

**EAST BRUNSWICK TOWNSHIP COUNCIL
MEETING MINUTES
May 09, 2022**

Township of East Brunswick
1 Jean Walling Civic Center Dr.
East Brunswick, New Jersey



Regular Meeting: X
Special Meeting: N/A
Meeting Time: 7:30 P.M.

Council President Wendell called the meeting to order at 7:30 p.m. The Governing Body and its audience proceeded with the Pledge of Alliance, followed by a Moment of Silence.

The Township Clerk, Tamar Lawful, called the roll:

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

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

The Township Clerk, Tamar Lawful, read the Statement of Adequate Notice:

Adequate notice of this meeting has been provided by specifying time, date, location, and to the extent known, 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 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 in the minutes.

APPROVAL OF MEETING MINUTES

Resolution # 17388 Resolution Adopting Meeting Minutes - April 25, 2022

Councilman McEvoy moved the adoption of Resolution #17388, seconded by Councilman Behal. With no recommended changes to the Minutes, Council President Wendell requested a roll call vote:

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE:						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal		X	X			
McEvoy	X		X			
Sullivan			X			
Zimbicki			X			
Wendell			X			

By a unanimous Roll Call Vote, the resolution was approved.

PROCLAMATIONS

Certificate of Appreciation:

Mayor Cohen read aloud a letter written by a first grader, Jaiden Inglin, concerning a traffic walk signal in need of repair on Summerhill Road. The Mayor gave a speech about the importance of civic duty and giving back to the community. A certificate of appreciation was presented to Jaiden Inglin for his concern and responsible action in ensuring the safety of the public. There was a photo opportunity with Jaiden Inglin and the Governing Body.

**A Proclamation Recognizing the 53rd Annual Professional Municipal Clerk's Week
(May 1 – May 7, 2022):**

Councilwoman Sullivan read the Proclamation Recognizing the 53rd Annual Professional Municipal Clerk's Week (May 1 – May 7, 2022), and presented a commemorative copy to the Township Clerk, Tamar Lawful.

A Proclamation Recognizing the East Brunswick High School Boys Swim Team:

Councilwoman Zimbicki read the proclamation recognizing the East Brunswick High School Boys Swim Team. A commemorative copy of the proclamation was presented to each member of the swim team. The East Brunswick head coach Sean Carney gave a brief speech thanking the Governing Body for the recognition. There was a photo opportunity with the members of the swim team and the Governing Body.

A Proclamation Recognizing National Water Safety Month:

Councilman McEvoy read aloud the proclamation recognizing National Water Safety Month.

PRESENTATIONS/DISCUSSION ITEM

Private Fireworks Displays in the Township of East Brunswick

Council President Wendell requested a discussion by the Township Council concerning the private fireworks display held at the Park Chateau on April 30th. He stated that the fireworks were significantly loud and could be heard from a great distance. The fireworks noise violated the Township Ordinance. He encouraged a discussion on how best to resolve the concern, and whether a violation should be issued.

Mr. Baker explained that fireworks are not expected to be silent but should not be significantly loud to disturb the peace. He discussed his communication with the vendor, and the vendor's intent to supply a technical datasheet of the fireworks used at the private event held on April 30, 2022. The vendor is also working on the acquisition of new fireworks and is willing to provide a demonstration for the Governing Body's approval. Mr. Baker advised the Council not to issue future permits until further notice.

It was further discussed that residents complained about not receiving notification about fireworks in town. Mr. Criscuolo explained how the alert notification system operates through Civic Ready and its use in the township's geographic location.

Mayor Cohen voiced his disapproval of issuing a fine to the vendor and advised the Township Council to either work with the vendor, or fine and ban the issuance of firework permits going forward. He further explained the reason why notification of fireworks is not disbursed to everyone, namely safety and traffic concerns. Per the Township Code, debris from any event must be removed by the following morning. Mayor Cohen stated that the vendor was in full compliance with the township code, except for his failure to adhere to the noise restriction.

