

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

ORDINANCE NO. 24-

1st Reading _____ 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 EWING TOWNSHIP SALARY ORDINANCE NO 24-01 TO ADD THE POSITION OF DIRECTOR OF HUMAN RESOURCES AND ADMINISTRATION AND AMENDING CHAPTER 4, ADMINISTRATION OF GOVERNMENT, TO CREATE THE POSITION OF DIRECTOR OF HUMAN RESOURCES AND ADMINISTRATION AND RESTRUCTURING OF CERTAIN DEPARTMENTS

First Reading

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

Second Reading

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

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. 24-

AN ORDINANCE AMENDING EWING TOWNSHIP SALARY ORDINANCE NO. 24-01 TO ADD THE POSITION OF DIRECTOR OF HUMAN RESOURCES AND ADMINISTRATION AND AMENDING CHAPTER 4, ADMINISTRATION OF GOVERNMENT, TO CREATE THE POSITION OF DIRECTOR OF HUMAN RESOURCES AND ADMINISTRATION AND RESTRUCTURING OF CERTAIN DEPARTMENTS

WHEREAS, the Township of Ewing (“Township”) is authorized to establish employment positions within the Township and to establish the salary for such positions; and

WHEREAS, the Mayor and the Council of the Township have determined that certain amendments to that the Salary Ordinance establishing compensation of Officers and Employees of the Township of Ewing for the calendar year 1/1/2024 – 12/31/2024 is necessary to promote the general welfare of the Township; and

WHEREAS, the Mayor and the Council of the Township have determined that amending Chapter 4 “Administration of Government” to establish the position of “Director of Human Resources and Administration” and restructuring certain departments is necessary to promote the general welfare of the Township; and

WHEREAS, in all other respects the Salary Ordinance establishing compensation of Officers and Employees of the Township of Ewing for the calendar year 1/1/2024 – 12/31/2024 and Chapter 4 entitled “Administration of Government” 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. The following Salaries are hereby established for the compensation of Officers and Employees for the fiscal year 1/1/2024 – 12/31/2024:

<u>TITLE</u>	<u>Salary</u>
<u>DIRECTOR, HUMAN RESOURCES & ADMINISTRATION</u>	<u>\$130,000.00</u>

Section 2. In addition to the Salaries payable, all employees not covered by a collective bargaining agreement, except for elected officials, shall be subject to the terms and conditions of the collective bargaining agreement Local 102 of the International Brotherhood of Electrical Workers A.F.L. – C.I.O., including all future salary increases in accordance with the schedule set forth in such agreement, unless otherwise provided for in a separate contract with the employee. All other employees of the Township, who are members of a collective bargaining agreement, shall be paid in accordance with and are subject to the terms and conditions of their applicable collective bargaining agreement.

Section 3. The following employees are subject to an individual employment contract that has been adopted by the Ewing Township Council, which are incorporated herein by reference: Chief of Police, Deputy Chief of Police and Municipal Court Judge.

Section 4. Article IV Administrative Departments

§ 4-20 Departments enumerated.

The administrative branch of the Township government shall be comprised of the following ~~four~~ six departments:

A. Department of Administration, ~~Finance and Public Works.~~

B. Department of Finance.

- C. Department of Public Works.
- D. Department of Public Safety.
- E. Department of Community Services.
- F. Department of Economic Development.

Section 5. Article V Business Administrator ~~Department of Administration, Finance and Public Works~~

§4-22 ~~Director~~ **Establishment; Business Administrator.**

~~The Department of Administration, Finance and Public Works is headed by the Business Administrator and is composed of the divisions established and described in Article VI, Division of Administration, Article VII, Division of Finance, and Article VIII, Division of Public Works, of this chapter. The Business Administrator is a department director subject to the provisions of Article IV, Administrative Departments.~~

