

A Special Meeting of the North Brunswick Township Council was held on Thursday, June 12, 2014, at 7:17 P.M. at 710 Hermann Road, North Brunswick, Middlesex County, New Jersey.

The meeting was called to order by Mayor Womack.

Roll call:

**Present: Ms. Narra, Ms. Nicola, Messrs. Andrews, Corbin, Davis and Socio
Absent: none**

Also present: Township attorney, Ronald Gordon, Business Administrator, Robert Lombard, Zoning Officer, Mike Proietti, Fire Marshal, Craig Snediker, Township Fire Chief, Steve Lins, Director of Public Safety, Ken McCormick, Construction Official, Tom Paun, Director of Community Development, Michael Hritz, Public Information Officer, Craig Yetsko, Police Chief Joe Battaglia, Officer of Emergency Management, Mark Cafferty, Municipal Clerk, Lisa Russo and Deputy Clerk, Milvi Weiner.

Also present: owners and workers of the Livingston Park Nursery.

Ms. Russo announced that the notice requirements of the law have been satisfied. Notices were faxed on Monday, June 9, 2014 to the following:

a) The Home News & Tribune b) Star Ledger c) North Brunswick Sentinel

Notice receipts are on file in the Township Clerk's office. Also, notices were posted on the bulletin board in the Municipal Complex and filed in the Clerk's office on June 9, 2014.

Mr. Hritz led in the Pledge of Allegiance.

Mayor Womack began the meeting stating that someone sent a letter to the Environmental Protection and to the residents that live in the area of the Livingston Park Nursery about the nursery. People in the neighborhood are concerned about the fire that occurred at the nursery that keeps on igniting and the smell that it has caused in the neighborhood. The fire came out of the 25 ft. high piles. How they came to be there and the history of the property will be discussed.

Mr. Hritz said the nursery is a robust service and continuing nonconforming use which means it was a nursery before and is still a nursery today which is permitted.

How high can they (the piles) be under law? Fire Marshal, Craig Snediker said the nursery was an exempt location by the County of Middlesex. New Jersey law – 25' – 35' high and 150' long. A pole was put on top where 25' ends.

Why was there a fire there? Fire Chief, Steve Lins said the fire was due to spontaneous combustion – natural decay – heat – dry week – heat kept building up – wisps of smoke and the fire company was dispatched at that point.

Resident stated that the fire before smoke and the use of the hoses caused water and oil to go into the sewer. Odor of mulch affecting their quality of life.

Councilman Andrews said that complaints have gone back years. The entrance on Fleetwood Avenue has been closed, need more sign and police presence – odor is a bad smell.

Zoning Officer, Mike Proietti stated that certain distances from the property line for business in town has to be looked at. December 2002, 2007, 2010 and 2013.

Residents concerns: smell has been there for the last 18 months, people are starting to sell their homes, safety on the streets with children around, equipment on the road, PM10 particles and pollution, methane, water standing in ponds (detention basins – vegetation), water mixed with oil, processing of stones, parking on streets – blocked on driveways, debris on streets and the size of mulch / dirt.

Mayor Womack said the nursery is following NJ laws and North Brunswick zoning laws. The Middlesex County Division of Environmental Health inspects monthly and the nursery was inspected on 5/30/13 and passed. If a resident has a complaint they must individually contact the office at 732-745-8480. Concrete cannot be recycled or processed – has to be removed. A date will be given to the owner and they must abide by it in 10 days. The Mayor was asked if the Township can do anything about the odor and is the current operation legal?

Joe, one of the owners of the nursery said he willing to do anything to help with this situation. He closed the gate on Fleetwood Avenue, put his own "No Parking" signs up and asked his vendors not to block or come down the residential streets. He does not want to her residents saying close him down. If he has to go to court, this will take years to resolve and he does not want to do this. His door is always open to the residents and they should come and talk to him with any problems or concerns.

Mayor Womack summed up all the residents' concerns: dust emissions from the mulch, odor from the mulch, are there toxins in the air or leachate? Traffic issues: parking of vehicles on the street, driveways obstructed, safety of children on the streets especially on Fleetwood Avenue. Truck access to residential streets.

Residents had concerns about the debris on the streets from the nurseries operations, detention basin on Danny Court filling with water. Concrete stored on site – can it be pulverized? No, this type of operation is not permitted per the Zoning Officer. The owner of the nursery will contact Middlesex County Environmental Health tomorrow. Trucks access through a couple of street – Danny Court to Jessica Lane. Restrict traffic on street in residential areas. Enforcement – safe for the kids. Trucks parked on both sides of streets – designate “No Parking”.

**Mayor Womack leaves dais at 8:35 pm, returns at 8:38 pm.
Councilman Socio leaves dais at 8:40 pm, returns at 8:42 pm.**

DEP will be asked to test for air / water contaminates. Middlesex County Health Inspector, Greg Laszlo receives reports on water at the railroad tracks and Fleetwood Avenue.

Resident asked about industrial zoning and if there was any difference on taxes?

Mayor Womack asked residents to sign up their e-mails for a group e-mail for information and updates on county resources / reports on air/water quality.

Resident asked about their homes property value and if their homes would be revaluated due to the nursery? Tax appeals are due April 1st to the county.

Mark Castellanos, owner of Livingston Park Nursery was very offended by the comments made in the letter sent to the Environmental Protection. His business donated to the police departments 50th Anniversary etched pavers. Donated \$10,000 to the Fire Departments. He will pursue in finding out who generated this letter and will press charges against that individual.

Director of Public Safety, Ken McCormick stated that the nursery donated \$10,000.00 for new side arms for the police department and helped get the patio done for National Police Week.

Councilman Corbin leaves dais at 9:03 pm, returns at 9:08 pm.

Mayor Womack opened the Public Hearing at 9:10 pm.

Joe, one of the owners of the nursery stated again that his door is always open for any residents to stop by and voice their concerns and he is willing to do anything he can to work with the Township and the County.

Mayor Womack asked the residents if anyone is interested on being appointed to a committee in town to let him know. Committees are made up volunteers from the township who are willing to help make a difference in town.

Mayor Womack called for a motion to adjourn the Public Hearing. So moved by Mr. Davis, second by Ms. Nicola.

Roll call:

**Ayes: Ms. Narra, Ms. Nicola, Messrs. Andrews, Corbin, Davis and Socio
Nays: none**

Mayor Womack called for a motion to adjourn the meeting. So moved by Mr. Davis, second by Ms. Nicola.

Roll call:

**Ayes: Ms. Narra, Ms. Nicola, Messrs Andrews, Corbin, Davis and Socio
Nays: none**

Adjourn at 9:15 PM

