendment will unify that rate – a flat fee of \$85 per hour. The existing rate for the use of police vehicles and the Township’s administrative fee remains unchanged...the administrative fee is now \$5, it was \$2.

There are also a few tweaks to the Ordinance: one, regarding short notice work (inside of five days), people are noticed that it may not be accommodated if they do not provide adequate lead time to the Township and two, the language in Section B, about insurance, was tightened. In addition, the Ordinance provides that the Third Party is the employer for the Police Officer in terms of this extra duty work. This is important for workers’ compensation. Lastly, Provision J gives the Township the flexibility to consider the constraints public entities may face if they wish to hire police officers for extra duty.

Councilwoman Steward pointed out a di minimis addition of a word in Section G. The change was made.

There were no additional questions or comments from Council.

This Item was Approved for Action.

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

President Wollert said that this has been in the works for some time to clarify the names and addresses of several properties in the Township that need to be corrected in the Master Plan and in the Historic Commission’s documents.

Councilwoman Steward thanked the Historic Commission for their work on getting the record straightened out. A lot of work went into it.

There were no additional questions or comments from Council.

This Item was Approved for Action.

3. A RESOLUTION ENDORSING THE SECOND AMENDED 2018 HOUSING ELEMENT AND FAIR SHARE HOUSING PLAN

The Council President stated that this updates the Township’s Housing Element & Fair Share Plan to make sure the Township is fulfilling its COAH obligation

under the Mount Laurel decision. It updates some of the anticipated properties in the program.

The Attorney added that this is really a swap out - taking out some projects and replacing them with others that are moving forward. Each time the Plan is changed, the Settlement Agreement needs to be updated.

There were no questions or comments from Council.

This Item was Approved for Action.

4. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING (“TOWNSHIP”) TO ENTER A NEW COLLECTIVE NEGOTIATIONS AGREEMENT AS MODIFIED BY THE ATTACHED AGREEMENT WITH THE PBA Local 111 (“PBA”) BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2028

David Truelove (Labor Counsel) first said that they do not have the signed MOU yet, not because there is any hesitation, but just a miscommunication, for Item Five (IBEW) and asked that it be deferred to the next meeting when they will also have the CWA.

Mr. Truelove then discussed the provisions of the PBA contract. Sick Leave has been changed to fifteen from twelve to comply with State Law. The Union expressed concerns about recruitment and retention so the Mayor proposed a substantial increase in the starting salary to get people in the door. The beginning salary for those at the Academy will be \$48,500 and once through training, it will increase to \$50,000. All other steps will see an automatic \$4,000 increase and then during the five-year contract, starting January 1, 2025, an increase of 3.5%, 3.5%, 3.5%, and 3.0%. The 27th pay issue was addressed.

The provision that officers, once assigned to the CIB, CRU, and/or other Professional Standards Bureaus, continue to receive the stipend even after vacating that position, has been removed. Officers who currently receive the stipend as per the date of ratification of this contract will continue to receive the stipend. However, if an officer is assigned to one of these bureaus after ratification, the stipend will only be received while serving in one of those bureaus.

As with the other collective bargaining units, as an incentive, there is a half-percent salary increase if they ratify by September 1st. Juneteenth has been added as a Holiday which is consistent with State Law and with the other units. The Medical Insurance provision is uniform with the other units.

New licensing requirements start January 1st. There may be a fee, but the amount is not yet known. The Union requests that that be discussed if there is one. Maternity Leave was made consistent with provisions in the FLMA and the FLA.

President Wollert asked what is the percentage if the contract is signed by September 1st?

Mr. Truelove replied – half percent, same as with the other units.

Councilwoman Steward asked if the MOU was signed prior to September 1st.

Mr. Truelove replied – no, sometime that week. They were very motivated; it was a question of getting their membership together.

Mayor Steinmann said that they are all getting it. Even the CWA had agreed in principle prior to September 1st. They had been told that if it is done by September 18th, it will be retroactive to September 1st.

Councilwoman Steward said that she is on board with doing the incentive but just wants to make sure that the language in the contract allows for that flexibility.

A discussion followed.

Councilwoman Steward asked that the record reflect that it is the intention of Council to allow for it as an agreement in principle was reached before the First.

Councilman Schroth pointed out a minor typo in the Juneteenth section in the Resolution. It was fixed.

There were no additional questions or comments from Council.