Councilman Behal voiced his support for not issuing future permits until the issue is resolved. Council President Wendell requested Mr. Baker to work with the vendor and to possibly consider amending the fireworks ordinance, if necessary.

AGENDA SESSION (DISCUSSION ONLY – NO VOTES)

There were none.

**ORDINANCE(S) FOR SECOND READING AND
*** PUBLIC HEARING *****

There were none.

Brad Cohen, Mayor: Mayor Cohen reported on the paving of roads throughout the township and the amount appropriated for road improvements.

He further reported on the noticeable progress with the redevelopment project at 110 Tices Lane.

Another redevelopment project is underway. There is currently a contract agreement between a redeveloper and the owner of the mini-mall that once held the Gap, the Wiz, Babies-R-U's, and Weight Watchers. The agreement will be closed by the end of June. Demolition of the area can be anticipated by summer, including an application before the Planning Board.

Joseph Criscuolo, Administrator: Mr. Criscuolo reported that the Department of Environmental Protection and PSE&G are offering grants for electric charging stations, and the town has been taking advantage of these grant opportunities to implement electric charging stations throughout the township.

Resolution #17390 authorizes a contract with EZ Dock Unlimited, LLC to purchase a dock and gangway system with handrails for the Beaver Dam Park. The Beaver Dam Park is being improved for a walk-in trail.

Resolution # 17391 authorizes an emergency contract to address material composition in the water service line on Main Street that could potentially lead to lead. He declared an emergency on the issue as required by the State of New Jersey. The issue will be remedied within the next few weeks.

Michael Baker, Township Attorney: Mr. Baker reported on complaints on panhandlers. Panhandling is a protected speech under the first amendment. It cannot be regulated as the public have the right to express themselves. Therefore, laws cannot be adopted to outlaw or restrict this constitutional right. He encouraged the public to not give money to panhandlers.

He further reported on Resolution # 17399 on the Consent Agenda, which is to terminate the existing contract for the operation of a food concession at Crystal Springs Waterpark. Unfortunately, the owner who operated the food concession stand at Crystal Springs Waterpark passed away, and his family do not wish to continue the business. A Request for Proposal has been advertised to fill the position.

Tamar Lawful, Township Clerk: Ms. Lawful reported that April 23, 2022, was the commencement of the mailing of mail-in ballots. She then informed the public on how to submit their ballots. The last day to register to vote will be May 17th. The Middlesex County Board of Elections Office will be open until 9:00 p.m. to accept new voter registrations. Early Voting will begin at the Community Arts Center on Friday, June 3, 2022; Saturday, June 4, 2022; and Sunday, June 5, 2022.

Council President Wendell: Council President Wendell, also chair of the Redevelopment Agency, reported on the redevelopment progress of the mini-mall that once held the Gap, the Wiz, Babies-R-U's, and Weight Watchers on Route 18. The redevelopment process will be begin in June. The area will be fenced in for preparation of demolition.

Council President Wendell referenced Resolution # 17412, which authorizes the execution of a settlement agreement with Zakon Realty, LLC. He requested the Council to consider approving the resolution.

Dinesh Behal, Councilman: Councilman Behal had nothing new to report.

Kevin McEvoy, Councilman: Councilman McEvoy had nothing new to report.

Sharon Sullivan, Councilwoman: Councilwoman Sullivan reminded the public of the golf outing event hosted by Parks and Recreation. The fund-raising event will be held in May to raise funding to support Daisy Recreation and other recreational events in town. She acknowledged FedEx Ground as the biggest sponsor.

Dana Zimbicki, Councilwoman: Councilwoman Zimbicki thanked the Director of Parks and Recreation, Michael Reissner, for the wonderful Arbor Day event held by the Senior Center in

which children and adults helped to beautify the municipal complex by planting trees and laying stones around the Senior Center.