- A. Appointment of Business Administrator. The Mayor shall appoint the Business Administrator, who shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of the duties of the office. At the time of appointment, the Business Administrator need not be a resident of the Township or the state, but during the Administrator's tenure of office, the Administrator may reside outside the Township only with the approval of the Council.
- B. Full-time position; holding of other offices. The Business Administrator shall devote full time to the duties of the office, except that nothing herein shall prevent the Business Administrator from also holding any other appointive office of the Township and fulfilling the duties thereof, subject to any applicable provisions of general law.
- C. Powers and duties. As set forth in Subsection B, subject to the direction of the Mayor, the Business Administrator shall supervise the administration of each of the departments of the Township and shall:
 - (1) Assist the Mayor in the preparation of the Township budget and maintain a continuing review and analysis of budget operations, work programs and costs of municipal services. Prescribe and prepare uniform forms of budget requests for use by all departments and other spending agencies, together with appropriate instructions for such use. Review and analyze all budget requests for appropriations and make recommendations to the Mayor with respect thereto.
 - (2) Develop and enforce, in cooperation with other the department directors, standards and procedures for the most efficient management of the Township government, not inconsistent with the Charter and ordinances of the Township.
 - (3) Serve as chief personnel officer and develop and administer personnel systems and all matters pertaining to personnel, including enforcement of the personnel policies adopted by the Township Council. The Business Administrator shall have the power to investigate the organization and operations of any and all departments, to prescribe standards and rules of administrative practice and procedure and to consult with the heads of the departments under the Business Administrator's jurisdiction, provided that, with respect to the functions of the

Township Attorney and the Township Auditor, this authority shall extend only to matters of budgeting, personnel and purchasing.

- (4) Prescribe and require each department and other spending agency for which Township appropriations are made to maintain records and produce reports of their respective work load, expressed in appropriate work units, which the Business Administrator may prescribe or approve for each of the departments and other spending agencies.
- (5) Have the authority to prescribe and issue written rules and regulations for the efficient management of the Township government, not inconsistent with the general law, the Charter and the Township of Ewing Personnel Policy and Procedure Manual.¹¹
- (6) Administer a uniform centralized purchasing system in the Township in accordance with the requirements of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), the rules and regulations promulgated thereunder and all other applicable laws affecting the purchasing function. ~~In accordance with N.J.S.A. 40A:11-4 and N.J.S.A. 40A:11-9, the Business Administrator shall serve as contracting agent with the authority to make, negotiate and award contracts for goods and services, without Council approval, for amounts not to exceed the bid threshold set by N.J.S.A. 40A:11-3, as periodically adjusted by the Governor. Any such purchase shall be reported, in writing, to the Council at the meeting next following the award of the contract.~~
- (7) Oversee the maintenance of Township buildings.
- (8) Perform such other duties as may be prescribed by ordinance or resolution.

§ 4-23 **Term of Business Administrator.**

The Business Administrator shall serve at the pleasure of the Mayor. The Business Administrator shall serve during the term of office of the Mayor appointing him/her and until the appointment and qualification of his/her successor.

Section 6 Article VI ~~Division~~ Department of Administration.

§ 4-24 **Establishment; Director of Human Resources and Administration Business Administrator.**

~~The Department of Administration, Finance and Public Works is headed by the Business Administrator and is composed of the divisions established and described in Article VI, Division of Administration, Article VII, Division of Finance, and Article VIII, Division of Public Works, of this chapter. The Business Administrator is a department director subject to the provisions of Article IV, Administrative Departments.~~

- A. Director of Human Resources and Administration. In accordance with N.J.S.A. 40:69A-43, there is hereby established the position of Director of Human Resources and Administration. The Director of Human Resources and Administration shall oversee the Department of Administration. Appointment of Business Administrator. The Mayor shall appoint the Business Administrator, who shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of the duties of the office. At the time of appointment, the Business Administrator need not be a resident of the Township or the state, but during the

Administrator's tenure of office, the Administrator may reside outside the Township only with the approval of the Council.