This Item was Approved for Action.

President Wollert stated that Council will hold off on the IBEW as per Labor Counsel's recommendation.

5. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING ("TOWNSHIP") TO ENTER A NEW COLLECTIVE NEGOTIATIONS AGREEMENT AS MODIFIED BY THE ATTACHED AGREEMENT WITH THE IBEW Local 102 ("IBEW") BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2028
6. A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN EWING TOWNSHIP AND THE MERCER COUNTY IMPROVEMENT AUTHORITY FOR CURBSIDE COLLECTION OF RECYCLABLES FOR THE TERM OF FIVE YEARS (5) COMMENCING ON JANUARY 1, 2024 THROUGH DECEMBER 31, 2028

The Attorney said that the only alternative is for the Township to do it itself. MCIA put out the bid. The industry is consolidated. There is an increase.

There were no questions or comments from Council.

This Item was Approved for Action.

7. A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF EWING AND THE COUNTY OF MERCER FOR MUNICIPAL ALLIANCE COORDINATION

The Council President said that this is an ongoing program. The Township will be awarded \$13,111 for the budget year 2023-2024.

There were no questions or comments from Council.

This Item was Approved for Action.

8. A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF NEW JERSEY THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR AN *IT PAYS TO PLUG IN: NJ'S ELECTRIC VEHICLE CHARGING GRANT* (Grant Amount: \$32,000)

Council President Wollert said that this grant will be used to move forward with rechargeable vehicles in the Township.

There were no questions or comments from Council.

This Item was Approved for Action.

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

President Wollert said that these are police vehicles.

There were no questions or comments from Council.

This Item was Approved for Action.

10. A RESOLUTION APPOINTING SUSAN E. BATE TO A TWO-YEAR TERM AS DEPUTY MUNICIPAL CLERK

President Wollert said that she has served as Deputy Municipal Clerk for several years now – it is a formality reappointing her to the position for another two years.

There were no questions or comments from Council.

This Item was Approved for Action.

11. A RESOLUTION APPOINTING EDDIE M. ROBERTS, JR. TO THE ZONING BOARD OF ADJUSTMENT

The Council President acknowledged Mr. Roberts and then thanked him for volunteering to do this important work for the Town.

There were no questions or comments from Council.

This Item was Approved for Action.

12. A RESOLUTION AUTHORIZING ST. JOHN'S BAPTIST CHURCH TO HOLD A ROAD CLOSING (AUTO SHOW) ON SEPTEMBER 23, 2023

President Wollert stated that St. John's has held this car show several times over the years. The Council President said that she is looking forward to approving this and attending this event again.

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 \$1,208,800.66 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$1,118,572.18

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 July 11, 2023, July 25, 2023, August 8, 2023; Approval of Regular Session Minutes for July 11, 2023, July 25, 2023, August 8, 2023; Closed Session Minutes
2. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official 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.
3. A Resolution Authorizing a Refund, as Recommended by the Municipal Clerk, for a Bingo/Raffle License 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.

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 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
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 said both these Ordinances were Introduced and came to Council by way of the Construction Office. Both deal with realty titling.

There were no questions or comments from Council on either Ordinance.

Both Ordinances were Approved for Action.

COUNCIL COMMENTS

There were no Comments from Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Ron Prykanowski (16 Thurston Avenue) suggested that Council consider live streaming now that the Zoom era is over because there are residents who are unable to come to meetings. The benefit to Council is that there is no interference as there is with a Zoom meeting.

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

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk

September 12, 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 3rd of January 2023, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room. 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 – Excused | Maeve Cannon, Attorney |
| ▪ Mr. Schroth – Present | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Steward – Present | |
| ▪ President Wollert – Present | |

The Clerk stated for the record that Ms. Keyes-Maloney is absent this evening.

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

There were no statements and comments from the Public.

BILLS LIST

1. The Clerk read (**Resolution #23R-155**) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,208,800.66 and to Pay Supplemental Bills per Resolution #23R-12 in the Amount of \$1,118,572.18

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

ROLL CALL

- | | |
|-------------------|-----|
| Mr. Baxter | YES |
| Mr. Schroth | YES |
| Ms. 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-156/)

1. Approval of Agenda Session Minutes for July 11, 2023, July 25, 2023, August 8, 2023; Approval of Regular Session Minutes for July 11, 2023, July 25, 2023, August 8, 2023; Closed Session Minutes
2. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official 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.
3. A Resolution Authorizing a Refund, as Recommended by the Municipal Clerk, for a Bingo/Raffle License 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.

