

**EAST BRUNSWICK TOWNSHIP COUNCIL
MEETING MINUTES
September 11, 2023**

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

The Township Clerk, Tamar Lawful, called the roll:

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

Also Present: Mayor Brad Cohen
Anthony Iacocca, Township Attorney
Joseph Criscuolo, Administrator
Tamar Lawful, Township Clerk
Loren Morace, Deputy Clerk

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

Adequate notice of this meeting has been provided as required under Chapter 231, P. L. 1975, by specifying the 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 filing a copy in the office of the Township Clerk which will be entered into the minutes.

APPROVAL OF MEETING MINUTES

Resolution # 23-249 Resolution Adopting Meeting Minutes – August 28, 2023

Councilman Wendell moved the adoption of Resolution #23-249, seconded by Councilwoman Zimbicki. With no recommended changes to the meeting Minutes, Council President McEvoy requested a roll call vote:

RECORDED VOTE OF COUNCIL						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal			X			
Wendell	X		X			
Winston			X			
Zimbicki		X	X			
McEvoy			X			

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

PROCLAMATIONS

There are none.

PRESENTATIONS/DISCUSSION ITEM

Presentation:

Re: Township of East Brunswick 2022 Municipal Audit

Presentation by Scott Clelland of PKF O'Connor Davies

Presented the results of the 2022 Fiscal Year Audit. Mr. Clelland wanted to thank the Finance Department and Joe for all of their help. The Audit is done and complete. It seems like it will be done every year in September as we are awaiting filings from the State regarding Pension reports as well as the Health Benefit Report. The Audit deadline is normally June 30th but it was extended for the 3rd or 4th consecutive year until September 30th. The report will be filed on time.

The most important part from a state perspective is your opinion, the Audit opinion is unmodified which is a clean opinion as it has been the last couple of years. We break the audit into 2 pieces. We look at an interim period where we take a look at your internal controls, we spend time looking at your cash receipts, revenue, purchasing and accounts payable as well as payroll area. We are also required to look at certain grants that are above certain thresholds and during the audit this year we looked at the ARP program which was the recovery act money which is used for lost revenue type items. I'm happy to report from all the testing we performed we did not find anything that would raise up to a significant deficiency or material finding. There are 3 items that will be brought before you in a corrective action plan none of which we deem to be significant. From looking at the ARP Federal Program we did not identify anything that was of non-compliance. Also, the funds were utilized in accordance with the standards. From a financial position you have a lot of utility funds and your current fund is a significant fund for a Municipality. The good news is your revenues exceed what you had budgeted, you had a very good financial year and your underlying fund balance increased quite a bit from the prior year of which you continue to use some of that in a subsequent year's budget which is prudent to do so. Your utility funds have come back quite a bit from where we were during the covid period the only one that is lagging behind in revenues is your parking utility. The swim pool has come back nicely. I would like to thank everyone again for their assistance during the audit process. It's a good audit, clean audit, and something you should be very happy with.

AGENDA SESSION (DISCUSSION ONLY- NO VOTE)

There were none.

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

ORDINANCE #23-25

AN ORDINANCE OF THE TOWNSHIP OF EAST BRUNSWICK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING CHAPTER 102, FIRE SAFETY, OF THE CODE OF THE TOWNSHIP OF EAST BRUNSWICK TO ADD IDENTIFIERS TO ALL FIRE DEPARTMENT CONNECTIONS

Township Clerk, Ms. Lawful, read the ordinance by title.

PUBLIC HEARING

Council President McEvoy opens the floor to the public on this ordinance.

There being no comments from the public Council President McEvoy closed the public hearing on Ordinance 23-25

Councilman Wendell moved that the ordinance be adopted on second and final reading, and that the ordinance be submitted to the Mayor for approval, and thereafter published according to law. Councilman Behal seconded the motion.

