

**EAST BRUNSWICK TOWNSHIP
COUNCIL AGENDA\ACTION MEETING
January 9, 2017**

1 Jean Walling Civic Center
East Brunswick, New Jersey 08816

8:00 P.M.

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

Councilwoman Ferraro Clark
Councilman Spadafino
Councilman Stanley
Councilman Wendell
Council President Hughes

2. Statement of Notice of Publication:

3. Presentations, Proclamations and Discussions:

A. Presentation: Shop EB – Carmine DeFalco, Fin Credit

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

None

5. Public Hearing:

None

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. 15603 Establishing a Lien on Properties In Accordance with the Property Maintenance Code
- B. 15604 Awarding Contract for the Furnishing and Delivery of Water Maintenance Materials for 2017-2018
- C. 15605 Awarding Contract for the Furnishing and Delivery of Fluoride
- D. 15606 Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2014-June 2019
- E. 15607 Authorizing a Contract between the County of Middlesex and the Township of East Brunswick for Public Health Services for Year 2017
- F. 15608 Accepting as a Revenue and Appropriation Cops in Shop College Fall Initiative 2016-2017 Grant #AL-17-45-05-01 in the Amount of \$2,000
- G. 15609 Supporting Cops in Shop College Fall Initiative 2016-17
- H. 15610 Of the Township of East Brunswick, County of Middlesex, State of New Jersey, Authorizing the Execution of an Agreement with the County of Middlesex for a Pilot Cooking Oil Recycling Program
- I. 15611 Authorizing the Replacement of Two Roof Top HVAC Units for the Pistol Range Exempt Under N.J.S.A. 40A:11-6.1 in the Amount of \$25,040.60 Under CO-OP Pricing

Council Agenda\Action Meeting
January 9, 2016

- J. 15612 Authorizing the Administrator to Make, Negotiate and Award Contracts of \$15,000 or Less for Year 2017
 - K. 15613 2017 Mayor Appointments with Advice and Consent of Township Council to Various Boards and Commissions (*Water Policy, Construction Board of Appeals, RPAB, Advisory Health and Commission on Aging*)
 - L. 15614 Authorizing Submittal of Grant Application Fiscal Year 2017 NJDOT Municipal Aid Program
 - M. 15615 RE: Township Council Citizen Appointments to the Various Boards and Commissions for 2017 (*Cable Television and Traffic Advisory*)
 - N. 15616 Authorizing Release of Performance Guarantees for Farrington Woods
 - O. Approval of Raffle License RA2322 – BPOE #2370 East Brunswick – September 23, 2017.
 - P. Approval of Bill List (approval of bills owed by Township to various individuals, companies and accounts).
9. Ordinance Requiring a Public Hearing Date: January 23, 2016
- A. 17-01 Amending Ordinance 15-03 Granting Renewal of Municipal Consent to Comcast of Central New Jersey, to Construct, Connect, Operate and Maintain a Cable Television and Communications System in East Brunswick Township, New Jersey
 - B. 17-02 Amending Chapter 166, Property Maintenance Code of the Township of East Brunswick
 - C. 17-03 Amending Chapter 221, Weapons
 - D. 17-04 Amending Ord. 05-10 Establishing Compensation and Salaries for Special Police (NJ State Law Enforcement Officers Association Local 9) In Accordance with Contractual Provisions
 - E. 17-05 For Calendar Year 2017 To Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14

Council Agenda\Action Meeting
January 9, 2016

10. New Business:

- A. Approval of Council Agenda\Action Meeting Minutes – December 12, 2016
(Absent – Contrino).
- B. Approval of Council Agenda\Action Meeting Minutes – December 19, 2016.
- C. Approval of Closed Session Executive Meeting Minutes – December 19, 2016.

11. For Good of the Cause:

12. Adjournment:



TOWNSHIP OF EAST BRUNSWICK

NO: 15603 DATE OF ADOPTION: January 9, 2017

RESOLUTION ESTABLISHING A LIEN ON PROPERTIES IN ACCORDANCE WITH THE PROPERTY MAINTENANCE CODE

WHEREAS, the governing body modified the Property Maintenance Code through the adoption of Ordinance #99-10; and

WHEREAS, the Code Enforcement Officer provided a notice to the property owners listed in Schedule A requesting compliance with the Local Property Maintenance Code; and

WHEREAS, the properties listed were un-kept and the owners have not responded to the appropriate notice creating a blight and health hazard to the local neighborhood; and

WHEREAS, the Code Enforcement Officer has authorized a lawn mowing service to bring the properties into compliance and said costs are to be established as a lien against the property in accordance with Ordinance #99-10.

NOW THEREFORE, BE IT RESOLVED by the Township Council, Township of East Brunswick, County of Middlesex, State of New Jersey, that a property lien is hereby established on these properties in said amount as listed in Schedule A attached and the amount may be increased from time to time if the property owner does not maintain the property in accordance with the Code.

