

**NORTH BRUNSWICK TOWNSHIP
MINUTES....**

**REGULAR MEETING
April 19, 2010**

A regular meeting of the North Brunswick Township Council was held on Monday, April 19, 2010 at 7:05 P.M. in the Municipal Complex located at 710 Hermann Road, North Brunswick, Middlesex County, New Jersey.

Mayor Womack called the meeting to order.

Roll call:

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

Also present: Business Administrator, Robert Lombard, Township Attorney, Ronald Gordon, Esq., Assistant Business Administrator, Justine Progebin, Director of Parks, Recreation & Community Services, Lou Ann Benson, Chief Financial Officer, Kala Sriranganathan, Director of Public Works, Glenn Sandor, Director of Community Development, Michael Hritz, Municipal Clerk, Lisa Russo and Deputy Clerk, Milvi Weiner.

Also, present: Mr. Pete Clark, Principal of Linwood Middle School, Maurice Rached, Maser Consulting and John Taikina, North Brunswick TOD Associates.

Ms. Russo announced that the notice requirements of the law have been satisfied. Notices were sent by certified mail on January 4, 2010 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 January 4, 2010.

Former Councilman Bruce Chandlee led the assembly in the Pledge of Allegiance.

Proclamations:

"Carl Williamson & Family" – Mayor Womack presented a proclamation to Carl Williamson, his wife and two daughters who were recognized by the United Way of Central Jersey Board of Trustee and staff as "Hometown Heroes" for their volunteer activities in Middlesex County. He has been a minister and preacher for 9 years and started the Brunswick Church of Christ to make an impact in the community. They have been involved in litter clean-up programs, have delivered "Meals on Wheels", helped with the "Snow Shoveling Program" for seniors, home bound and challenged residents. The whole family has been involved with helping under privileged children at Christmas and assisted in providing food through the North Brunswick Food Bank.

"Silver Star Banner Day" – Council President Corbin read a proclamation honoring the sacrifice of the men and women in the Armed Forces. The Silver Star Families of America was formed to remember the blood sacrifice of our wounded by designing and manufacturing a Silver Star Banner and Flag. The Silver Star Families of America has freely given thousands of Silver Star banners to the wounded and their families.

"Scholar / Athlete / Artist" :

"Shrey Mendiratta" – Councilwoman Nicola presented a proclamation to Shrey Mendiratta, an eight grade High Honor Roll student at Linwood Middle School. Shrey has played travel and recreation soccer and has played tennis. He is a member of S.L.I.C.E., Academic Challenge, Math Olympiad and enjoys sketching and playing guitar. Shrey has a career interest in Bio Medical Engineering.

"Brian Pelszynski" – Councilman Andrews presented a proclamation to Brian Pelszynski, an eight grade High Honor Roll student at Linwood Middle School and a member of the National Junior Honor Society. Brian has participated on the Academic Challenge Team and is also a Math Olympiad. He plays recreation, travel and Linwood baseball, a member of the North Brunswick Travel U12 Raider Team, plays recreation basketball and is a member of the North Brunswick Rapids Swim Team. Brian plays several instruments, is a Baseball Buddy Ball volunteer, volunteers at Feed the Children, tutors with the National Honor Society and assists at Judd School for PTO functions.

Presentation:

"North Brunswick Travel Basketball – U10 & U13 Boys – Mayor's Cup Tournament":

Darren Snediker, President of the North Brunswick Travel Basketball Program, players and coaches of the U10 & U13 Boys Travel teams presented the Mayor and Council two Mayor's Cup Trophies that were won by these teams during the Mayor's Cup Tournament in February.

Director of Parks, Recreation & Community Services and Director of Public Works, Glenn Sandor invited residents the North Brunswick Community Park on Saturday at 10:30 am for Arbor Day. This day was fully funded by two grants – "Clean Communities" - \$34,000 and the Environmental Commission – DEP Forestry - \$7,000 grant to be used for trees and a three year maintenance program. The purpose of this day is to make residents aware of the conservation of trees.

Stephanie Coutros – representative of the American Cancer Society invited residents to the 2010 "Relay for Life – North & South Brunswick" – fun way to raise money. It will be held May 8th & 9th at the Crossroads South Middle School. There will be a survivors relay / walk and dinner at the school.

Break for Proclamation Recipients: 7:25 pm
Resume: 7:32 pm

Mayor Womack asked council members if any items are to be removed from the Consent Agenda. Motion made by Mr. Davis to approve items "8a- 8n" on the agenda, second by Ms. Nicola.

