

**EAST BRUNSWICK TOWNSHIP
COUNCIL AGENDA\ACTION MEETING
February 14, 2022**

1 Jean Walling Civic Center
East Brunswick, New Jersey 08816

7:30 P.M.

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

1. Council President Wendell called the meeting to order. After a Pledge of Allegiance and a Moment of Silence, the Clerk called the roll:

Present: Councilman Behal, Councilman McEvoy,
Councilwoman Sullivan, Council President Wendell

Also Present: Mayor Brad Cohen, Michael Baker, Township Attorney
Joseph Criscuolo, Administrator, Tamar Lawful, Township Clerk

In the absence of the Township Clerk, Nennette Perry, and the unavailability of the Deputy Clerk, Tamar Lawful was temporarily assigned to attend the meeting and to perform the duties as the Township Clerk for tonight. The Council President requested a motion. Councilman McEvoy moved to appoint Tamar Lawful to attend the February 14, 2022 Council Meeting and to perform the duties of the Township Clerk for the purpose of this meeting. Councilwoman Sullivan seconded the motion.

2. Statement of Notice of Publication:

The Clerk read the following statement:

Adequate notice of this meeting has been provided by specifying the time, date, location, and to the extent known, of the agenda, by posting a copy on the Bulletin Board located in the main lobby of the East Brunswick Municipal Building, providing a copy to the Home News Tribune and the Sentinel newspapers, posting a copy on the Township's website and by a filing a copy in the office of the Township Clerk, which will be entered into the minutes.

3. Presentations, Proclamations and Discussions:

A. Council Member Appointment:

Due to the current vacancy on the Township Council, Council President Wendell requested nominations to fill the vacancy. Councilman McEvoy moved to appoint Dana Zimbicki to fill the vacancy. Councilwoman Sullivan seconded the motion. With no further nominations, Councilman McEvoy moved to closed the nomination process. Councilman Behal seconded the motion. There being no discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, and Wendell – yes.

With a full vote by the members of the Township Council, Dana Zimbicki was appointed to fill the vacancy on the Township Council.

Mayor Cohen administered the oath of office to the newly appointed Councilwoman. Councilwoman Zimbicki gave a brief speech and joined the Township Council on the dais.

B. State of the Township Address:

By: Mayor Brad Cohen

Mayor Cohen presented the 2022 State of Township Address.

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

There were none.

5. Public Hearing (Second Reading and Final Passage):

Council President Wendell read the following ordinance by title:

Ord. 22-06 Authorizing Acquisition of Real Property Required for Public Purpose (Cranbury Road and Fern Road Traffic Signal Improvements) in Accordance with the Local Land and Buildings Law, N.J.S.A. 40A:12-4 et seq.

Councilwoman Sullivan moved to adopt Ordinance 22-06. Councilman Behal seconded the motion.

Council President Wendell opened the floor for a public hearing on the ordinance.

Public Hearing:

With no one wishing to be heard, Council President Wendell closed the public hearing of the ordinance. There being no discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes

With a majority vote from the Township Council, the ordinance was adopted on second reading.

Council President Wendell read the following ordinance by title:

Ord. 22-07 Capital Ordinance 22-07 Providing for Various Capital Improvements in and by the Township of East Brunswick, in the County of Middlesex, New Jersey, Appropriating \$775,000 Therefor

Councilman Behal moved to adopt Ordinance 22-07. Councilman McEvoy seconded the motion. Councilman McEvoy requested an explanation for the purpose of the ordinance. Mr. Criscuolo explained that the purpose of the ordinance is to refurbish the County Lane Park playground, provide annual park improvements, repair the basketball court at Bicentennial Park, and purchase equipment for Recreation and Parks and the Department of Public Works (DPW).

Council President Wendell opened the floor for a public hearing on the ordinance.

Public Hearing:

Shannon Christie – Dean Lane

Ms. Christie inquired whether additional shade will be installed at the County Lane Park playground. Mr. Criscuolo explained that the playground will not include a shade structure; however, he will look into the possibility of installing large shade trees to compensate.