BE IT FURTHER RESOLVED, that the Collector of Revenue is to list this item as open on all future searches and the Chief Finance Officer is directed to take whatever collection steps are appropriate to expunge said lien, said funds as collected are to be applied to the enforcement budget line as permitted under N.J.S.A. 40:48-2.12(F).

CERTIFICATION:

Administrator

Chief Finance Officer

Township Attorney

Director, Planning & Engineering

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Clark					Wendell				
Spadafino					Hughes				
Stanley									
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 _____, 2017.

Nennette Perry, Municipal Clerk

SCHEDULE A

<u>Property Address</u>	<u>Block</u>	<u>Lot</u>	<u>Lien Amount</u>
45 Main Street	150	23	\$65.00
59 Main Street	150	30	\$50.00
13 Smiths Lane	317.13	21.18	\$60.00
17 Norton Road	604	9	\$70.00
1 Thomas Road	133.06	20	\$1,164.17



TOWNSHIP OF EAST BRUNSWICK

NO: 15604

DATE OF ADOPTION: January 9, 2017

RESOLUTION AWARDING CONTRACT FOR THE FURNISHING AND DELIVERY OF WATER MAINTENANCE MATERIALS FOR 2017 – 2018

WHEREAS, the Township of East Brunswick advertised for bids for the furnishing and delivery of various water maintenance materials (the “Materials”) for the period 2017 – 2018 and two years with renewal options; and

WHEREAS, on December 21, 2016, the Township received four (4) bids from H.D. Supply Waterworks, Ltd.; Atlantic Plumbing Supply Corp., Waterworks Supply Co, Inc.; and Raritan Group Inc. in which the bidders provided individual prices for each of the several dozen Materials the Township requires; and

WHEREAS, the Director of the Water & Sewer Utility has reviewed the bids and recommends that the bids for the individual Materials be awarded in part to all who bid in accordance with the Materials list and recommendation attached hereto and made a part hereof; and

WHEREAS, funding for the furnishing and delivery of the Materials is available in Water Utility Account 7-07-14-502-000-030 as certified by the Chief Finance Officer;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Brunswick that a contract be awarded in the amount of \$156,128.25 to HD Supply Waterworks, Ltd.; \$132,062.78 to Waterworks Supply Co., Inc.; \$35,207.79 for Atlantic Plumbing Supply Corp. and \$987,588.74 for Raritan Group Inc. for the Materials listed on the attached recommendation list.

CERTIFICATION:

Administrator

Chief Finance Officer

Township Attorney

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Clark					Wendell				
Spadafino					Hughes				
Stanley									
X · Indicates Vote.			NV · Not Voting			Ab · Absent			

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Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15605

DATE OF ADOPTION: January 9, 2017

RESOLUTION AWARDING CONTRACT FOR THE FURNISHING AND DELIVERY OF FLOURIDE

WHEREAS, the Township of East Brunswick advertised for bids for furnishing and delivery of fluoride for use by the Water/Sewer Utility; and

WHEREAS, on December 21, 2016, the Township received two (2) qualifying bids; and

WHEREAS, the Director of the Water/Sewer Utility reviewed the bids and recommends that the governing body award a one (1) year contract with an option to renew for one additional year, to the low bidder, Mosaic Global Sales, LLC of Lithia, Florida, which bid \$403.00 per ton of fluoride; and

WHEREAS, funding for the contract is available in Account No. # 7-07-13-502-000-031;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Brunswick that a one-year contract with an option to renew for one year for furnishing and delivery of fluoride be awarded to Mosaic Global Sales, LLC, 13830 Cira Crossing Drive, Lithia, FL 33547 for a cost of \$403.00 per ton, subject to all bid specifications and contract documents.

CERTIFICATION:

Administrator

Township Attorney

Chief Finance Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Clark					Wendell				
Spadafino					Hughes				
Stanley									
X · Indicates Vote.			NV · Not Voting				Ab · Absent		

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Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15606 DATE OF ADOPTION: January 9, 2017

RESOLUTION GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2014-JUNE 2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of East Brunswick, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex.

NOW, THEREFORE, BE IT RESOLVED by the Township of East Brunswick, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the East Brunswick Municipal Alliance grant for fiscal year **2017/2018** in the amount of:

DEDR	\$ <u>46,172</u>
Cash Match	\$ <u>11,543</u>
In-Kind	\$ <u>34,629</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Brad Cohen, Mayor

CERTIFICATIONS:

Administrator

Township Attorney

Chief Finance Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Clark					Wendell				
Spadafino					Hughes				
Stanley									
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 _____, 2017.