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

ROLL CALL

Mr. Schroth	YES
Mr. Baxter	YES
Ms. 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 2023 Resolution Book Number Two.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #23-21) AN ORDINANCE AMENDING CHAPTER 168, EMPLOYMENT OF POLICE OFFICERS BY OUTSIDE ENTITIES, SECTIONS 2 AND 3, OR THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO UNIFY THE RATES OF COMPENSATION.

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

ROLL CALL

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

2. The Clerk read (Ordinance #23-22) AN ORDINANCE AMENDING CHAPTER 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, CHAPTER 14-61, DESIGNATION OF HISTORIC LANDMARKS

President Wollert commented that this has been a long-time coming.

Vice President Baxter moved the Ordinance, 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
Mr. Baxter	YES
Mr. Schroth	YES
President Wollert	YES

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

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

WHEREAS, pursuant to N.J.S.A. 52:27D-133 “no building or structure ... shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the enforcing agency”; and

WHEREAS, per N.J.S.A. 40:41A-28 the Township of Ewing (“Township”) has “the right and power to legislate for the general health, safety and welfare of their residents”; and

WHEREAS, certificates of occupancy or property transfer certificates are necessary to ensure that buildings and structures are safe to be occupied; and

WHEREAS, the Mayor and the Council of the Township have determined that certain amendments to Chapter 114, Building Construction, Section 3, Code inspection prior to sale, lease or other transfer of realty, are necessary to promote and support the welfare of the residents of the Township; and

WHEREAS, in all other respects Chapter 114, Building Construction, Section 3, Code inspection prior to sale, lease or other transfer of realty, 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 114, BUILDING CONSTRUCTION, Section 3 CODE INSPECTION PRIOR TO SALE, LEASE OR OTHER TRANSFER OF REALTY, is hereby amended as follows:

§ 114-3 Code inspection prior to sale, lease or other transfer of realty.

Residential (single family). Prior to any sale, rental or other transfer of any single-family residential real estate or part thereof to another, the owner shall apply for and obtain a ~~certificate of occupancy~~ property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee. Should the owner fail to obtain a property transfer certificate prior to any sale, rental or other transfer of any single-family residential real estate or part thereof to another, the buyer/new owner shall apply for and obtain a property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee.

Residential (rental). Prior to any sale, rental or other transfer of any rented single-family residential real estate or part thereof to another, the owner shall apply for and obtain a ~~certificate of occupancy~~ property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee. Should the owner fail to obtain a property transfer certificate prior to any sale, rental or other transfer of any rented single-family residential real estate or part thereof to another, the buyer/new owner shall apply for and obtain a property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee.

Residential (less than three units). Prior to any sale, rental or other transfer of any residential real estate containing less than three units or part thereof to another, the owner shall apply for and obtain a ~~certificate of occupancy~~ property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee. Should the owner fail to obtain a property transfer certificate prior to any sale, rental or other transfer of any residential real estate containing less than three units or part thereof to another, the buyer/new owner shall apply for

and obtain a property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee.

Nonresidential. Prior to any sale, rental or other transfer of any nonresidential real estate or part thereof to another, the owner shall apply for and obtain a ~~certificate of occupancy~~ property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee. Should the owner fail to obtain a property transfer certificate prior to any sale, rental or other transfer of any nonresidential real estate or part thereof to another, the buyer/new owner shall apply for and obtain a property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee.

Penalties: Should an owner or a buyer/new owner fail to comply with this Section, either party may be issued a violation as provided for under New Jersey and in this Code, including but not limited to Chapter 1, Article III, General Penalty.

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 upon final adoption and publication in accordance with law.

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

ROLL CALL

Mr. Baxter	YES
Mr. Schroth	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**

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

WHEREAS, per N.J.S.A. 40:41A-28 municipalities have “the right and power to legislate for the general health, safety and welfare of their residents”; and

WHEREAS, rental property registration is necessary to expediate and facilitate communication between property owners/landlords, tenants/property occupiers, and the Township; and

WHEREAS, rental property registration will allow the Township to expeditiously address property issues such as blight or unsafe conditions; 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 284, RENTAL PROPERTY, Section 1, REGISTRATION OF RENTAL UNITS, Section 2, CERTIFICATE OF REGISTRATION, is hereby amended to read as follows:

§ 284-1 Registration of residential rental units.