- B. The Director of Human Resources and Administration shall be appointed by the Mayor with the advice and consent of the Council. Full-time position; holding of other offices. The Business Administrator shall devote full time to the duties of the office, except that nothing herein shall prevent the Business Administrator from also holding any other appointive office of the Township and fulfilling the duties thereof, subject to any applicable provisions of general law.
- C. The Director of Human Resources shall serve at the pleasure of the Mayor. The Director of Human Resources and Administration shall serve during the term of office of the Mayor appointing him/her and until the appointment and qualification of his/her successor.
- D. The Director of Human Resources and Administration shall report directly to the Business Administrator. Powers and duties. As set forth in Subsection B, subject to the direction of the Mayor, the Business Administrator shall supervise the administration of each of the departments of the Township and shall:
- E. The Director of Human Resources shall be responsible for the administration of all insurance, personnel and human resource functions within the Township, including but not limited to:
 - (1) Risk Management. Assist the Mayor in the preparation of the Township budget and maintain a continuing review and analysis of budget operations, work programs and costs of municipal services. Prescribe and prepare uniform forms of budget requests for use by all departments and other spending agencies, together with appropriate instructions for such use. Review and analyze all budget requests for appropriations and make recommendations to the Mayor with respect thereto.
 - (2) Civil Service Compliance. Develop and enforce, in cooperation with other directors, standards and procedures for the most efficient management of the Township government, not inconsistent with the Charter and ordinances of the Township.
 - (3) Coordination with the Township Joint Insurance Fund as to outstanding claims and pending legal complaints. Serve as chief personnel officer and develop and administer personnel systems and all matters pertaining to personnel, including enforcement of the personnel policies adopted by the Township Council. The Business Administrator shall have the power to investigate the organization and operations of any and all departments, to prescribe standards and rules of administrative practice and procedure and to consult with the heads of the departments under the Business Administrator's jurisdiction, provided that, with respect to the functions of the Township Attorney and the Township Auditor, this authority shall extend only to matters of budgeting, personnel and purchasing.
 - (4) Assembly and coordination of documents requested by the Joint Insurance Fund in connection with its review of tort claim notices and legal proceedings. Prescribe and require each department and other spending agency for which Township appropriations are made to maintain records and produce reports of their respective work load, expressed in appropriate work units, which the Business Administrator may prescribe or approve for each of the departments and other spending agencies.

- (5) Maintaining a current asset inventory for insurance purposes Have the authority to prescribe and issue written rules and regulations for the efficient management of the Township government, not inconsistent with the general law, the Charter and the Township of Ewing Personnel Policy and Procedure Manual.¹⁴
- (6) Ensuring all Township buildings are fully insured Administer a uniform centralized purchasing system in the Township in accordance with the requirements of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), the rules and regulations promulgated thereunder and all other applicable laws affecting the purchasing function. In accordance with N.J.S.A. 40A:11-4 and N.J.S.A. 40A:11-9, the Business Administrator shall serve as contracting agent with the authority to make, negotiate and award contracts for goods and services, without Council approval, for amounts not to exceed the bid threshold set by N.J.S.A. 40A:11-3, as periodically adjusted by the Governor. Any such purchase shall be reported, in writing, to the Council at the meeting next following the award of the contract.
- (7) Maintenance of Township personnel files Oversee the maintenance of Township buildings.
- (8) Participation in union negotiations Perform such other duties as may be prescribed by ordinance or resolution.
- (9) Administer hiring and termination of Township employees in cooperation with the Mayor, Administrator and appropriate Township Department.
- (10) Administer employee disciplinary matters.
- (11) Oversee workers compensation claims.
- (12) Liaise and coordinate with workers compensation counsel.
- (13) Coordinate with the Township Attorney for the regular updating of the Township of Ewing Personnel Policy and Procedure Manual.
- (14) Ensure compliance with employee certification requirements.
- (15) Ensure compliance with New Jersey First Act.
- (16) Oversee drug testing at hiring and disciplinary stages.
- (17) Oversee OSHA, PEOSHA and other mandated regulatory compliance.
- (18) Coordinate and oversee mandated Township Right to Know filings.
- (19) Ensure Affirmative Action compliance in accordance with all federal and state labor laws.
- (20) Assist the Chief Financial Officer with administration of health benefits and pensions, as needed.
- (21) Develop and administer personnel systems and all matters pertaining to personnel, including enforcement of the personnel policies adopted by the Township Council.
- (22) Such other tasks as may be required to administer human resources functions within the Township.

Section 7 Article VII ~~Division~~ Department of Finance

§ 4-25 **Establishment.**

There shall be a ~~Division~~ Department of Finance ~~within the Department of Administration, Finance and Public Works,~~ the head of which shall be the Chief Financial Officer.