Nennette Perry, Municipal Clerk

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of East Brunswick, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Township of East Brunswick, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the East Brunswick Municipal Alliance grant for fiscal year **2017/2018** in the amount of:

DEDR	\$	<u>46,172</u>
Cash Match	\$	<u>11,543</u>
In-Kind	\$	<u>34,629</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Brad Cohen, Mayor

CERTIFICATION

I, Nennette Perry, Municipal Clerk of the Township of East Brunswick, County of Middlesex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 9th day of January, 2017.

Nennette Perry, Township Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15607 DATE OF ADOPTION: January 9, 2017

RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE COUNTY OF MIDDLESEX AND THE TOWNSHIP OF EAST BRUNSWICK FOR PUBLIC HEALTH SERVICES FOR YEAR 2017

WHEREAS, the County of Middlesex (the “County”) has created the Middlesex County Department of Public Health pursuant to N.J.S.A. 26:3A2-1 et seq., which provides, among other things, an array of public health services of a technical and professional nature (the “Services”) and licensed personnel to carry out the Services offered; and

WHEREAS, the Township has contracted with the County in past years to obtain the Services for the Township residents because the Services are a benefit to Township residents and in the public interest; and

WHEREAS, the Township wishes to enter into a contract with the County for the Services for the period of January 1, 2017 through December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Municipal Clerk are hereby authorized to enter into the agreement with the County of Middlesex, Department of Public Health, a copy of which is on file in the office of the Municipal Clerk, for the period of January 1, 2017 to December 31, 2017, in the amount of \$191,374.41; and

BE IT FURTHER RESOLVED that the Clerk shall forward a copy of this resolution along with the executed Agreement to the Director of the County of Middlesex Public Health Department and a copy of this resolution to the Middlesex County Board of Chosen Freeholders.

CERTIFICATIONS:

Administrator

Township Attorney

Chief Finance Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Clark					Wendell				
Spadafino					Hughes				
Stanley									
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 _____, 2017.

Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15608 DATE OF ADOPTION: January 9, 2017

RESOLUTION ACCEPTING AS A REVENUE AND APPROPRIATION COPS IN SHOP COLLEGE FALL INITIATIVE 2016-2017 GRANT #AL-17-45-05-01 IN THE AMOUNT OF \$2,000

WHEREAS, any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount is determined before the time of the adoption of the budget, shall be included in; and

WHEREAS, the Director approves the insertion of an item of appropriation for equal amount to the revenue during the budget review.

NOW, THEREFORE, BE IT RESOLVED by the Township Council, Township of East Brunswick, County of Middlesex, State of New Jersey hereby inserts an item of revenue in the budget of the year 2017 in the sum of \$2,000.00, which is now available from the Cops in Shops College Fall Initiative 2016-17 Grant in the amount of \$2,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$2,000 is hereby appropriated under the caption in 2017 Budget.

CERTIFICATION:

Administrator

Township Attorney

Chief Finance Officer

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

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Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15609 DATE OF ADOPTION: January 9, 2017

RESOLUTION SUPPORTING COPS IN SHOPS COLLEGE FALL INITIATIVE 2016-17

WHEREAS, the State of New Jersey, Division of Alcoholic Beverage Control, has asked law enforcement agencies throughout the State to participate in the *Cops In Shops College Fall Initiative 2016-17*; and

WHEREAS, the project will involve increased underage drinking and purchasing of alcohol enforcement from December 1, 2016 through June 15, 2017; and

NOW THEREFORE, BE IT RESOLVED by the Township Council, Township of East Brunswick, declares its support for the *Cops In Shops College Fall Initiative 2016-17* from December 1, 2016 through June 15, 2017 and pledges to increase awareness of the dangers of underage drinking.

CERTIFICATION:

Administrator

Township Attorney

Chief Finance Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Clark					Wendell				
Spadafino					Hughes				
Stanley									
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 _____, 2017.

Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15610 DATE OF ADOPTION: January 9, 2017

**RESOLUTION OF THE TOWNSHIP OF EAST BRUNSWICK,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF
MIDDLESEX FOR A PILOT COOKING OIL RECYCLING PROGRAM**

WHEREAS, the County of Middlesex has developed a Pilot Cooking Oil Recycling Program to provide a system of drop-off locations available to all County residents for the recycling of cooking oil; and

WHEREAS, N.J.S.A. 40A:11-5(2) authorizes the County and the Township of East Brunswick to enter into an agreement for a Pilot Cooking Oil Recycling Program; and

WHEREAS, the Township of East Brunswick desires to execute the agreement for a Pilot Cooking Oil Recycling Program.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of East Brunswick, County of Middlesex, State of New Jersey, as follows:

1. That the governing body is hereby authorized to enter into an Agreement with the County of Middlesex for a Pilot Cooking Oil Recycling Program.
2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the Agreement, and any other documents necessary to effectuate the terms of this resolution. Said Agreement shall be in a form acceptable to the Township Attorney and in a form substantially the same as the attached Schedule A.
3. That this resolution shall become effective immediately.
4. That a copy of the Agreement referenced herein shall be kept on file and made available for public inspection at the Township Clerk's Office during normal business hours.
5. That a certified copy of this resolution, together with a copy of the Agreement shall be forwarded to the County of Middlesex Division of Solid Waste Management.

