

**EAST BRUNSWICK TOWNSHIP
COUNCIL AGENDA\ACTION MEETING
FEBRUARY 10, 2020**

1 Jean Walling Civic Center
East Brunswick, New Jersey 08816

7:30 P.M.

**All agendas\attachments are available on the Website: www.EastBrunswick.org at section Government.*

1. Call to Order, Pledge of Allegiance, Moment of Silence, and Roll Call.

Councilman McEvoy
Councilman Spadafino
Councilwoman Sullivan
Councilman Wendell
Council President Stanley

2. Statement of Notice of Publication:

3. Presentations, Proclamations and Discussions:

- A. Presentation: Michael Hughes, Executive Director Redevelopment Agency

4. Agenda Session: (Discussion Only – No Vote)

None

5. Public Hearing:

- A. Ord. 20-03 Amending Chapter 132, Land Use Procedures, Section 132-33.5 Charges for Services of the Code of the Township of East Brunswick
 - B. Ord. 20-04 Of the Township of East Brunswick Amending Chapter 228, Zoning, Section 3, Definitions and Word Usage and Section 209, Conditional Uses and Adding Section 229.4, Prohibited Uses, In Regard to the Ordinance of the Township of East Brunswick
 - C. Ord. 20-05 To Provide for Various Water Utility Improvements in and by the Township of East Brunswick, in the County of Middlesex, New Jersey, Appropriating \$1,684,000 Therefor and Authorizing the Issuance of \$1,684,000 Bonds or Notes of the Township to Finance the Cost Thereof

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- D. Ord. 20-06 Providing for Various Capital Improvements in and by the Township of East Brunswick, in the County of Middlesex, New Jersey, Appropriating \$2,164,680 Therefor and Authorizing the Issuance of \$2,061,600 Bonds or Notes of the Township to Finance Part of the Cost Thereof
- 6. Reports of Mayor, Administrator, Director of Law, Clerk, Council Committee/Board, Ad Hoc Committees Reports, Request Communication:

7. Public Portion:

8. Consent Agenda: (Resolutions)

- A. 16786 Appointing Representatives to the Middlesex County Housing and Community Development Committee for Year 2020
- B. 16787 To Go Into Closed Executive Session RE: Litigation
- C. Approval of Raffle License RA2472 – PTA Warnsdorfer – February 28, 2020.
- D. Approval of Raffle License RA2473 – BPOE #2370 East Brunswick – November 14, 2020.
- E. Approval of Raffle License RA2474 – Temple B’nai Shalom – May 14, 2020.

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- F. Approval of Raffle License RA2475 – Temple B’nai Shalom – December 6, 2020.
- G. Approval of Raffle Licenses RA2476 and RA2477– Temple B’nai Shalom – April 26, 2020.
- H. Approval of Bingo License BA2478 – Temple B’nai Shalom – April 26, 2020.
- I. Approval of Raffle Licenses RA2479 and RA2480 – East Brunswick Jewish Center – March 8, 2020.
- J. Approval of Council Agenda\Action Meeting Minutes – January 27, 2020.
- K. Approval of Bill List (approval of bills owed by Township to various individuals, companies and accounts).

9. Ordinance Requiring a Public Hearing Date: February 24, 2020

- A. Ord. 20-07 Amending Chapter 209, Vehicles & Traffic – Section 52, Schedule XIII: Stop Intersections of the Code of the Township of East Brunswick (*Overland\Frost*)

10. New Business:

- A. 16788 Of the Township of East Brunswick Referring Requested Amendments to the Tices Lane Redevelopment Plan to the Township Planning Board for Review

11. For Good of the Cause:

12. Closed Session:

- A. Litigation

13. Adjournment:

20-03

NOTICE
TOWNSHIP OF EAST BRUNSWICK

Take Notice that the following ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of East Brunswick held on January 27, 2020 and will be considered for second and final passage at a meeting of the Township Council to be held on February 10, 2020 at 7:30 p.m. at the East Brunswick Municipal Building located at 1 Jean Walling Civic Center, East Brunswick, New Jersey at which time and place any persons desiring to be heard upon the same will be given an opportunity to be so heard.