With no other members of the public wishing to be heard, Council President Wendell closed the public hearing of the ordinance. There being no discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes

With a majority vote from the Township Council, the ordinance was adopted on second reading.

Council President Wendell read the following ordinance by title:

Ord. 22-08 Of the Township of East Brunswick for the Acquisition of Rights of Way, Easements and Land in Fee Simple in Block 320.18, Lot 15 (135 Fern Road) in the Township of East Brunswick, County of Middlesex, State of New Jersey for Public Purpose Pursuant to N.J.S.A. 20.3-1, et seq.

Councilwoman Sullivan moved to adopt Ordinance 22-08. Councilman Behal seconded the motion. Councilman McEvoy requested a summary for the purpose of the ordinance. Mr. Criscuolo explained that Fern Road is a TTF Funding Program, which sits on a blind corner. To remediate the issue, the Township will install new drainage and sidewalk in the area. McEvoy inquired whether eminent domain will be considered as an option for acquisition of the property. Mr. Baker responded that eminent domain is always a possibility; however, the process will be handled through negotiations.

Council President Wendell opened the floor for a public hearing on the ordinance.

Public Hearing:

With no members of the public wishing to be heard, Council President Wendell closed the public hearing of the ordinance. There being no further discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes
With a majority vote from the Township Council, the ordinance was adopted on second reading.

Council President Wendell read the following ordinance by title:

- D. **Ord. 22-09 Of the Township of East Brunswick for the Acquisition of Rights Of Way, Easements and Land in Fee Simple for the Improvement of Tices Lane and Renee Road in the Township of East Brunswick, County of Middlesex, State of New Jersey for Public Purpose Pursuant to N.J.S.A. 20:3-1, et seq.**

Councilwoman Sullivan moved to adopt Ordinance 22-09. Councilman Behal seconded the motion. Council President Wendell clarified that the Township will obtain acquisition of the property, but is not responsible for improvements of the project.

Council President Wendell opened the floor for a public hearing on the ordinance.

Public Hearing:

With no members of the public wishing to be heard, Council President Wendell closed the public hearing of the ordinance. There being no discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes
With a majority vote from the Township Council, the ordinance was adopted on second reading

6. Reports of Mayor, Administrator, Director of Law, Clerk, Council Committee/Board, Ad Hoc Committees Reports, Request Communication:

Mayor Cohen – Mayor Cohen reported that the Township will host an event, New Residents Meeting (2020-2022), which will be attended by all department heads. The event will be held at the Community Arts Center on April 7, 2022. Residents were encouraged to attend.

The Township of East Brunswick was victorious in a redevelopment litigation ruling on February 9, 2022. The court ruled that the Township has the authority to implement its own vision with respect to areas designated in need of redevelopment.

Joseph Criscuolo, Township Administrator - Mr. Criscuolo reported that the Department of Environmental Protection (DEP) approved the Township's ice hockey arena permit. The approval also includes other projects, such as the widening of Tices Lane and Renee Road.

Councilman Behal – Councilman Behal reported that the Advisory Board for Parks and Recreation surveyed the Township to better understand the recreational needs in the community.

Councilwoman Sullivan – Councilwoman Sullivan reported that Crystal Springs Family Waterpark will begin registration on March 1, 2022. She encouraged the public to register early.

Joseph Criscuolo, Township Administrator - Mr. Criscuolo thanked Dave Ambrosy and Anthony Pagliuco for implementing a new sound system in the Council Chambers/Court Room.

7. Public Portion:

Council President Wendell opened the meeting to the public.

Jeffrey Winston – 44 Fresh Ponds Road:

Mr. Winston congratulated Mrs. Zimbicki on her appointment, and spoke positively of her character. He further commented on the road conditions and potholes. Mr. Criscuolo explained that in a cold climate, asphalt cannot be properly produced. It would be futile to fill potholes knowing that the filling would not stay. The current challenge is due to the plants inability to properly make the mix. Once the mix is available, the potholes can be filled.

Verne Whitlock – 694 Old Bridge Turnpike

Mr. Whitlock congratulated the newly appointed Councilwoman, Dana Zimbicki.