CERTIFICATIONS:

Administrator

Township Attorney

Chief Finance Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Clark					Wendell				
Spadafino					Hughes				
Stanley									
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 _____, 2017.

Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15611 DATE OF ADOPTION: January 9, 2017

RESOLUTION AUTHORIZING THE REPLACEMENT OF TWO ROOF TOP HVAC UNITS FOR THE PISTOL RANGE EXEMPT UNDER N.J.S.A. 40A:11-6.1 IN THE AMOUNT OF \$25,040.60 UNDER A CO-OP PRICING

WHEREAS, the Township of East Brunswick's Pistol Range is in need of replacing the two roof top HVAC units which are malfunctioning; and

WHEREAS, the new HVAC Roof Top units will provide fresh/clean air at the Pistol Range;
and

WHEREAS, the Township received three quotes they are as follows:

1. Encon Service Company is not qualified with State Contract or Co-Op for providing these two Roof Top Units.
2. Artic Air Conditioning coming in as the highest price of \$27,900.
3. In-Line Air Conditioning Company Incorporated coming in with a price of \$25,040.60, the most complete with addition of replacement thermostats.

NOW, THEREFORE, BE IT RESOLVED by the Township Council, Township of East Brunswick, County of Middlesex, State of New Jersey according to the following:

1. The Chief of Police is hereby authorized to purchase two HVAC units for the Pistol Range from In-Line Air Conditioning Company Incorporated, located at 85 East 21st Street, Bayonne, NJ 07002 for the amount of \$25,040.60.

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

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Nennette Perry, Municipal Clerk

Res. #15611

2. In-Line Air Conditioning Company Incorporated is an approved contractor by winning the bid award of the MRESC contract 15/16-58 Co-Op of which the Township is a member.
3. The Chief Finance Officer will certify the funds are available in account 6-13-55-512-000-000.

CERTIFICATION:

Administrator

Township Attorney

Chief Finance Officer



TOWNSHIP OF EAST BRUNSWICK

NO: 15612 DATE OF ADOPTION: January 9, 2017

RESOLUTION AUTHORIZING THE ADMINISTRATOR TO MAKE, NEGOTIATE AND AWARD CONTRACTS OF \$15,000 OR LESS FOR YEAR 2017

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-3 provides that the governing body may authorize a contracting agent of the Township to make, negotiate or award contracts in an amount not to exceed the threshold amount, currently \$17,500 without the need for public advertising and without bringing the contracts to the Township Council; and

WHEREAS, the East Brunswick Township wishes, in the interest of efficiency, to enable the Township of East Brunswick to enter into contracts of \$15,000 or less without going through the Township Council for year 2017.

NOW THEREFORE, BE IT RESOLVED by the East Brunswick Township Council that it hereby designates the Administrator as the contracting agent so authorized to make, negotiate, and award contracts in the amount of \$15,000 or less without the need for advertising for bids and without the need to bring such contracts to the Township Council, provided that if a change order to such contract increases the amount to more than \$15,000 for year 2017, such change order will require approval by the East Brunswick Township Council.

CERTIFICATION:

Administrator

Township Attorney

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

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Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15613 DATE OF ADOPTION: January 9, 2017

RESOLUTION 2017 MAYOR APPOINTMENTS WITH ADVICE AND CONSENT OF TOWNSHIP COUNCIL TO VARIOUS BOARDS AND COMMISSIONS

WHEREAS, the Ordinances of the Township of East Brunswick provide that appointments to various Boards and Commissions shall be with the advice and consent of Council; and

WHEREAS, the following appointments and reappointments are recommended:

Water Policy Advisory Committee

Chandros F Caldwell for a three year term ending December 31, 2019

Mary Ann Walker for a three year term ending December 31, 2018*

Construction Board of Appeals

Ryan Fenstermaker for a four year term ending December 31, 2020

Irwin Jay Feifer for a four year term ending December 31, 2020

Patrick J Reardon for a four year term ending December 31, 2020

Recreation & Parks Advisory Board

Denise Contrino for a three year term ending December 31, 2018*

Howard Alexander for a three year term ending December 31, 2019

Alan Brodman for a three year term ending December 31, 2019

Sheila Sachs for a three year term ending December 31, 2019

Advisory Health Council

Huzaiifa A Shakir for a three year term ending December 31, 2019

Roberta D'Achille for a three year term ending December 31, 2019

Erin Gilbert for a three year term ending December 31, 2019

Dr. Steven L Richards for a three year term ending December 31, 2019

Dr. Wilbur Pan for a three year term ending December 31, 2018*

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

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Nennette Perry, Municipal Clerk

Res. #15613

Commission on Aging

Maevonia (May) Caldwell for a three year term ending December 31, 2019

Rachel Weiner for a three year term ending December 31, 2019

Galina Markovich for a three year term ending December 31, 2017*

*Completes unexpired term

NOW, THEREFORE, BE IT RESOLVED, that the East Brunswick Township Council approves the appointment of these individuals for the above mentioned terms or until the appointment and qualification of their successors.