A. Applicability: This section shall apply to all buildings or projects in which there is space for living or dwelling purposes which is, or may be, occupied by a person or persons other than the property owner under either a written or oral lease. This section shall apply to all buildings or projects with a space for living or dwelling purposes regardless of whether money is paid by the occupier/tenant for the purposes of occupying or dwelling in the building or project.

Any non-owner-occupied property is required to be registered as a rental property regardless of whether cash is exchanged for the occupation.

B. The term "~~landlord~~" "owner" shall mean the person or persons who own or purport to own, ~~or exercise control of~~ any building or project in which there is rented or offered for rent housing space for living or dwelling purposes under either a written or oral lease, provided that this definition shall not include owner-occupied two-unit premises.

C. The term "rental unit" shall mean any building or project with a space for living or dwelling purposes which is occupied by a person or persons other than the property owner or owners.

D. No person shall hereafter occupy any rental unit, nor shall the landlord or owner permit occupancy of any rental unit within the Township, which is not registered, if required, in accordance with this article.

E. Each rental unit shall be inspected upon each change in tenancy or occupancy. No tenant shall occupy a rental unit where a ~~certificate of occupancy~~ Property Transfer Certificate has not been issued by the Construction Official.

§ 284-2 Certificate of registration.

A. Registration. Every landlord ~~or owner~~ of a non-owner-occupied one-dwelling-unit rental or a two-dwelling-unit ~~non-owner-occupied~~ premises shall hereafter ~~be registered with the Municipal Clerk, or~~ Construction Office as if so designated by the Municipal Clerk, on forms which shall be provided by the ~~Municipal Clerk's office, or~~ Construction Office ~~if so designated by the Municipal Clerk,~~ containing the requirements of N.J.S.A. 46:8-28. Thereafter, the landlord/~~owner~~ registration form shall be renewed by January 31 of each year. All landlord/~~owner~~ registration forms received after January 31 of each year shall be considered late and are subject to penalties pursuant to § 284-4 of this article. Every landlord shall also deliver a copy of the rental license and ~~certificate of occupancy~~ property transfer certificate simultaneously to the tenant(s) upon submission of the landlord registration form to the ~~Municipal Clerk's office, or~~ Construction Office ~~if so designated by the Municipal Clerk.~~

B. Amendments; filing. Every person required to file a registration form pursuant to this section shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.

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

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

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

Adopted:

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

ROLL CALL

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

NEW BUSINESS

1. The Clerk read (**Resolution #23R-157**) A RESOLUTION ENDORSING THE SECOND AMENDED 2018 HOUSING ELEMENT AND FAIR SHARE HOUSING PLAN

Council President Wollert said that this will update the Township's COAH plan.

Mr. Schroth 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
Mr. Schroth	YES
Ms. Steward	*ABSTAIN
President Wollert	YES

*Councilwoman Steward stated that although she is deeply supportive of affordable housing and the Town's obligations as a community, and although she does not believe it would prevent her from voting on this, she is abstaining to avoid the appearance of a conflict of interest as her employer is one of these organizations.

2. The Clerk read (**Resolution #23R-158**) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING ("TOWNSHIP") TO ENTER A NEW COLLECTIVE NEGOTIATIONS AGREEMENT AS MODIFIED BY THE ATTACHED AGREEMENT WITH THE PBA Local 111 ("PBA") BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2028

Council President Wollert said that the Township's Labor Attorney informed Council as to what is in this agreement.

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

ROLL CALL

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

3. The Clerk read (**Resolution #23R-159**) A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN EWING TOWNSHIP AND THE MERCER COUNTY IMPROVEMENT AUTHORITY FOR CURBSIDE COLLECTION OF RECYCLABLES FOR THE TERM OF FIVE YEARS (5) COMMENCING ON JANUARY 1, 2024 THROUGH DECEMBER 31, 2028

Council President Wollert said that this will allow the Township to continue the service with Mercer County that has been in place for a good number of years.

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

ROLL CALL

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

4. The Clerk read (**Resolution #23R-160**) A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF EWING AND THE COUNTY OF MERCER FOR MUNICIPAL ALLIANCE COORDINATION

Council President Wollert said that this is a continuing relationship that will be extended.