Yan Bregman – 4 Troy Court

Bregman also inquired about the crime rate in the Township. Council President Wendell responded that the Township of East Brunswick was ranked # 37 in the country as the safest place to live, as per the East Brunswick Patch. Therefore, any claims of rising crime are unfounded.

Trent Daley – (address inaudible)

Mr. Daley congratulated Mrs. Zimbicki, and wished her well. He inquired about Resolution # 17325 and whether the council will vote to adopt the resolution tonight. With respect to marijuana, he inquired about any discussion to potentially permit commercial use in the Township. He further discussed the benefits it would have to the Township. He implored the Council to consider legalizing marijuana for commercial use. Mr. Daley inquired about the ice-skating rink and asked various questions concerning the rink.

Alex Spielman – 6 Federal Road

Mr. Spielman inquired about the widening of Tices Lane and Renee Road. Council President Wendell responded that the road will be widened from Harts Lane to Route 18th.

Kevin Sexton – 10 Coleman Road

Mr. Sexton inquired about his request to rename a street in honor of his father who passed away from cancer. Mr. Sexton was informed that his request could not be granted at this time.

8. Consent Agenda: (Resolutions)

Council President Wendell asked if anyone wished to have any items separated from the Consent Agenda. Items A, B, C, E, F, I, and K were requested to be removed from the Consent Agenda.

Council President Wendell read the remaining items on the Consent Agenda.

1. Consent Agenda: (Resolutions)

- D. 17315 Authorizing Contract in Accordance with Public Contract Law N.J.S.A. 40A:11-12 Through Cooperative r of the Division of Purchase and Property in the State of New Jersey for a Fully Equipped Emergency Management Vehicle in the Amount of \$62,000.00 (*Winner Ford*)
- G. 17318 Authorizing the Tax Collector to Refund Tax/Utility Overpayments
- H. 17319 Authorizing the Purchase of Replacement Sewer Grinders for Perry Road & Gage Road Pump Stations Under the North Jersey Wastewater Cooperative Pricing System, Contract B270-6 in the Amount of \$49,340.00 (*GP Jager, Inc.*)

- J. 17321 Authorizing Refunds to be Issued Related to Tax Title Lien Redemptions
- L. 17323 Authorizing the Township of East Brunswick to Enter into a Subgrant Agreement with the Middlesex County Board of County Commissioners
(2021 CDBG Grant Acceptance)
- M. Approval of Bill List (approval of bills owed by Township to various individuals, companies and accounts).

Resolution Re: Approval of Bill List

WHEREAS, the Township Council for the Township of East Brunswick has approved Ordinance 74-1-BB amending the municipal ordinances accordingly requiring the Township Council's approval before any disbursements are made. NOW, THEREFORE, BE IT RESOLVED by the Township Council for the Township of East Brunswick that the following bills have been duly audited and found correct by the Director of Finance and she is ordered to pay the amounts as hereinafter stated.

Councilwoman Sullivan moved to adopt the resolutions on the Consent Agenda, excluding items, A, B, C, E, F, I and K. Councilman McEvoy seconded the motion. There being no further discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes
With a majority vote from the Township Council, the resolutions on the Consent Agenda were approved.

Council President Wendell read the following resolutions removed from the consent agenda:

- A. 17312 Honoring Captain Sean Goggins

RESOLUTION HONORING CAPTAIN SEAN GOGGINS

WHEREAS, Captain Sean Goggins began his 25 year career with the Township of East Brunswick on December 23, 1996 as a Patrolman in the Department of Public Safety; and

WHEREAS, Captain Sean Goggins served as a Patrolman and Sergeant in the Operations Division – Patrol Section, as a Detective in the Investigative Division, as a Sergeant in the Administrative Division, as a Lieutenant in the Office of Professional Standards, and as a Captain in the Investigative Division, and

WHEREAS, Captain Sean Goggins has demonstrated throughout his career strong devotion to the qualities of professional policing, dedication to the community he served with, in addition to providing quality supervision to those officers who served under his command, and by his loyalty to the East Brunswick Police Department, he has provided a fine example for junior officers to emulate.