CERTIFICATION:

Administrator

Township Attorney



TOWNSHIP OF EAST BRUNSWICK

NO: 15614 DATE OF ADOPTION: January 9, 2017

RESOLUTION Authorizing Submittal of Grant Application Fiscal Year 2017 NJDOT Municipal Aid Program

WHEREAS, the Transportation Trust Fund has been renewed and will permit continuation of the Municipal Aid Program for improvements to municipal roads for the 2017 Fiscal Year; and

WHEREAS, the Township Council authorizes the Mayor and Township Clerk to submit an electronic grant applications identified as: 1) MA-2017-00124 Dunhams Corner Road Resurfacing between Ryders Lane and Cranbury Road; and 2) MA-2017-00135 Valley Forge Drive Improvements; and

NOW, THEREFORE, BE IT RESOLVED by the East Brunswick Township Council, that application is hereby made to the Commissioner of the Department of Transportation for aid under the Municipal Aid Program in the sum of \$675,000 for the Resurfacing of Dunhams Corner Road between Ryders Lane and Cranbury Road and in the sum of \$550,000 for the Reconstruction of Valley Forge Drive.

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of East Brunswick and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

CERTIFICATIONS:

Administrator

Chief Finance Officer

Township Attorney

Director Planning & Engineering

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

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Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15615 DATE OF ADOPTION: January 9, 2017

RESOLUTION RE: TOWNSHIP COUNCIL CITIZEN APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS FOR 2017

BE IT RESOLVED by the East Brunswick Township Council that it hereby makes the following appointments and re-appointments to Various Listed Boards and Commissions.

Cable Television and Telecommunications Advisory Committee

Dave Ambrosy for a term ending December 31, 2017

Traffic Advisory Board

Bruce Barrett for a two year term ending December 31, 2018

Paul Larrouse for a two year term ending December 31, 2018

Deborah Berger for a two year term ending December 31, 2018

or until the appointment and qualification of their respective successors.

CERTIFICATION:

Township Attorney

Administrator

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Clark					Wendell				
Spadafino					Hughes				
Stanley									
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 _____, 2017.

Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

NO: 15616 DATE OF ADOPTION: January 9, 2017

RESOLUTION Authorizing Release of Performance Guarantees for Farrington Woods

WHEREAS, Millwood Associates Inc. did post the following Bond:

<u>Bond#</u>	<u>Dated</u>	<u>Amount</u>	<u>Cash Escrow</u>
5007780	4/6/2005	\$101,700.00	\$11,606.12

in a subdivision entitled Farrington Woods; and

WHEREAS, all the improvements in the public right-of-way required by the East Brunswick Planning Board for this subdivision have been completed in a manner consistent with the approved plans and to the satisfaction of the Division of Planning and Engineering.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Brunswick, County of Middlesex, State of New Jersey authorizes the release of the following based upon the recommendation of the Township Engineer and the Department of Planning & Engineering.

1. Bond# 5007780, dated April 6, 2005
2. The sum of \$11,606.32 (account# PG3158) which constitutes the remaining cash performance guarantees originally deposited by Millwood Associates, Inc.

Refund to be paid to Millwood Associates, Inc. upon the completion of the following:

A. The posting of a maintenance bond for a statutory term of two years in a form to be approved by the Township Attorney.

<u>Bond No.</u>	<u>Maintenance Bond Amount</u>
	\$62,400.00

CERTIFICATIONS:

Administrator

Township Attorney

Chief Finance Officer

Director Planning & Engineering

RECORD VOTE OF COUNCIL ON FINAL PASSAGE									
Council Member	Y	N	NV	Ab	Council Member	Y	N	NV	Ab
Clark					Wendell				
Spadafino					Hughes				
Stanley									
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 _____, 2017.

Nennette Perry, Municipal Clerk



TOWNSHIP OF EAST BRUNSWICK

ORDINANCE NO: 17-01 DATE OF INTRODUCTION: January 9, 2017

AN ORDINANCE AMENDING ORDINANCE 15-03 GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF CENTRAL NEW JERSEY. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN EAST BRUNSWICK TOWNSHIP, NEW JERSEY

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL/COMMITTEE OF THE TOWNSHIP OF EAST BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television, communications system, or network based system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. Section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Township" or "Municipality" is the Township of East Brunswick, County of Middlesex, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, *et seq.*

Rejected

Approved

Reconsidered by Council _____

Mayor

Date

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
Clark																
Spadafino																
Stanley																
Wendell																
Hughes																
		X • Indicates Vote		NV • Not Voting			AB • Absent			M • Moved			S • Seconded			

- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire TEN (10) years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line.