§ 4-26. **Chief Financial Officer; appointment.**

There is hereby created the position of Chief Financial Officer, who shall be the person who is a certified municipal finance officer pursuant to all the criteria and requirements of N.J.S.A. 40A:9-140.1 et seq., as amended from time to time, and who shall carry out the responsibilities set forth in N.J.S.A. 52:27BB-26 et seq. The Chief Financial Officer shall be appointed by the Mayor and shall be qualified as set forth in N.J.S.A. 40A:9-140.1.

§ 4-27. **Municipal Financial Officer.**

[Amended 2-22-2000 by Ord. No. 00-04]

The Mayor may appoint a Municipal Financial Officer qualified pursuant to N.J.S.A. 40A:9-140.1, who shall serve a term of one year and shall have all the power, authority and duty of the Chief Financial Officer in the absence of the Chief Financial Officer.

§ 4-28. **Powers and duties of Chief Financial Officer.**

The Chief Financial Officer shall:

- A. Receive funds entrusted to or under the control of any department and deposit all funds received in depositories authorized by the Township Council by resolution.
- B. Have custody of all investments and invested funds of the Township or in possession of the Township in a fiduciary capacity, except as otherwise provided by law, and keep such funds and all moneys of the Township not required for current operations, safely invested or deposited in interest-bearing accounts.
- C. Have the safekeeping of all bonds and notes of the Township and the receipt and delivery of Township bonds and notes for transfer, registration or exchange.
- D. Keep a full account of all cash receipts and disbursements of the Township and, at least once each month or more often if the Township Council requires, furnish the Township Council with a statement of all moneys received and expended by the Chief Financial Officer.
- E. Perform the duties of the Treasurer.

§ 4-29. **Disbursements.**

- A. Disbursements in payment of bills and demands shall be approved by the Township Council after preaudit and review and recommendation of the same by the Chief Financial Officer. All disbursements shall be made by a combination warrant-bank check or draft signed by the Chief Financial Officer and countersigned by the Mayor individually or by a signature plate.
- B. The Chief Financial Officer shall prepare for each regular meeting of the Township Council a list of all bills, claims and vouchers which have been presented through the close of business 24 hours preceding the meeting and since the last preceding list was compiled. Such list shall be prepared in sufficient copies for each member of the Township Council.
- C. Vouchers for payment shall be considered by the Township Council, which shall approve the same, except that the Council may reject any claim presented to it, stating the reason

for such rejection. Any disapproved claim shall be referred back to the Chief Financial Officer with such instructions as the Council may give at the time of disapproval.

§ 4-30. Tax Collector.

[Amended 1-25-2005 by Ord. No. 05-04]

- A. The Tax Collector, prior to appointment, shall be qualified by training and experience in the administration of municipal tax collections and tax accounting procedures and certified by the State of New Jersey. The Tax Collector shall be appointed by the Mayor and serve a term of four years from the first day of January next following the appointment or as otherwise provided by general law.
- B. The Tax Collector is authorized to process, without further action by the governing body, the cancellation of any property tax refund of less than \$10, or any property tax delinquency of less than \$10, as well as sewer refunds of less than \$10, together with interest per fiscal year.[1]

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 4-31. Tax Assessor.

- A. The Township Tax Assessor shall be appointed by the Mayor for a term of four years from the first day of July next following the Assessor's appointment. The Mayor may also appoint up to three Deputy Tax Assessors, who shall assist the Tax Assessor and who shall act under the supervision of the Tax Assessor.
- B. The Tax Assessor and Deputy Tax Assessors shall hold Tax Assessor certificates as provided in N.J.S.A. 54:1-35.25 et seq., as amended from time to time, and shall meet such other qualifications as may be imposed by the State of New Jersey from time to time. The Tax Assessor and Deputy Tax Assessors shall perform the tax assessment functions as set forth in N.J.S.A. 40A:9-146 et seq., and any rules and regulations promulgated thereunder.
- C. With respect to budget, accounting controls, central purchasing practices, personnel procedures and regulations, and central data processing services, the Tax Assessor shall be subject to the general administrative procedures of the Township in accordance with N.J.S.A. 40:69A-43.

§ 4-32. Tax Searcher.

There shall be an Official Tax Searcher appointed by the Mayor, who shall make, or cause to be made, and certify searches for tax, water and other liens on real property as may be authorized by law and charge and collect for the use of the Township the fee required pursuant to law for any such search.