NOW THEREFORE, BE IT RESOLVED by the Township Council, Township of East Brunswick, County of Middlesex, on behalf of a grateful community, do hereby thank Captain Sean Goggins for his dedication and service to the Township and its residents and extend to him our best wishes for a long and healthy retirement.

BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to include this resolution and spread its contents upon the minutes of the Township of East Brunswick Council meeting for the purposes of posterity on the 14th day of February, 2022, so that the public service of Captain Sean Goggins may be forever recorded in the history of the Township of East Brunswick.

B. 17313 Honoring Captain Theodore Klouser

RESOLUTION HONORING CAPTAIN THEODORE KLOUSER

WHEREAS, Captain Theodore Klouser began his 26 year career with the Township of East Brunswick on January 2, 1996 as a Patrolman in the Department of Public Safety; and

WHEREAS, Captain Theodore Klouser served as a Patrolman, Sergeant and Lieutenant in the Operations Division – Patrol Section, as a Patrolman and Sergeant in the Operations Division – Special Operations Section, and as a Captain in the Administrative Division, and

WHEREAS, Captain Theodore Klouser has demonstrated throughout his career strong devotion to the qualities of professional policing, dedication to the community he served with, in addition to providing quality supervision to those officers who served under his command, and by his loyalty to the East Brunswick Police Department, he has provided a fine example for junior officers to emulate.

NOW THEREFORE, BE IT RESOLVED by the Township Council, Township of East Brunswick, County of Middlesex, on behalf of a grateful community, do hereby thank Captain Theodore Klouser for his dedication and service to the Township and its residents and extend to him our best wishes for a long and healthy retirement.

BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to include this resolution and spread its contents upon the minutes of the Township of East Brunswick Council meeting for the purposes of posterity on the 14th day of February, 2022, so that the public service of Captain Theodore Klouser may be forever recorded in the history of the Township of East Brunswick.

C. 17314 Honoring Lieutenant Joseph Kowal

RESOLUTION HONORING LIEUTENANT JOSEPH KOWAL

WHEREAS, Lieutenant Joseph Kowal began his 25 year career with the Township of East Brunswick on December 23, 1996 as a Patrolman in the Department of Public Safety; and

WHEREAS, Lieutenant Joseph Kowal served as a Patrolman, Sergeant and Lieutenant in the Operations Division – Patrol Section, and as a Detective in the Investigative Division, and

WHEREAS, Lieutenant Joseph Kowal has demonstrated throughout his career strong devotion to the qualities of professional policing, dedication to the community he served with, in addition to providing quality supervision to those officers who served under his command, and by his loyalty to the East Brunswick Police Department, he has provided a fine example for junior officers to emulate.

NOW THEREFORE, BE IT RESOLVED by the Township Council, Township of East Brunswick, County of Middlesex, on behalf of a grateful community, do hereby thank Lieutenant Joseph Kowal for his dedication and service to the Township and its residents and extend to him our best wishes for a long and healthy retirement.

BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to include this resolution and spread its contents upon the minutes of the Township of East Brunswick Council meeting for the purposes of posterity on the 14th day of February, 2022, so that the public service of Lieutenant Joseph Kowal may be forever recorded in the history of the Township of East Brunswick.

Councilwoman Sullivan moved the adoption of the resolutions. Councilman McEvoy seconded the motion. There being no discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes

With a majority vote from the Township Council, the resolutions for Items, A, B and C were approved.

Council President Wendell read the following resolution removed from the Consent Agenda:

- E. 17316 Support from Local Governing Body Authorizing the \$10,000 Sustainable Jersey Grant Application for a Take-Out Transitions to Green for Restaurants Event

Councilman McEvoy moved the adoption of the resolution. Councilman Behal seconded the motion. Mr. Criscuolo explained the purpose of the ordinance. There being no discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes
With a majority vote from the Township Council, the resolution for Item E was approved.

Council President Wendell read the following resolution removed from the Consent Agenda:

- F. 17317 To Escheat Tax Sale Premiums to Township of East Brunswick

Councilman McEvoy moved the adoption of the resolution. Councilwoman Sullivan seconded the motion. Mr. Baker explained the meaning of escheat and the purpose of the resolution. There being no further discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes
With a majority vote from the Township Council, the resolution for Item F was approved.