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

REPORTS

Brad Cohen, Mayor: Thanked the Finance Department for putting everything together with our Auditors to give us such a clean report, something we are getting used to with Angel and that is a testament to you and your department but more importantly it lets the public know that we are being good stewards of their money and making sure that we are not doing anything other than what is absolutely required under the law and we hold everyone to that high standard. I also wanted to remind everyone that the final tax bills for 2023 will be going out the end of September. As most of you recall the 3rd Quarter payment was an estimate because we did not have our rates from the County. We estimated a 2% increase for the year in the 3rd Quarter tax bill. As it turns out when the money and the information from the County did come to us it turned out that there was virtually no increase in taxes from the schools, and County so the tax rate went up 0.3% overall which is less than 1% and amounts to about an \$11.00 increase for the average tax payer or less than \$1.00 a month. Since we overbilled for the 3rd Quarter, the 4th Quarter payment should make up for that so there should be a reduction. Finally, what you see before me tonight and what you will be voting on is the budget for refuse which is the combination of solid waste and recycling contract that ends at the end of this year. Our goals in producing a new contract and producing and providing this service is to do two things. One, to keep the community clean and too resolve what has been a menacing problem for the last 2 years which is the missed pick-ups which we get calls about all the time. When we investigated the cause of that it has been most frequently during schedule changes when we go from the once a week to twice a week, staffing shortages and the fact that we do bulk pickup. Trucks fill up before they are finished picking up in their area. Companies no longer want to do municipal business and would rather be hired privately like some of our neighboring communities. There are other towns that do it themselves, if we were to do that, we would need to purchase about 8 trucks and would cost \$450,000 each. We would need to hire more people and find a facility to house the trucks. The massive amount of money really makes it a non-starter.

When we put out the contract we spoke to the companies, and they would like us to go with once or twice a week pick up all year. They ask that we move to a scheduled pickup for bulk. The last issue is with leaves. We have no issue picking up bagged leaves but the problem with the loose leaves is the chronic complaints we get from the community about the messiness of the roads and the fact that it is unsafe and narrows the roads. Most people do not put it at the edge of their property but put it in the streets. Police have told us it's a safety issue. Our DPW Department now under the new DEP regulations must pick up leaves within 7 days of their notification from the town. That timeframe makes it impossible without having to double the staff. Between the complaints from residents, the safety issues and the fact that we cannot possibly meet the DEP guidelines without having to spend more money to hire staff. We opted to eliminate loose leaf pick-up. It ultimately affects taxpayers. We will pick up bagged leaves and there will be an unlimited amount of bags for free. It will keep the community cleaner, will less likely block storm drains and is a safer way of collecting leaves. You have a contract in front of you, we are asking you to consider a twice a week pickup for everyone. The recycling will be every other Wednesday. Everyone will be given a new bin. There is a 96-gallon bin. One for recycling and one for solid waste. If you are elderly or disabled and feel that it is too big for you there will be smaller bins available. The bigger bins have tops and allows for us to not have water accumulate in the garbage. If approved the company will distribute the bins. The contract is a 1.1 million dollar increase over what we are presently paying and it goes up each year just like the present contract goes up each year. The 1.1 million does represent an increase but however a portion of that is we are going from once a week to twice a week. The 1.1 million we feel will be covered by the \$300,00 in savings from the loose-leaf pickup that we will not be doing, That's the present cost if we were to

continue and provide loose leaf service next year it would be more than that. We also believe there are revenues coming in the next year that will help offset that 1.1 million dollar cost. I hope you support the contract that is being presented tonight and support the bond that we are going to need to purchase the bins. That bond will be paid back over the next 5 years.

Kevin McEvoy, Council President: Does anyone have any comments or questions?

Dana Zimbicki, Councilwoman: We have to look at the fact that we only had 1 bid come in, we don't have a whole lot of options.

Kevin McEvoy: Is there a limit on bags and are they free?

Brad Cohen: Bags are free and 1 bin per house for solid waste and one bin for recycling. You can also bring extra garbage to our recycling center.

Joseph Criscuolo, Administrator: I would like to personally thank Dan Losik, Woodbridge Township, neighboring towns and Keith Kipp on all the help through this journey. Resolution 23-259, St. Mary St. Stephen Church Carnival I was informed by the Clerk's Office that they plan to have a shuttle service from an offsite facility.