MEETING OPEN TO THE PUBLIC

The Township Clerk read the following:

PUBLIC MEETING STATEMENT AND TIME LIMIT

The public comment portion of our meeting is to allow the public to bring to the Council's attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a) and the East Brunswick Rules of Council, the Council asks the public to limit their comments to **Five (5) minutes or less**. Only one member of the public should approach to speak to council at a time. The Council will respect the public's time by refraining from any comment until the speaker has finished with their allotted time. It should be further noted that public comment portion of our meeting is not structured as a question-and-answer session. At the conclusion of the statements or questions from a member of the public, the Council President, at his or her discretion, may choose to respond or not respond or to ask the Administration to respond.

If the questions require more detailed responses, the Council President or Administration may ask the member of the public to make an appointment with the appropriate township official during regular business hours. The Township Clerk will regulate the time during the comment portion of our meeting.

Council President Wendell opened the meeting to the public.

Troy Bailey – 16 Glenn Court

Mr. Baily spoke about the necessity of broadband. He referenced Assembly Bill No. 850, which establishes the community broadband study commission to evaluate broadband access in the State of New Jersey. He spoke in support of fiber optics.

Alex Spielman – 6 Douglas Road

Mr. Spielman spoke about his experience with panhandlers. He stated that panhandlers are on both private and public properties. In response, Mr. Baker stated that private properties can restrict panhandlers. However, it is more challenging for the government.

Shannon Christi - Dean Lane

As a mother with young children, Ms. Christi voiced her concerns about panhandlers. She also explained that the panhandlers could be teenagers who were kicked out and are now homeless. She inquired about any social service programs available to assist with shelter and/or food. Mr. Baker explained that the redevelopments within the Township are rented at market rate with only a small number of units set aside for affordable housing. Homelessness is an issue throughout the country. For the most part, programs to assist the homeless are funded by the county and state. Mr. Baker stated that he and the Police Chief are coordinating to educate those in need, and to ensure they are safe, and aware of the social services available.

Mr. Criscuolo explained that the town tries to educate and assist those in need with various social services available, such as job training. Councilwoman Sullivan explained that Mayor Cohen has a charity fund that provide grants for temporary assistance for food, clothes, etc. The information of those who apply is kept confidential.

Thomas Ingrisani - 58 Deerfield Road

He inquired about whether the electric charging stations are free or associated with a fee. Mr. Criscuolo explained that a fee would be charged. Mr. Ingrisani informed everyone of the car show events held at Brunswick Square Mall and encouraged residents to come out and show their support.

Arun Ayyagari – 20 Brookhill Road:

Mr. Ayyagari discussed the potholes on Harts Lane. Drivers have the tendency to bypass the pothole by driving in the opposite lane and returning back to their appropriate lane once they have passed the pothole. He requested the Governing Body to prioritize the area when making road improvements.

Mr. Ayyagari further stated that he read the 2022 Municipal Budget and questioned whether inflation had any impact to the budget.

He acknowledged Denise Medford of 32 Cosgrove Court and Councilman McEvoy for discussing the vehicular tonnage issue on Cranbury Road, as he too experienced vibration when speeding trucks passes by.

Lastly, he requested the Governing Body to acknowledge the month of May as Military Appreciation Month and requested an applause to those who serve our country. The Governing Body stood and applauded.

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There being no further members of the public wishing to be heard, Council President Wendell closed the public portion of the meeting.

RESOLUTION(S) [Requiring a separate vote]

Council President Wendell read the title of the following resolution:

Resolution # 17389 **Resolution Approving and Authorizing Execution of Sister City Partnership Memorandum of Understanding with the City of Rivne, Ukraine**

Mayor Cohen explained the purpose of the resolution.

Councilwoman Sullivan moved the adoption of the resolution, seconded by Councilwoman Zimbicki.

Council President Wendell requested a roll call vote on the resolution:

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE:						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal			X			
McEvoy			X			
Sullivan	X		X			
Zimbicki		X	X			
Wendell			X			

By a unanimous Roll Call Vote, the resolution was approved.