SECTION 8. CONSTRUCTION REQUIREMENTS.

a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

b. Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables. The Company agrees to notify the Township prior to commencing these activities.

SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Municipality upon written request of the Municipality Administrator or Clerk.

a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (“NCTA”).

d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours. During the term of this Franchise and any renewal thereof, the local office shall be located within five miles of the Township of East Brunswick.

SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the municipality a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY.

a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet at no cost to each qualified existing and future school in the Municipality, public and private, elementary, intermediate and secondary, provided the school building is within one hundred seventy-five (175) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service.

b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost to one (1) outlet to each qualified existing and future public building including the municipal building, public works, parks & recreation, water & sewer, police, fire, emergency management facility and public library in the Municipality, provided the facility is located within one hundred seventy-five (175) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials

plus labor basis by the Municipality. In addition, the Municipality shall be entitled to free internet service in each municipal building, including but not limited to, Township building, Police Department, Senior Center, Library, Public Works, Parks/Recreation, and Water/Sewer. EBTV is also entitled to free HD service. In addition, the Municipality shall be entitled to free internet service with static IP address in each existing and future municipal buildings, including but not limited to: Township building, Police Department, Senior Center, Public Works, Parks/Recreation, Water/Sewer, and the Museum building. EBTV is also entitled to carriage in HD or better, as well as free HD service to monitor their signal.

c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Municipality a one-time Technology Grant in the amount of \$228,000 to meet the technology and/or cable related needs of the community.

d. The Communications Act of 1934, as amended [47 U.S.C. § 543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

e. Company representative shall appear once (1) annually, upon written request of the governing body.

SECTION 15. EDUCATIONAL AND GOVERNMENTAL ACCESS.

a. The Company will continue to provide one (1) channel for educational and governmental (“EG”) access for the use by Municipality on the most basic tier of service offered by the Company in accordance with the Cable Act, Section 611 [47 U.S.C. § 531], and as further set forth below.

b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for EG use. An EG access user – whether an educational or government user – acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.

c. The Company shall not exercise editorial control over the use of any educational or governmental channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.

d. Educational Access. “Educational Access” shall mean non-commercial use by educational institutions such as public or private schools, but not “home schools,” community colleges and/or universities.

e. Government Access. “Government Access” shall mean non-commercial use by the governing

bodies of the Municipality for the purpose of showing the public local government at work.

f. Fallow Time. Because blank EG channels are not in the public interest, in the event the Municipality or other EG access users elect not to program the EG access channel, Company may program unused time on those channels subject to reclamation by the Municipality upon no less than sixty (60) days' written notice.

g. Indemnification. The Municipality shall indemnify Company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Municipalities' rules for or administration of access.

SECTION 16. EMERGENCY USES.

a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

b. The Company shall in no way be held liable for any injury suffered by the Municipality or any other person, during an emergency, if for any reason the Municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

SECTION 19. COMPETITIVE EQUITY.

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. FEDERAL AND STATE REGULATIONS

The Company shall abide by all federal and state regulations regarding cable television, including any future regulations.

SECTION 23. CONSISTENCY WITH FUTURE FEDERAL AND STATE STATUTES, REGULATIONS, RULES AND ORDER

Should any of the federal or state statutes, regulations, or pronouncements applicable to the regulation of cable television be modified in any way, such modifications, to the extent they embody required terms and conditions and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification.

SECTION 24. TWO-WAY SERVICES

Should the Municipality determine that it wants to contract with Comcast for the purpose of providing two-way service and/or interconnect services, or any other services, the Company shall supply the Township with the cost for implementation.

SECTION 25. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.



TOWNSHIP OF EAST BRUNSWICK

ORDINANCE NO: 17-02 DATE OF INTRODUCTION: January 9, 2017

ORDINANCE AMENDING CHAPTER 166, PROPERTY MAINTENANCE CODE OF THE TOWNSHIP OF EAST BRUNSWICK

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

SECTION 1. Chapter 166, Property Maintenance Code, Section 166-8. Lien to Recover Costs, of the Township of East Brunswick, is hereby amended with additions shown in underline and deletions shown in brackets as follows:

& 166-8. Lien to Recover Costs.

Where abatement of any nuisance as defined herein or correction of a defect on the premises or the maintenance of the premises in a proper condition to conform to applicable ordinances of the Township of East Brunswick or the laws of the State of New Jersey requires expenditures of the Township of East Brunswick of moneys therefor, the Zoning & Code Enforcement Officer or his/her designee, shall present a report of the work accomplished to the governing body of the Township of East Brunswick along with a summary of the proceedings undertaken to secure compliance including notices served upon owners, operators, occupants or their agents, as the case may be, by certified mail. The governing body shall then approve the expenses, administrative fee of twenty dollars (\$20.00) and costs, whereupon they shall become a lien against the premises, collectible as provided by law. A copy of the resolution approving the said expenses shall be certified by the Township Clerk and filed with the Tax Collector of the Township of East Brunswick, who shall be responsible for the collection thereof; and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner.