§ 4-33. Payroll Clerk.

- A. The Payroll Clerk shall prepare all checks and vouchers for the payment of salaries, wages and expenses to all municipal officers and employees.
- B. There shall be an account, to be designated the "Township of Ewing Payroll Account," and from time to time, the Chief Financial Officer, upon receipt of a warrant or an amount due such payroll account, shall deposit the same to the credit of the payroll account, charging the appropriate budgetary accounts therewith. Disbursement from the payroll account may be made by payroll checks signed by the Chief Financial Officer alone, or someone authorized by the Township Council to act in his stead, upon preaudit

and warrant of the Chief Financial Officer and approval by the Township Council of the entire payroll.

§ 4-34. Municipal Auditor.

In accordance with N.J.S.A. 40A:5-4, a Municipal Auditor shall be appointed by the Mayor, with the advice and consent of the Council. The Auditor shall be appointed pursuant to a professional services resolution in accordance with the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.). The Auditor shall be a registered municipal accountant and shall perform the annual audit as required by law.

§ 4-34.1. Purchasing Agent.

[Added 8-11-2015 by Ord. No. 15-26]

- A. Pursuant to N.J.S.A. 40A:11-9, there is hereby created the position of Purchasing Agent for the Township of Ewing. The Purchasing Agent shall be appointed by the Mayor with the advice and consent of the Ewing Township Council. A purchasing agent appointed hereunder shall possess a valid qualified purchasing agent certificate, as issued by the New Jersey Division of Local Government Services, Department of Community Affairs. In accordance with N.J.S.A. 40A:11-9(g), if the person appointed hereunder no longer performs such duties, the Mayor may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a qualified purchasing agent certificate to serve as a temporary purchasing agent. Any person so appointed may, with the approval of the Director of the Division of Local Government Services, be reappointed as a temporary purchasing agent for a maximum of one additional year following the end of the first temporary appointment. No temporary purchasing agent may serve for more than two consecutive years.
- B. The Purchasing Agent shall have, on behalf of the Council of the Township of Ewing, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; to administer competitive contracting processes pursuant to N.J.S.A. 40A:11-4.1 et seq.; to award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies; and to conduct any activities as may be necessary or appropriate to the purchasing function of the Township of Ewing. Unless hereafter otherwise restricted by resolution of the governing body, the Purchasing Agent duly appointed hereunder may negotiate and award purchases up to \$40,000, or such other threshold amount as adjusted by the Governor pursuant to N.J.S.A. 40A:11-3(c), without public advertising for bids.

Section 8 Article VIII Division Department of Public Works

§ 4-35 Establishment.

- A. ~~Within the Department of Administration, Finance and Public Works, there is~~ established a ~~Division~~ Department of Public Works, which includes the following functions, each of which is headed by a superintendent or supervisor, except that the title of the engineer shall be "Township Engineer": Engineer, Roads, Recreation Maintenance and Sanitation.
- B. Director of Public Works. In accordance with N.J.S.A. 40:69A-43, there is hereby established the position of Director of Public Works. The Director of Public Works shall oversee the Department of Public Works. The Director of Public Works shall be

appointed by the Mayor with the advice and consent of the Council and shall serve at the pleasure of the Mayor. The Director of Public Works shall serve during the term of office of the Mayor appointing him/her and until the appointment and qualification of his/her successor. The Director of Public Works shall report directly to the Business Administrator.

- C. ~~B.~~ The Mayor, with the advice and consent of Council, shall appoint a Township Engineer. The compensation of the Township Engineer shall be on a fixed fee basis or at an hourly rate and based upon actual time and expenses agreed upon prior to the rendering of the services. The Township Engineer shall not be compensated by receiving a percentage of a contract for which he renders services. The position of Township Engineer need not be full-time and shall be appointed pursuant to a professional services resolution adopted in accordance with New Jersey Local Public Contracts Law.

§ 4-36. Duties of Township Engineer.