Mr. Schroth 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
Mr. Schroth	YES
Ms. Steward	YES
President Wollert	YES

5. The Clerk read (**Resolution #23R-161**) A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF NEW JERSEY THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR AN *IT PAYS TO PLUG IN: NJ'S ELECTRIC VEHICLE CHARGING GRANT* (Grant Amount: \$32,000)

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

ROLL CALL

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

6. The Clerk read (**Resolution #23R-162**) A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

President Wollert said that this is the disposal of police cars.

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

ROLL CALL

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

7. The Clerk read (Resolution #23R-163) A RESOLUTION APPOINTING SUSAN E. BATE TO A TWO-YEAR TERM AS DEPUTY MUNICIPAL CLERK

President Wollert said that this is continuing the long-time relationship with the Deputy Clerk. She is doing a fine job.

Councilman Schroth said that the Deputy Clerk has been an absolute pleasure to work with; very diligent, and an asset to the Town.

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

ROLL CALL

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

8. The Clerk read (Resolution #23R-164) A RESOLUTION APPOINTING EDDIE M. ROBERTS, JR. TO THE ZONING BOARD OF ADJUSTMENT

Council President Wollert said that Mr. Roberts is very qualified to take on this roll and she is happy that he has done so.

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

ROLL CALL

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

9. The Clerk read (Resolution #23R-165) A RESOLUTION AUTHORIZING ST. JOHN'S BAPTIST CHURCH TO HOLD A ROAD CLOSING (AUTO SHOW) ON SEPTEMBER 23, 2023

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

ROLL CALL

Mr. Schroth	YES
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)

Councilman Schroth said that he wanted to recognize Linda Brown who is with the Historical Commission and then thanked her and the Commission for their many months of hard work.

President Wollert said that Council agrees with Councilman Schroth's remarks and thanked Ms. Brown for her perseverance in getting to the bottom of all of this.

(applause)

ADJOURNMENT

There being no further business President Wollert called for a motion to adjourn. Mr. Schroth so moved seconded by Vice President Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 7:42 p.m.

Kathleen Wollert, President

Kim J. Macellaro, Municipal Clerk

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



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

A RESOLUTION AUTHORIZING A REFUND, AS RECOMMENDED BY THE TOWNSHIP HEALTH OFFICER, FOR FEES

Resolution #23- WHEREAS, State Law authorizes the Health Officer to recommend refunding of monies collected upon determination of unnecessary payment; and

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

BE IT RESOLVED THAT, upon the thorough review and recommendation of the Township Health Officer, the Governing Body of The Township of Ewing does hereby resolve to authorize a refund in the amount of \$75.00 to E & M Catering L.L.C. / Veganish, 3 Tower Ct., Farmingdale, NJ 07727 for payment of a temporary mobile truck fee for an event at River Horse Brewing Co. which was cancelled.

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 10th day of October 2023.

SEAL

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

THE TOWNSHIP OF EWING
Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



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

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

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

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

BE IT RESOLVED, that upon the thorough review and recommendation of the Municipal Tax Collector, the Governing Body of the Township of Ewing does hereby resolve to authorize a CANCELLATION of LEVY for Tax Year 2023 for property owner McConnell, Charles J. UX, for Block: 229.07, Lot: 6 also known as 47 Bayberry Road. Parcel suffered a fire in 2022. Assessment reduced from \$255,000 to \$98,600 for 2023 and 2024.

IT IS SO RESOLVED

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regularly Scheduled Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 10th day of October 2023.

SEAL

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

THE TOWNSHIP OF EWING
Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



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

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

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

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

BE IT RESOLVED, that upon the thorough review and recommendation of the Municipal Tax Collector, the Governing Body of the Township of Ewing does hereby resolve to authorize a CANCELLATION of LEVY for Tax Year 2023 for property owner FINE-BE LLC, for Block: 140, Lot: 164 also known as 154 Woodland Ave. Original BLQ 140/164 was split into 140/164.01 & 140/164.02. Both new BLQ's were billed correctly for the tax year 2023. Original 140/164 was not removed off the TAX 2023 Field Book which resulted in a 2023 tax billing. BLQ 140/164 needs to be removed from the Field Book and levy canceled as the BLQ's were billed correctly for 2023.

IT IS SO RESOLVED

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regularly Scheduled Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 10th day of October 2023.

SEAL

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