Nennette Perry, RMC
Municipal Clerk

ORDINANCE 20-03 AMENDING CHAPTER 132,
LAND USE PROCEDURES, SECTION 132-33.5 CHARGES FOR SERVICES
OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK

NOW THEREFORE BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1. Chapter 132, Land Use Procedures of the Township of East Brunswick is hereby amended as follows:

SECTION 2. Chapter 132-33, Article V Provisions Applicable to Both Boards, Escrow, Charge for Services. The code of the Township of East Brunswick is hereby amended by the adoption of this ordinance as more particularly set forth on as follows (additions underlined, deletions bracketed):

§ 132-33.5 Charge for Services

No professional personnel submitting bills to the Township under this ordinance shall charge for any of the services referred to therein at any higher rate or in any different manner from that which would normally be charged to the municipality for similar work. Payment of any bill rendered by a professional to the municipality with respect to any service for which the municipality is entitled to reimbursement shall in no way be contingent upon receipt of reimbursement by the applicant, nor shall any payment for service be delayed pending reimbursement of the Township by an applicant.

Charges for professionals who are employees of the municipality may not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary (established by ordinance, as aforesaid) by (2) the number of hours spent by the professional in reviewing the application for development, including all meetings and site visits.

SECTION 3. If any section, paragraph, subdivision, clause of the ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect twenty (20) days after the final passage, adoption and publication according to law.
(\$53.32)

20-04

NOTICE
TOWNSHIP OF EAST BRUNSWICK

Take Notice that the following ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of East Brunswick held on January 27, 2020 and will be considered for second and final passage at a meeting of the Township Council to be held on February 10, 2020 at 7:30 p.m. at the East Brunswick Municipal Building located at 1 Jean Walling Civic Center, East Brunswick, New Jersey at which time and place any persons desiring to be heard upon the same will be given an opportunity to be so heard.

Nennette Perry, RMC
Municipal Clerk

AN ORDINANCE 20-04 OF THE TOWNSHIP OF EAST BRUNSWICK AMENDING CHAPTER 228, ZONING, SECTION 3, DEFINITIONS AND WORD USAGE AND SECTION 209, CONDITIONAL USES AND ADDING SECTION 229.4, PROHIBITED USES, IN REGARD TO THE ORDINANCES OF THE TOWNSHIP OF EAST BRUNSWICK

WHEREAS, the Mayor and Township Council of East Brunswick Township, Middlesex County, finds it in the best interest of the public to amend Chapter 228, Zoning, Section 3, Definitions and word usage and Section 209, Conditional Uses and add Section 229.4, Prohibited Uses, in regard to the Revised General Ordinances of East Brunswick Township; and

BE IT THEREFORE ORDAINED by the Township Council of East Brunswick Township, County of Middlesex, State of New Jersey, that Chapter 228, Zoning, Section 3, Definitions and word usage and Section 209, Conditional Uses, of the Revised General Ordinances of East Brunswick Township are hereby amended and Section 229.4 is hereby added as set forth in "Schedule A" attached hereto, with additions shown in underline and deletions shown in brackets.

BE IT FURTHER ORDAINED that if any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon second reading, final passage and publication as required by law.

SCHEDULE A

ZONING
ARTICLE I

Title; Interpretation; Intent; Definitions

§ 228 3. Definitions and word usage.

ELECTRONIC SMOKING DEVICE

An electronic or other powered device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.

RETAIL ELECTRONIC SMOKING DEVICE ESTABLISHMENT

Any establishment that sells or offers for sale electronic smoking devices and/or products designed for consumption through inhalation.

ARTICLE XXIV

Regulations for the I/M, Industrial Manufacturing District

§ 228 209. Conditional Uses.

D. Retail Electronic Smoking Device Establishment/Electronic Smoking Devices

1. No such place designated as a Retail Electronic Smoking Device Establishment and no such place that sells Electronic Smoking Devices shall be located within five hundred (500) feet of a resident or residential zone, which distance shall be measured along a straight line from the nearest property line of the lot on which the proposed use is to be located and the nearest property line of the residence or residential zone.

2. No such place designated as a Retail Electronic Smoking Device Establishment and no such place that sells Electronic Smoking Devices shall be located within one thousand (1000) feet of a public school, which distance shall be measured along a straight line from the nearest property line of the lot on which the proposed use is to be located and the nearest property line of the public school.

ARTICLE XXVI
Regulations Applicable in All Districts

§ 228 229.4. Prohibited Uses.