The Township Engineer (whether as an employee or as a paid consultant) shall supervise the engineering function and shall have the following duties:

- A. Cooperate with the Superintendent of Roads in coordinating and planning for the maintenance and expansion of the roads of the Township and report annually on their status.
- B. Prepare all plans and specifications for public works and improvements undertaken by the Township and certify satisfactory completion of work to authorize progress payment pursuant to appropriate contracts for work.
- C. Provide maps, plans, specifications, surveys and records with respect to public property, works and facilities owned and operated by the Township.
- D. Provide engineering services to the various departments, boards and agencies of the Township, as directed by the Business Administrator.
- E. Issue such certifications as may be necessary and approve all bills with respect to work performed under the Engineer's supervision.
- F. Prepare maps, plans and specifications and prepare or cause to be prepared surveys and maps, including the Tax Maps.
- G. Review preliminary and final subdivision plans and site plans for conformity with this Code and advise the Planning Board as to such matters.
- H. Inspect and recommend acceptance of construction activities which will be dedicated as public improvements to the Township.
- I. Accept employment or engagement with the understanding that all papers, documents, memoranda, reports and other material relating to the administration and operation of engineering duties of the Township Engineer shall be and remain the property of the Township and that, upon termination of the Engineer's services with the Township, the Engineer shall forthwith surrender to any successor any and all such property and documents.

§ 4-37. Superintendent of Roads.

The Superintendent of Roads shall:

- A. Maintain and repair all Township streets, bridges, culverts and drains within the Township.
- B. Construct and reconstruct streets, roads, bridges, culverts and drains and treat road surfaces and resurface streets and roads according to such standards and schedules as directed by the Director of the Department.

- C. Maintain all Township streets in a clean and safe condition, free of obstructions and hazards, and remove snow and ice therefrom as required.
- D. Receive applications for and issue street opening permits.
- E. In consultation with the Township Engineer, make recommendations to the Director of the Department with respect to budget, personnel and equipment requirements and major road repairs.
- F. Be responsible for the performance of the central maintenance functions of coordinating the use of Township-owned equipment and motor vehicles and servicing and assuring proper performance of trucks, automobiles and other motor vehicles and equipment used by the Township, as well as attachments thereto, including but not limited to snowplows.
- G. Perform such other duties as may be assigned by the Director of the Department and as may be set forth in the applicable New Jersey Department of Personnel class specification.

§ 4-38. Municipal Parks Superintendent or Supervisor.

The Municipal Parks Superintendent or Supervisor shall:

- A. Be responsible for the repair and upkeep of all recreation fields and playgrounds within the Township, including the trimming of trees and maintenance of lawn areas.
- B. Collection of all branches, trimmings and other lawn materials left curbside by residents for removal by the Township.
- C. Make recommendations to the Director of the Department with respect to budget, personnel and equipment requirements.
- D. Perform such other duties as may be assigned by the Director of the Department and as may be set forth in the applicable New Jersey Department of Personnel class specification.

§ 4-39. Superintendent of Sanitation Services.

The Superintendent of Sanitation Services shall:

- A. Be responsible for the regularly scheduled curbside refuse pickup for residential and commercial entities within the boundaries of the Township, as well as any other Township collection obligations as directed by the Director of the Department of Administration, Finance and Public Works.
- B. Provide, operate and maintain facilities for the collection and disposal of refuse and garbage at such times and in such manner as may be authorized by ordinance.
- C. Make recommendations to the Director of the Department with respect to budget, personnel and equipment requirements.
- D. Perform such other duties as may be assigned by the Director of the Department and as may be set forth in the applicable New Jersey Department of Personnel class specification.

Section 9 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 10 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 11 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

STATEMENT

This Ordinance amends the Salary Ordinance of the Township of Ewing to add the position of Director, Human Resources and Administration. This Ordinance creates the position of Director of Human Resources and Administration in Chapter 4 of the Revised General Ordinances of the Township of Ewing.