SECTION 2. If any section, paragraph, subdivision, clause or provision of this 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 this ordinance are hereby repealed to the extent of such consistency.

SECTION 4. This ordinance shall take effect twenty days after final passage, adoption and publication according to law.

MICHAEL HUGHES
Council President

Attest:
Nennette Perry, Township 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
Clark																
Spadafino																
Stanley																
Wendell																
Hughes																
X • Indicates Vote NV • Not Voting AB • Absent M • Moved S • Seconded																



TOWNSHIP OF EAST BRUNSWICK

ORDINANCE NO: 17-03 DATE OF INTRODUCTION: January 9, 2017

ORDINANCE AMENDING CHAPTER 221 WEAPONS

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

SECTION 1. Chapter 221, Weapons, of the Code of the Township of East Brunswick is hereby amended as follows:

SECTION 2. Sections 221-2.B.5, Restrictions On Use of Firearms, is hereby amended by the adoption of the ordinance, as more particularly set forth in Schedule A attached hereto and incorporated herein.

SECTION 3. Section 221-4, Exceptions is hereby amended by the adoption of the ordinance, as more particularly set forth in Schedule A attached hereto and incorporated herein.

SECTION 4. If any section, paragraph, subdivision, clause or 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 5. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Michael Hughes
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
Clark																
Spadafino																
Stanley																
Wendell																
Hughes																
X • Indicates Vote NV • Not Voting AB • Absent M • Moved S • Seconded																

Additions underlined
Deletions bracketed

Schedule A

Chapter 221

WEAPONS

& 221-1. Restrictions on hunting.

& 221-2. Restrictions on use of firearms.

& 221-3. Restrictions on bows and arrows.

& 221-4. Exceptions.

& 221-5. Posting of Signs.

& 221-1. Restrictions on hunting.

- A. No person shall hunt or kill wild birds or animals, other than destructive animals and birds as defined in the fish and game laws of New Jersey, within one thousand (1,000) feet of the shores of those bodies of water commonly known as "Farrington Lake," "Weston's Mill Pond" and "Lawrence Brook."
- B. No person shall hunt or go for the purpose of hunting upon the lands of another person, except with the written permission of that person. Such permits shall not extend beyond the calendar year for which they are issued.

& 221-2. Restrictions on use of firearms.

- A. No person shall discharge a firearm within six hundred (600) feet of any dwelling, house, school, place of worship, playground, public street or highway, barn, out-building, field where domestic animals are grazing, commercial or industrial development, parking area, or any other place where people or animals customarily congregate. This section shall not be construed to prohibit the use of firearms for the protection of life, person or property or the discharge of firearms on any firing range equipped with proper safeguards for the protection of persons and property. Any firing range which is constructed in accordance with range plans provided by the National Rifle Association shall be considered as having proper safeguards.
- B. No firearms may be carried in a loaded condition or discharged in any part of East Brunswick Township except in the following designated areas.
 - 1. Northwest of Fresh Ponds Road to the Public Service High Tension Electric Line, bounded on Southwest by Irelands Brook, the boundary line with South Brunswick Township; bounded on the Northeast by the Henry Street Conservation Area and the end of Hillcrest Avenue; and on the Southeast by Helair Drive.

2. West of Crescent Avenue bounded on the South by Miller Avenue and the boundary line of the Boro of Helmetta and on the North by Old Stage Road to Helmetta Boulevard, and all property Southwest of Helmetta Boulevard bounded on the Southeast by the Boro of Helmetta boundary line, on the Northwest by Cranbury Road and along the boundary lines between the Township of East Brunswick and the Township of South Brunswick to the boundary line between the Township of East Brunswick and the Township of Monroe.
3. East of Edgeboro Road and Weston Place between Brick Plant Road and the South River to the Southeast, the Raritan River to the Northeast and North and the Lawrence Brook to the North.
4. Southeast of Fresh Ponds Road to the New Jersey Turnpike bounded on the Southwest by Hardenburg Lane; and on the Northeast by Bog Brook, the boundary line with the Borough of Milltown.
5. From the interesection of Irelands Brook and Dunhams Corner Road along the Easterly side of Dunhams Corner Road South-Southeast to Cranbury Road, then 3,000 feet Northeast to the County Fairgrounds, then in a North by Northwest direction to Irelands Brook, following the same back to its intersection with Dunhams Corner Road.]

& 221-3. Restrictions on bows and arrows.