The following are prohibited in all zones within the Township of East Brunswick:

1. An Alternative Treatment Center, as defined in § 228 3, other than as provided in § 228 209(C).

2. A Retail Electronic Smoking Device Establishment or any establishment that sells Electronic Smoking Devices, as defined in § 228 3, other than as provided in § 228 209(D).
(\$99.76)

20-05

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of East Brunswick, in the County of Middlesex, State of New Jersey, on January 27, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the municipal building, in the Township on February 10, 2020 at 7:30 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: "BOND ORDINANCE 20-05 TO PROVIDE FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF EAST BRUNSWICK, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,684,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,684,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF"

Purpose: Various improvements to the water utility, including, but not limited to, installation and/or purchases of the following items: an electric transfer switch for the water pumping stations; water production monitoring software; a pressure reducing valve; pressure monitoring hydrants; replacement of pumps number one and two at the water pump station; a leak detection system at Echo Shore-DX and Echo Shore-TX water main monitoring; a trench box; heating ventilation and air conditioning system at the water pumping station; a pressure reducing valve; and chlorine monitors. The improvements shall include, but shall not be limited to, painting and treatment improvements; and the acquisition and installation, as applicable, of water lines; and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved.

Appropriation: \$1,684,000

Bonds/Notes Authorized: \$1,684,000

Grant Appropriated: N/A

Section 20 Costs: \$165,000

Useful Life: 15 years

Nennette Perry, Clerk
This Notice is published pursuant to N.J.S.A. 40A:2-17.
(\$47.30)

20-06

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of East Brunswick, in the County of Middlesex, State of New Jersey, on January 27, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the municipal building, in the Township on February 10, 2020 at 7:30 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: "BOND ORDINANCE 20-06 PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EAST BRUNSWICK, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$2,164,680 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,061,600 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"

Purposes:

Purpose	Appropriation & Estimated Cost	Estimated Maximum Amount of Bonds & Notes	Period of Usefulness
a) Facilities improvements at various locations throughout the Township including, but not limited to, public works building modifications, refurbishment of the police department communication room, implementation of a Township wide electronic security access system, modifications to the municipal facility including, but not limited to, new energy efficient windows and other physical enhancements needed for security and/or structures that need to be replaced and other facility improvements, including all work and materials necessary and incidental thereto.	\$1,285,200	\$1,224,000	10 years
b) Various public works improvements including, but not limited to, the acquisition of two (2) mason dump trucks and four (4) sport utility vehicles, including all related costs and expenditures incidental thereto.	\$346,500	\$330,00	5 years
c) Information technology improvements needed throughout the Township including, but not limited to, the replacement of network switches and desktop computers, including all work and materials necessary and incidental thereto.	\$225,540	\$214,800	5 years
d) The Annual Park Improvement/Repair Program, as more fully described on a list on file in the office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all work and materials necessary and incidental thereto.	\$175,140	\$166,800	10 years
e) Design of the Cranbury Road/Fern Road traffic signal, including all work and materials necessary and incidental thereto.	\$132,300	\$126,000	10 years
Total:	\$2,164,680	\$2,061,600	

Appropriation: \$2,164,680
Bonds/Notes Authorized: \$2,061,600
Grant Appropriated: N/A
Section 20 Costs: \$288,600
Useful Life: 9.08 years

Nennette Perry, Clerk
This Notice is published pursuant to N.J.S.A. 40A:2-17.
(\$100.62)

0004026976-01



TOWNSHIP OF EAST BRUNSWICK

NO: 16786 DATE OF ADOPTION: February 10, 2020

RESOLUTION APPOINTING REPRESENTATIVES TO THE MIDDLESEX COUNTY HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE FOR YEAR 2020

WHEREAS, a vacancy exists for East Brunswick's membership on the Middlesex County Housing and Community Development Committee.

NOW THEREFORE, BE IT RESOLVED by the Township Council, Township of East Brunswick, County of Middlesex, State of New Jersey that is hereby appoints the following Council person and citizen to serve a one year term from January 1, 2020 to December 31, 2020 according to the following:

Colleen McGurk
Councilman James Wendell

CERTIFICATION:

Administrator

Township Attorney

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
McEvoy					Wendell				
Spadafino					Stanley				
Sullivan									
X • Indicates Vote.			NV • Not Voting				Ab • Absent		

This is to certify that this is a true and compared copy of a resolution adopted by the Municipal Council of the Township of East Brunswick on _____, 2020.

Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 16787

DATE OF ADOPTION: February 10, 2020

RESOLUTION TO GO INTO CLOSED EXECUTIVE SESSION

BE IT RESOLVED in compliance with N.J.S.A. 10:4-12, that the Mayor and Council of the Township of East Brunswick will go into Closed Executive Session, on February 10, 2020 to discuss:

RE: Litigation

BE IT FURTHER RESOLVED that the minutes of the Closed Executive Session shall be made available to the public at the conclusion of the subject matter.

CERTIFICATION:

Administrator

Township Attorney

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
McEvoy					Wendell				
Spadafino					Stanley				
Sullivan									
X • Indicates Vote.			NV • Not Voting				Ab • Absent		

This is to certify that this is a true and compared copy of a resolution adopted by the Municipal Council of the Township of East Brunswick on _____, 2020.

Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

ORDINANCE NO: 20-07 DATE OF INTRODUCTION: February 10, 2020

ORDINANCE 20-07: AMENDING CHAPTER 209, VEHICLES & TRAFFIC – SECTION 52, SCHEDULE XIII: STOP INTERSECTIONS OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK

BE IT ORDAINED by the East Brunswick Township Council as follows:

SECTION 1: Chapter 209-52, Schedule XIII: Stop Intersections is hereby amended by the following additions shown in underline and deletions bracketed:

Stop Sign On At Intersection of
Overland Road Frost Avenue

SECTION 2. If any section, paragraph, subdivision, clause of provision of the Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 3. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Sterley Stanley
Council President

ATTEST:

Nennette Perry
Municipal Clerk

Rejected _____ Mayor _____ Date
Approved _____
Reconsidered by Council _____ Override Vote Yes ___ No ___

Council President _____
Municipal Clerk

RECORD OF VOTE																
Council Member	First Reading					Second Reading					Tabled					
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab	M	S	Yes	No
McEvoy																
Spadafino																
Sullivan																
Wendell																
Stanley																
X • Indicates Vote NV • Not Voting AB • Absent M • Moved S • Seconded																



TOWNSHIP OF EAST BRUNSWICK

NO: 16788 DATE OF ADOPTION: February 10, 2020

RESOLUTION OF THE TOWNSHIP OF EAST BRUNSWICK REFERRING REQUESTED AMENDMENTS TO THE TICES LANE REDEVELOPMENT PLAN TO THE TOWNSHIP PLANNING BOARD FOR REVIEW

WHEREAS, the Township of East Brunswick (the “Township”) wishes to amend the Tices Lane Redevelopment Plan; and

WHEREAS, pursuant to N.J.S.A. § 40A:12A-7(e), prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Brunswick, that the requested amendments to the Tices Lane Redevelopment Plan, attached hereto as Exhibit A, are hereby referred to the Township Planning Board for their review, in accordance with the provisions of § 40A:12A-7(e).

CERTIFICATIONS:

Administrator

Township Attorney

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
McEvoy					Wendell				
Spadafino					Stanley				
Sullivan									
X • Indicates Vote.			NV • Not Voting				Ab • Absent		

This is to certify that this is a true and compared copy of a resolution adopted by the Municipal Council of the Township of East Brunswick on _____, 2020.

Nennette Perry, Municipal Clerk

16788

EXHIBIT A

The East Brunswick Redevelopment Agency is requesting that the Tices Lane Redevelopment Plan be amended to reflect the following changes:

1. Section 3.4(2)(a) - Max # of mixed use multi-family apartments.

Current ordinance limits the number of apartments to 360. It is recommended that the maximum number of apartments should be 380 to provide some flexibility.

2. Section 3.4(2)(e) - 3 bedroom units market rate units.

Current ordinance prohibits 3 bedroom market rate units. It is recommended that up to 50% of the townhomes, which are the Type B and C units, may be 3 bedroom, not to exceed 32 units.

3. Section 3.4 (11) - Maximum building coverage.

Current ordinance permits twenty (20%) percent maximum building coverage. It is recommended that the coverage should be increased to a maximum of twenty-five (25%) percent.

4. Section 3.4 (13) — Maximum Building Length.

Current ordinance allows a maximum building length of 400 feet. It is recommended that the maximum building length be increased to 450 feet.