Anthony Iacocca, Township Attorney: At the last Council meeting the Township approved a Resolution authorizing an award of a contract in issuance of a license of a new Plenary Retail Consumption License to EB Liquor License LLC. The New Jersey Alcohol and Beverage Commission Control required that the township have 2 separate resolutions. One authorizing the award of contract, and another issuing the issuance of the license. On tonight's agenda there are 2 resolutions one is Resolution #23-262 which is authorizing the award of the license to EB Liquor License, and resolution #23-263, which authorized the issuance of the license.

Tamar Lawful, Township Clerk: Ms. Lawful had nothing new to report.

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

James Wendell, Councilman: Councilman Wendell had nothing new to report.

Dana Winston, Councilwoman: Councilwoman Winston had nothing new to report.

Dana Zimbicki, Councilwoman: Councilwoman Zimbicki had nothing new to report.

Kevin McEvoy, Council President: Council President McEvoy had nothing new to report.

MEETING OPEN TO THE PUBLIC

The Township Clerk read the following:

PUBLIC COMMENT 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**. 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.

Council President McEvoy opened the meeting to the public.

Constance Balitsky – 177 Summerhill Road

Spoke about the concerns she has with the leaves no longer being picked up.

Mark Portnoy – 4 Terry Lane

Spoke about concerns he has with the leaves no longer being pick up at the curb.

Ilya Rozentuler - 11 Pitt Road

Wanted to know if there were any options to the leaves being picked up?

Steve Pecesky- 17 Academic Road

He wanted to know if there was an option to buy 2 garbage bins and also spoke about leaf pick up no longer being available at the curb.

Thomas Ingrasani – 58 Deerfield Road

Spoke about leaf pick up.

Wilbur Pan – 223 Milltown Road

Had questions regarding the garbage disposal contract.

END OF PUBLIC SESSION

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

RESOLUTION(S) [Requiring a separate vote]

There are none.

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

Resolution # through Resolution # 23-250 through Resolution 23-267

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.

Resolution #23-250 Resolution Authorizing the Return of Deposit Fee for Permit to Install Siding at 2 Lorraine Court

Resolution #23-251 Resolution of the Township of East Brunswick Authorizing the Tax Collector to Refund Tax/Utility Overpayments

Resolution #23-252 Resolution Authorizing the Cancellation of Property Taxes for the Year 2023, and the Preliminary 2024 Billing for Block 133.36, Lot 30 for Receiving a 100% Disabled Veterans Exemption

Resolution #23-253 Resolution Authorizing the Cancellation of Property Taxes for the Year 2023, and the Preliminary 2024 Billing for Block 705, Lot 24 for Receiving a 100% Permanently Disabled Veteran Exemption

Resolution #23-254 Resolution authorizing Refunds to be Issued Related to Tax Title Lien

Resolution #23-255 Resolution authorizing a One Year Contract Extension with Brothers Landscaping for Tree Planting Services for the Township of East Brunswick in the Amount No to Exceed \$43,790.00

Resolution #23-256 Resolution Establishing a Lien on Properties in Accordance with the Property Maintenance Code

Resolution #23-257 Resolution authorizing Do Portugal Circus, LLC to Hold a Circus at the Brunswick Square Mall from October 6, 2023, to October 15, 2023

- Resolution #23-258 Resolution Authorizing Middlesex County 4-H Association to Hold Several Haunted House/Hayride Events in October 2023 at the Middlesex County Fairgrounds
- Resolution #23-259 Resolution Authorizing St. Mary and St. Stephen Coptic Orthodox Church to hold a Carnival at its Church on September 23, 2023 and September 24, 2023
- Resolution #23-260 Resolution of the Township of East Brunswick Authorizing a \$300.00 Change fund for the Municipal Clerks Office
- Resolution #23-261 Resolution Authorizing a Change Order (Number One) with Dumor Contracting Inc, from \$547,175.00 to \$671,222.00 for the Louise Drive Watermain Replacement Project (Contact #2023-4) to Add Additional Improvements on Masing Place
- Resolution #23-262 Resolution of the Township of East Brunswick Authorizing the Award of a New Plenary Retail Consumption License
- Resolution #23-263 Resolution of the Township of East Brunswick Authorizing the Issuance of a New Plenary Retail Consumption License for the Licensing Period of 2023-2024
- Resolution 23-264 Resolution Endorsing the Library Concert series Project for the Year 2024
- Resolution 23-265 Resolution certifying Receipt and Review of the Annual Audit Report for the Year 2022
- Resolution 23-266 Resolution of the Township of East Brunswick, County of Middlesex, State of New Jersey, Authorizing the Award of a Competitive Bidding Contract to Interstate Waster Services of New Jersey, Inc, for the Solid Waste and Recycling Material Collection Services in the Amount Not to Exceed \$24,153,105.00 for a Period of Five Years (2024-2028)
- Resolution 23-267 Resolution to Approve the Bill List