- A. No person shall possess or have under his control any arrow with an explosive tip or poison arrow or any bow which is drawn by mechanical means, unless he can establish that such bow or arrow is possessed because of its historical or similar value and is not intended for use.
- B. No person shall discharge any arrow within three hundred (300) feet of any dwelling, house, school, place of worship, playground, public street or highway, barn, out-building, field where domestic animals are grazing, commercial or industrial development, parking areas, or any other place where people or animals customarily congregate, except upon an archery range equipped with proper safeguards for the protection of persons and property.
- C. No bow shall be carried with an arrow strung or discharged in East Brunswick Township, except in those areas enumerated in Section 2-B.

& 221-4. Exceptions.

[Nothing in this section shall apply to the following activities] The following exceptions and provisions shall apply:

- A. Landowners hunting upon their own property in accordance with state laws only if said property is located within a firearm discharge zone as outlined in Section 221-2.B.
- B. Farmers carrying and discharging firearms in the process of animal control in accordance with state law.

& 221-5. Posting of Signs.

The Department of Public Safety shall be responsible for posting signs on each road entering the Township indicating to persons entering the Township by way of such roads that there are designated areas of the Township in which the discharging of firearms is prohibited.



TOWNSHIP OF EAST BRUNSWICK

ORDINANCE NO: 17-04 DATE OF INTRODUCTION: January 9, 2017

ORDINANCE AMENDING ORD. 05-10 ESTABLISHING COMPENSATION AND SALARIES FOR SPECIAL POLICE (NJ STATE LAW ENFORCEMENT OFFICERS ASSOCIATION LOCAL 9 IN ACCORDANCE WITH CONTRACTURAL PROVISIONS

NOW, THEREFORE BE IT ORDAINED, by the Township Council, Township of East Brunswick, County of Middlesex, State of New Jersey according to the following:

SECTION 1. Titles for the Special Police, New Jersey State Law Enforcement Officers Association Local 9 shall be fixed in grades and manner established by Ordinance. Positions and salaries are classified therein as Schedule A which is on file in the Municipal Clerk's office.

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.

Michael Hughes
Council President

ATTEST:
Nennette Perry, Township 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
Clark																
Spadafino																
Stanley																
Wendell																
Hughes																
X • Indicates Vote NV • Not Voting AB • Absent M • Moved S • Seconded																

SCHEDULE A

SALARY SCHEDULE

The following salary scale shall be in effect as of January 1, 2017:

CLASS I OFFICERS

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
1 st Year	\$17.50	\$18.00	\$18.50	\$19.00	\$19.50
2 nd Year	\$20.00	\$20.50	\$21.00	\$21.50	\$22.00
3-5 Years	\$20.25	\$20.75	\$21.25	\$21.75	\$22.25
6-10 Years	\$20.50	\$21.00	\$21.50	\$22.00	\$22.50
11-20 Years	\$20.75	\$21.25	\$21.75	\$22.25	\$22.75
21 st and Above	\$21.00	\$21.50	\$22.00	\$22.50	\$23.00

CLASS II OFFICERS AND OFFICERS HIRED PRIOR TO JANUARY 2007:

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
1 st Year	\$20.55	\$21.00	\$21.50	\$22.00	\$22.50
2 nd Year	\$21.00	\$21.50	\$22.00	\$22.50	\$23.55
3-5 Years	\$21.50	\$22.00	\$22.55	\$23.55	\$24.55
6-10 Years	\$22.00	\$22.55	\$23.55	\$24.55	\$25.00
11-20 Years	\$22.55	\$23.55	\$24.55	\$25.55	\$26.55
*21 st and Above	\$23.55	\$24.55	\$25.55	\$26.55	\$27.55

*Applies to officers hired before January 1, 2007 and/or Retired Regular Officers appointed as Class II Officers.

*For the purposes of computing years of service, any employee who employment commences between January 1 and July 1 shall be credited with a full year of service.



TOWNSHIP OF EAST BRUNSWICK

ORDINANCE NO: 17-05 DATE OF INTRODUCTION: January 9, 2017

ORDINANCE FOR CALENDAR YEAR 2017 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14

WHEREAS, the Local Government CAP Law, N.J.S.A. 40A:4-45.1 *et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exception; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of East Brunswick in the County of Middlesex finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting up to \$1,641,198 increase in final appropriations within cap as otherwise permitted by the Local Government CAP Law, is advisable and necessary; and

WHEREAS, the Township Council, hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Township Council, of the Township of East Brunswick of the County of Middlesex and State of New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of East Brunswick shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be permitted to increase by 3.5% amounting to \$48,532,593 and that the CY 2017 municipal budget for the Township of East Brunswick be approved and adopted in accordance with this ordinance; and

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
Clark																
Spadafino																
Stanley																
Wendell																
Hughes																
X • Indicates Vote NV • Not Voting AB • Absent M • Moved S • Seconded																

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Michael Hughes
Council President

ATTEST:
Nennette Perry, Township Clerk