Council President Wendell read the following resolution removed from the Consent Agenda:

- I. 17320 Awarding Contract to Black Rock Enterprises for 2022 Pavement

Councilwoman Sullivan moved the adoption of the resolution. Councilman Behal seconded the motion. Mr. Criscuolo explained that the funding for the 2022 Pavement Management Program was through a bond ordinance. The project cost came in below the amount appropriated for the project, further permitting the opportunity to address two or three alternate projects. There being no further discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes
With a majority vote from the Township Council, the resolution for Item I was approved.

Council President Wendell read the following resolution removed from the Consent Agenda:

- K. 17322 To Cancel the Balance of Ordinance No. 14-01 Bonds and Notes Authorized but not Issued and Estimated Proceeds in the General Capital Fund of \$50,000

Councilman Behal moved the adoption of the resolution. Councilwoman Sullivan seconded the motion. There being no discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes
With a majority vote from the Township Council, the resolution for Item K was adopted.

9. Ordinance Requiring a Public Hearing Date:

There were none.

10. New Business:

- A. 17324 Authorizing Execution of Shared Services Agreement with the Borough of South River (*EMS Services*)

Councilman Behal moved the adoption of the resolution. Councilwoman Sullivan seconded the motion. Mr. Criscuolo explained the purpose of the resolution. The Township will have a shared services agreement with the Borough of South River. South River will compensate the Township \$2,000 per month for the services. Robert Wood Johnson University Hospital will facilitate additional staffing. The agreement has a 2-month trial. It is advantageous for both the Township and the Borough to enter into this agreement. There being no further discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes
With a majority vote from the Township Council, the resolution was approved.

- B. 17325 Requesting the Planning Board to conduct an investigation as to whether the properties identified as Block 833, Lots 3, 5, 6, 7.01, 8.01, 9, 10.02, 17, 18.01, 19, 21.02, 21.03, 23.01, 24.01, 26, 27, and 28, Block 834, Lots 34.03, 35.01, 35.02, 36.02, and 36.03, Block 834.01, Lots 37, 38, and 39.01 Block 17.13 Lots 2.01, 3.01, 4.01 and 5.01 qualify as a condemnation area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12 et. seq.

Councilwoman Sullivan moved the adoption of the resolution. Councilman McEvoy seconded the motion. Mr. Baker explained the process to be taken by the Planning Board. Council President Wendell stated that the Study Areas were examined in the past; however, additional properties were added. Mayor Cohen stated that if any particular property fails to meet the necessary criteria for areas in need of redevelopment, such property will be eliminated. There being no further discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – yes and Wendell - yes
With a majority vote from the Township Council, the resolution was approved.

C. Approval of Council Agenda\Action Meeting Minutes – January 24, 2022

Councilman McEvoy moved the adoption of the meeting Minutes from January 24, 2022. Councilman Behal seconded the motion. There being no discussion from the Township Council, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbicki – abstained and Wendell - yes
With a majority vote from the Township Council, the resolution was approved.

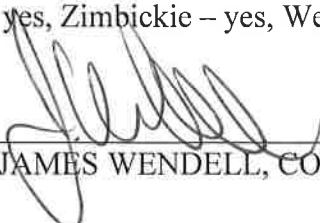
11. For Good of the Cause:

Councilwoman Sullivan reported that the Fire District Election will be held this Saturday, February 19, 2022. Registered voters in the township will have the ability to vote for local fire commissioners, and the adoption of the budget. Mr. Criscuolo added that a ballot drop-box is available at Town Hall for anyone wishing to drop off their ballot.


12. Adjournment: 9:11 P.M.

Councilwoman Sullivan moved that the meeting be adjourned. Councilman Behal seconded the motion. There being no discussion, the Clerk called the roll:

Behal - yes, McEvoy - yes, Sullivan - yes, Zimbickie – yes, Wendell - yes and the meeting was adjourned at 9:11 P.M.



JAMES WENDELL, COUNCIL PRESIDENT

ATTEST:


NENNETTE PERRY, MUNICIPAL CLERK