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CONSENT AGENDA VOTE

Councilman Wendell moved the adoption of the resolutions listed on the Consent Agenda, Resolution # 23-250 through Resolution # 23-267. Resolution # 23-257 was removed from the Consent Agenda. Councilman Behal seconded the motion.

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

RECORDED VOTE OF COUNCIL						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal		X	X			
Wendell	X		X			
Winston			X			
Zimbicki			X			
McEvoy			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

Resolution # 23-257 Resolution Authorizing Do Portugal Circus, LLC to Hold a Circus at the Brunswick Square Mall from October 6, 2023, to October 15, 2023

Council President McEvoy addressing concerns regarding the circus and asked Township Attorney Anthony Iacocca to address the concerns.

Township Attorney, Anthony Iacocca: The Director of Planning and Engineering and the Police Chief had an opportunity to review the application. The Director of Planning and Engineering recommends against approving the application for a circus for the following reasons. A mall parking lot is not designed to handle a large gathering. There is no permitted fencing at the site and there is not sufficient parking for the circus trailers, staff and equipment. It would adversely impact the parking at the mall to the detriment of patrons and business owners. In addition, the Police Chief recommends against approving the application for a circus permit for similar reasons and more. A mall parking lot is not suitable to handle a large gathering in an open space, no permitted fencing is allowed. In addition, the security services required for this event would put a strain on the Townships Police and Emergency Medical services. Further no operations manual was provided by the applicant. As we have seen in prior events a large gathering in an open space is very difficult to secure and control from a public safety standpoint. For these reasons it is recommended that the Governing Body vote against approving the application.

Councilman Wendell moved the adoption of Resolution #23-257, seconded by Councilwoman Winston. Council President McEvoy requested a roll call vote:

RECORDED VOTE OF COUNCIL						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal				X		
Wendell	X			X		
Winston		X		X		
Zimbicki				X		
McEvoy				X		

By a unanimous Roll Call Vote, Resolution #23-257 was voted down.

*****ORDINANCE(S) FOR INTRODUCTION*****

Scheduled Public Hearing Date: Thursday, September 28, 2023

ORDINANCE # 23-26

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF SOLID WASTE AND RECYCLING CONTAINERS IN AND BY THE TOWNSHIP OF EAST BRUNSWICK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$2,880,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,736,000 IN BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

Township Clerk, Ms. Lawful, read the ordinance by title

Councilman Wendell 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 September 28, 2023, at the Municipal Building/Court Room, located at 1 Civic Center Drive, in the Township of East Brunswick. Councilwoman Zimbicki seconded the motion.

RECORDED VOTE OF COUNCIL						
Council Members	Motion	Second	Yes	No	Abstain	Absent
Behal			X			
Wendell	X		X			
Winston			X			
Zimbicki		X	X			
McEvoy			X			

By a unanimous vote, Ordinance 23-26 passed on first reading,

ADD-ON RESOLUTION

There were none.

UNFINISHED BUSINESS/NEW BUSINESS

There were none.

FOR THE GOOD OF THE CAUSE

Joseph Criscuolo, Business Administrator: I would just like to remind everyone that the next Council Meeting will take place on Thursday, September 28, 2023

Brad Cohen, Mayor: I wanted to recognize that today is 9/11 and we have a monument in the Municipal Park that memorializes the 8 members of our community that we lost that day.

CLOSED SESSION

There were none.

ADJOURNMENT

Having no other business to conduct, Councilman Wendell moved to adjourn the meeting. Councilwoman Zimbicki seconded the motion. All were in favor. The meeting was adjourned at 8:30 p.m.



KEVIN MCEVOY, COUNCIL VICE PRESIDENT

ATTEST:



LOREN MORACE, DEPUTY MUNICIPAL CLERK