Council President Wendell read the title of the following resolution:

Resolution # 17390 **Resolution Authorizing the Award of Contract to EZ Docks Unlimited, LLC for the Purchase of a Dock and Gangway System with Handrails Under the Sourcewell National Cooperative Pricing System, Under Contract # 010521-LTS-2 in the Amount of \$28,972.15**

Councilman Behal moved the adoption of the resolution, seconded by Councilwoman Zimbicki.

Council President Wendell requested a roll call vote on the resolution:

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE:						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal	X		X			
McEvoy			X			
Sullivan			X			
Zimbicki		X	X			
Wendell			X			

By a unanimous Roll Call Vote, the resolution was approved.

Council President Wendell read the title of the following resolution:

Resolution # 17391 **Resolution Authorizing an Emergency Contract with Pacific Construction, LLC as Per N.J.S.A. 40:11-6 in the Amount Not to Exceed \$67,500.00 to Mitigate Material Composition in the Water Service Line on Main Street**

Councilwoman Zimbicki moved the adoption of the resolution, seconded by Councilman Behal.

Council President Wendell requested a roll call vote on the resolution:

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE:						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal		X	X			
McEvoy			X			
Sullivan			X			
Zimbicki	X		X			
Wendell			X			

By a unanimous Roll Call Vote, the resolution was approved.

*****CONSENT AGENDA*****

Resolution # 17392 through Resolution # 17402

The following items are considered to be routine and non-controversial items by the Township Council and will be enacted upon by one motion. There will be no separate discussion of these items unless a Council Member so request, in which event, the item will be removed from the Consent Agenda to be discussed, and voted on, following the approval of the remaining items listed on the Consent Agenda.

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- Resolution # 17392 Resolution to Approve the Bill List
- Resolution # 17393 Resolution of the Township of East Brunswick Authorizing the Submission of a Grant Application to the Department of Environmental Protection for an Amount Up to \$24,000.00 to fund the Purchase of a Three Level, Electric Vehicle Charging Stations, at the Municipal Library, Located at 1 Civic Center Drive
- Resolution # 17394 Resolution of the Township of East Brunswick Authorizing the Submission of a Grant Application to PSE&G in the amount of \$40,000.00 [\$10,000.00 pole to meter and \$30,000.00 behind the meter installation costs] to Install a Four Level, 2 Electric Vehicle Charging Stations, at the Municipal Library, Located at 1 Civic Center Drive
- Resolution #17395 Resolution Authorizing Refunds to be Issued Related to Tax Title Lien Redemptions
- Resolution # 17396 Resolution to Cancel the Balance of \$533,918.00 of Certain Emergency Notes Authorized but not Issued for the Purpose as Set Forth in N.J.S.A. 40A:4-53(L) and/or N.J.S.A. 40A:4-53(M) in Ordinance # 20-32 Adopted by the Township on December 14, 2020, for COVID-19 Special Emergency
- Resolution # 17397 Resolution Authorizing the Tax Collector to Refund Tax/Utility Overpayments
- Resolution # 17398 Resolution Providing for the Insertion of a Special Item of Revenue in the 2022 Budget Pursuant to N.J.S.A. 40A:4-87 (CHp. 159, P.L. 148) – Public and Private Revenues Offset by Appropriations for a Grant Received from the New Jersey Department of Environmental Protection (DEP) in the Amount of \$12,000.00 for Electrical Vehicle Charging Stations for the Township of East Brunswick

- Resolution # 17399 Resolution of the Township of East Brunswick Terminating its Contract with LEC2427, LLC for the Operation of the Food Concession at Crystal Springs Family Waterpark
- Resolution # 17400 Resolution Authorizing the Refund of Hydrant Usage Permits
- Resolution # 17401 Resolution Authorizing the Tax Collector to Issue Estimated Tax Bills in Accordance with P.L. 1994, C.72
- Resolution # 17402 Resolution Authorizing the Execution of Settlement Agreement in Regard to Docket Number MID-L-732-21

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Councilwoman Zimbicki moved the adoption of the resolutions listed on the Consent Agenda, Resolutions # 17391 through Resolution # 17402, seconded by Councilman McEvoy.