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



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

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP OF EWING, MERCER COUNTY, NEW JERSEY AND LOCAL 102 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (“IBEW”) TO SUPPLEMENT THE EXISTING COLLECTIVE BARGAINING AGREEMENT

Resolution #24R- WHEREAS, the Township of Ewing (hereinafter the “Township”) and IBEW are desirous of entering into a Memorandum of Understanding to supplement and amend the Collective Bargaining Agreement (“CBA”) entered into between the Township and IBEW for the period of January 1, 2024, through December 31, 2028; and

WHEREAS, the Township and Local 102 of the IBEW have agreed to the addition of the new position of Public Information Officer to the CBA, and

WHEREAS, the Township and IBEW have agreed to remove the title of Personnel Director from the CBA; and

WHEREAS, Appendix A – Hiring Ranges of the CBA will be amended to remove “Personnel Director” and to add the Public Information Officer title as follows:

<u>CLASSIFICATIONS</u>	<u>Minimum</u>	<u>Maximum</u>
Public Information Officer	\$95,000	\$115,000

NOW, THEREFORE, BE IT RESOLVED, by the Ewing Township Council that:

1. The Township of Ewing is authorized to execute a Memorandum of Understanding to supplement and amend the Collective Bargaining Agreement entered into between the Township and Local 102 of the International Brotherhood of Electrical Workers for the period of January 1, 2024, through December 31, 2028, to add the title of Public Information Officer remove the title of Personnel Director.
2. The Mayor is authorized to execute all necessary documents to effectuate this agreement.

IT IS SO RESOLVED.

Certification:

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regular Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 26th day of March 2024.

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

A RESOLUTION AWARDING AMERICAN POOL A CONTRACT IN THE AMOUNT OF \$199,000 FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF TWO (2) PUBLIC SWIMMING POOLS FOR THE 2024 SUMMER SWIM SEASON AND REJECTING ALL BIDS RECEIVED IN RESPONSE TO THE ALTERNATE REQUEST FOR WATER SAFETY INSTRUCTOR SERVICES FOR THE 2024 SUMMER SWIM SEASON

Resolution #24R- WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, the Township of Ewing (the “Township”) solicited bids for the award of a contract for the management, operation, and maintenance of two (2) public swimming pools located in the Township of Ewing, including an alternate bid to provide qualified Water Safety Instructor services (“WSI Services”) for the 2024 summer swim season; and

WHEREAS, on March 6, 2024, the Township received three (3) bids in response to said solicitation and two (2) bids in response to the alternate WSI Services solicitation; and

WHEREAS, the Township received bids from USA Management, 1595 Peachtree Parkway, Suite 204-344, Cumming, GA 30041, in the amount of \$202,160 for the pool management and maintenance portion of the bid , \$20 for the special event lifeguard hourly wage portion of the bid, and \$85 per lesson for the alternate pricing portion of the bid, American Pool, 1040 South Route 73, Berlin, NJ 08009, in the amount of \$199,000 for the pool management and maintenance portion of the bid, \$30.00 for the special event lifeguard hourly wage portion of the bid and there was no amount provided for the alternate pricing portion of the bid, and Pool Management LLC, 8725 Rosewell Road, Suite H-264, Sandy Springs, GA 30350 in the amount of \$92,900 plus staff clock in hours for the pool management and maintenance portion of the bid, \$20.00 for the special event lifeguard hourly wage portion of the bid, and \$95 per lesson for the alternate pricing portion of the bid; and

WHEREAS, the bids received from USA Management and Pool Management LLC were both noncompliant as USA Management’s bid included a counteroffer and Pool Management LLC’s bid failed to include a flat fee bid and does not contain a properly executed stockholder disclosure form; and

WHEREAS, the Township recommends the USA Management and Pool Management LLC bids as being nonresponsive; and

WHEREAS, the bid in the amount \$199,000 for the pool management and maintenance portion of the bid and \$30.00 for the special event lifeguard hourly wage from American Pool, was found to be a responsive and responsible bid that met all the minimum bid requirements; and

WHEREAS, the Township recommends award of the contract in the amount of \$199,000 for the pool management and maintenance portion of the bid and \$30.00 for the special event lifeguard hourly wage to American Pool as the lowest responsible bidder; and

WHEREAS, the Chief Financial Officer has supplied a certification of availability of funds indicating that sufficient funds exist for the award of this contract.

NOW THEREFORE, BE IT RESOLVED, by the Ewing Township Council that:

1. The Township is authorized to award a contract to American Pool in the amount of \$199,000 for the pool management and maintenance of the Ewing Senior & Community Center Pool, located at 999 Lower Ferry Road, Ewing, NJ 08628, and the Hollowbrook Community Center Pool, located at 320 Hollowbrook Drive, Ewing, NJ 08638 for the 2024 summer swim season, and in the amount of \$30.00 for the special event lifeguard hourly wage.
2. The Mayor is authorized to execute all necessary documents to effectuate this award.

IT IS SO RESOLVED.

Certification:

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regular Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 26th day of March 2024.

SEAL

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

TOWNSHIP OF EWING
Chief Financial Officer Certification #2024-3

I, Joanna K. Mustafa, Chief Financial Officer of the Township of Ewing, County of Mercer, do hereby certify as follows:

That funding will be available in the 2024 Municipal Budget under the following account(s):

1055560 – COMMUNITY SWIMMING POOLS – O/E
\$199,000

I have determined that the Township Council may authorize the above-described expenditure against the aforesaid line-item account.

Now, therefore, based on the foregoing, I do hereby certify adequate funds are currently available for the purposes and in the line-item amounts specified above, and further, that I shall encumber the same for a period of sixty (60) days from the date of this certification or until an ordinance or resolution authorizing the expenditure described about is enacted, whichever event shall occur sooner.

Signed and certified by me this 20th day of March, 2024

A handwritten signature in blue ink that reads "Mustafa". The signature is stylized and cursive.

Joanna K. Mustafa, CMFO

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

A RESOLUTION AUTHORIZING AN EMERGENT CONTRACT BETWEEN RAPID RECOVERY, LLC AND THE TOWNSHIP OF EWING

Resolution #24R- **WHEREAS**, the Township of Ewing (the “Township”) is in the process of renovating and rebuilding the Ewing Township Senior and Community Center (the “ESCC”); and

WHEREAS, the Township Engineers have advised that the demolition portion of the ESCC project has been completed and the existing footprint of the building was partially backfilled but not compacted to the required density; and

WHEREAS, upon investigation of the area, it was observed that the excavation and backfill completed after demolition is holding water and saturating the underlying soils, which will adversely impact the shear strength of previously placed backfill which can result in compromising the future structural integrity of the proposed new ESCC building and requires immediate action; and

WHEREAS, the improper compaction of the backfill constitutes an emergency affecting the public health, safety and welfare, and which requires immediate correction to ensure the project is not delayed and to guarantee the safety of the project going forward; and

WHEREAS, it is the recommendation of the Township Engineers that the existing area be immediately excavated and backfilled with adequate backfill material and to the right compaction to reduce potential impacts to the proposed new ESCC building; and

WHEREAS, the work to be performed will consist of furnishing, placing and rigorously compacting backfill material in the existing excavated areas in accordance with standard engineering practices; and

WHEREAS, the project’s demolition contractor, Rapid Recovery, LLC., has estimated approximately 5,000 tons of backfill material will have to be furnished and installed at a cost of \$247,250.00; and

WHEREAS, the Township is authorized to enter into an emergency contract as permitted by the Local Public Contracts Law, N.J.S.A. 40A:11-6; and

WHEREAS, the Township desires to enter into an emergent contract with Rapid Recovery, LLC for the purpose of backfilling and compacting the material in the existing excavated areas in accordance with standard engineering practices (hereinafter the “Agreement”) as permitted by N.J.S.A. 40A:11-6; and

WHEREAS, the Township shall pay the Contractor a fee of \$247,250.00 for the completion of the Agreement to the satisfaction of the Township Engineers ; and

WHEREAS, the Chief Financial Officer has supplied a certification of availability of funds indicating that sufficient funds exist for the Agreement and extension.

NOW THEREFORE, BE IT RESOLVED, by the Ewing Township Council that:

1. The Township is authorized to enter into an emergent contract with Rapid Recovery, LLC for the purpose of excavating and backfilling, with adequate backfill material and to the right compaction, those areas at the ESCC site which are currently incorrectly backfilled per the Township Engineers.
2. The Township is authorized to pay Rapid Recovery, LLC a fee of \$247,250.00 of the completion of the above-mentioned work.
3. The Mayor and Clerk are authorized to execute all necessary documents to effectuate this Agreement, consistent with the same terms and conditions as the current Agreement, until open public bidding has concluded.

IT IS SO RESOLVED.

Certification:

I, Kim J. Macellaro, Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regular Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 26th day of March 2024.

SEAL

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