Council President Wendell requested a roll call vote on the Consent Agenda:

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE:						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal			X			
McEvoy		X	X			
Sullivan			X			
Zimbicki	X		X			
Wendell			X			

By a unanimous Roll Call Vote, the resolutions listed on the Consent Agenda were approved.

RESOLUTION[S] REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

There were none

*****ORDINANCE(S) FOR INTRODUCTION***
SCHEDULED PUBLIC HEARING DATE: MAY 23, 2022**

Council President Wendell read the following ordinance by title:

ORDINANCE 22-13

BOND ORDINANCE PROVIDING FOR VARIOUS SCHOOL CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EAST BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, PURSUANT TO A SHARED SERVICES AGREEMENT WITH THE EAST BRUNSWICK BOARD OF EDUCATION, APPROPRIATING \$18,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$17,100,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Council President Wendell explained the purpose of the ordinance. Councilman McEvoy inquired about the specific location of each improvement.

Councilwoman Zimbicki moved the adoption of the ordinance on first reading, and that it be published according to the law, and a public hearing on the ordinance be held on May 23, 2022, at the Municipal Building, located at 1 Jean Walling Civic Center Drive, in the Township of East Brunswick. Councilwoman Sullivan seconded the motion.

Council President Wendell requested a roll call vote on the introduction of the ordinance:

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE:						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal			X			
McEvoy			X			
Sullivan		X	X			
Zimbicki	X		X			
Wendell			X			

By a unanimous Roll Call Vote, Ordinance # 22-13 was approved on first reading.

Council President Wendell read the following ordinance by title only

ORDINANCE 22-14

AN ORDINANCE OF THE TOWNSHIP OF EAST BRUNSWICK AMENDING CHAPTER 3, ADMINISTRATION OF GOVERNMENT, SECTION 117, SCHEDULE OF FEES FOR POLICE SERVICES, CHAPTER 209, VEHICLES AND TRAFFIC, SECTION 78, TRAFFIC DIRECTORS AND ADDING CHAPTER 209, VEHICLES AND TRAFFIC, SECTION 80, AUTHORIZATION TO EMPLOY OFF-DUTY OFFICERS AND SECTION 81, VIOLATIONS AND PENALTIES, OF THE ORDINANCES OF THE TOWNSHIP OF EAST BRUNSW

Michael Baker explained the purpose of the ordinance.

Councilwoman Sullivan moved the adoption of the ordinance on first reading, and that it be published according to the law, and a public hearing on the ordinance be held on May 23, 2022, at the Municipal Building, located at 1 Jean Walling Civic Center Drive, in the Township of East Brunswick. Councilman McEvoy seconded the motion.

Council President Wendell requested a roll call vote on the introduction of the ordinance:

RECORDED VOTE OF COUNCIL ON FINAL PASSAGE:						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal			X			
McEvoy		X	X			
Sullivan	X		X			
Zimbicki			X			
Wendell			X			

By a unanimous Roll Call Vote, Ordinance # 22-14 was approved on first reading.

ADD-ON RESOLUTION

There were none.

UNFINISHED BUSINESS/NEW BUSINESS

There was none.

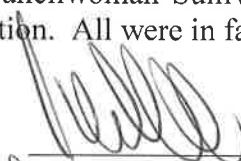
FOR THE GOOD OF THE CAUSE

CLOSED SESSION

There are none.

ADJOURNMENT

Having no other business to conduct, Councilwoman Sullivan moved to adjourn the meeting. Councilwoman Zimbicki seconded the motion. All were in favor. The meeting was adjourned at 9:06 p.m.



JAMES WENDELL, COUNCIL PRESIDENT

ATTEST:


TAMAR LAWFUL, MUNICIPAL CLERK