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

Consent Agenda:

- a. NJ Fireman's Association Application / Fire Co. #1 / Douglas Tackach
- b. NJ Fireman's Association Application / Fire Co. #1 / Kenneth Graulich
- c. Canceling expired grant balances 136-4.10
- d. Authorizing the redemption of various third party liens 137-4.10
- e. Authorizing the application of a Federal Grant from the State of New Jersey Division of Highway Traffic Safety 138-4.10
- f. Authorizing application and acceptance of a Bristol- Myers Squibb, Corporate Giving Grant #42410 - \$2500.00 139-4.10
- g. Item of revenue in budget (Chapter 159) Bristol-Myers Squibb Corporate Giving Grant #42410-\$2500.00 140-4.10
- h. Approving a tonnage grant application 141-4.10
- i. Corrective resolution authorizing an amendment to a PSA with Hoagland, Longo, Moran Dunst & Doukas LLP to provide Environmental Legal Services 142-4.10
- j. Authorizing an amendment with CME Associates appointed as the 2009 Township Consulting Engineers to reallocate survey, design, and bid services associated with the Handicap Ramp and Curbing Project 143-4.10
- k. Authorizing an amendment with CME Associates appointed as the 2010 Township Consulting Engineers to reallocate survey, design, and bid services associated with the Handicap Ramp and Curbing Project 144-4.10
- l. Authorizing Award of Contract BID09018 under the Department of Public Works to Express Services Inc. for Temporary Employment Agency - Janitorial Services 145-4.10
- m. Authorizing an amendment to Contract with Central Jersey Waste and Recycling Inc. for Recycling Services Change Order No. 2 146-4.10
- n. Payment of bills 147-4.10

Mayor Womack called for a motion to approve item # 9 on the Agenda. Approval of minutes: Regular Council Meeting / April 5, 2010. So moved by Ms. Nicola, second by Mr. Socio.

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

Ordinance / Introduction / First Reading:

#10-12 - An Ordinance supplementing Chapter 205, "Land Use", amending Article XIV, adding a new Section 205-68.1, to create a new Commercial District known as "C-4 Non-Restricted Commercial District"

Councilman Andrews explained that this ordinance would re-zone the Treuman property. The property currently is under used and this ordinance would make it more more-up scale.

Mayor Womack called for a motion to introduce Ordinance No. 10-12. So moved by Mr. Andrews, second by Mr. Davis, second reading and public hearing to be held at a regular meeting on May 3, 2010 at 7:00 P.M. in the Municipal Complex, 710 Hermann Road, North Brunswick, Middlesex County, New Jersey following legal publication in the April 22, 2010 issue of the Home News and Tribune as according to law. This Ordinance is posted in the Municipal Complex and copies are available upon request.

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

Ordinance / Second Reading / Public Hearing:

#10-09 - An Ordinance amending and supplementing Chapter 387, "Dog Licensing and Control," Sections 387-1 "Definitions and Word Usage", 387-3, "Requirements for Persons Who Keep or Harbor Dogs", Section 387-5, "Requirements for Kennels, Pet Shops, Shelters and Pounds", and Section 387-6 "Canvassing and Impoundment of Dogs", to transfer the licensing authority from the Department of Parks, Recreation and Community Services to the Office of the Township Clerk

Mr. Lombard explained that this ordinance would just transfer duties from DPRCS to the Municipal Clerk and animal control to Public Safety.

Mayor Womack opened the public hearing on Ordinance #10-09.
No comments from the public.

Motion made by Mr. Davis, second by Mr. Corbin that the public hearing be closed.

Mayor Womack called for a motion to adopt Ordinance # 10-09. So moved by Mr. Davis, second by Mr. Corbin, Ordinance No. 10-09 approved on second and final reading and referred to the Mayor for his action and then published in the April 22, 2010 issue of the Home News and Tribune.

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

#10-10 - An Ordinance amending and supplementing Chapter 381 "Cats," Article II "Cat Licenses," Sections 381-4 "Definitions" and 381-6 "Licensing Fees," to transfer the licensing authority from the Department of Parks, Recreation and Community Services to the Office of the Township Clerk

Mr. Lombard explained that this ordinance would just transfer duties from DPRCS to the Municipal Clerk and animal control to Public Safety.

Mayor Womack opened the public hearing on Ordinance #10-10.
No comments from the public.

Motion made by Mr. Socio, second by Mr. Andrews that the public hearing be closed.

Mayor Womack called for a motion to adopt Ordinance # 10-10. So moved by Ms. Narra, second by Ms. Nicola, Ordinance No. 10-10 approved on second and final reading and referred to the Mayor for his action and then published in the April 22, 2010 issue of the Home News and Tribune.

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

#10-11 - An Ordinance supplementing Chapter 205, "Land Use", Article XVII, "I-2 Industrial District" adding a new Section 205-76.1, to create a new Transit-Oriented Mixed Use Development Overlay in the I-2 District

Councilman Andrews stated that this ordinance was in the works since the mid 2000 period. Tom Vigna, members of Community Development and members of the Planning Board researched the construction of a transit village.

Mayor Womack opened the public hearing on Ordinance #10-11.

Mr. O'Neill - official of the Republican Party - was once in favor of this ordinance. Letters were sent to Congressman Rush Holt about this and the Finnegan Lane by-pass. He is concerned with the future of North Brunswick because this is the only piece of land left in town. He had attended the meeting at the high school and feels that this plan is a risk for tax payers - what if there is no train stop and he feels the number of children (9) out of 300 homes is incorrect. He wants the township to take an extra step to see that the numbers are right because you cannot go back once the decision is made and asks how we are going to pay for this? Ratable component - retail in the 1st phase, but he is concerned with empty retail space across the highway at Shop Rite - at least 3 businesses are empty.

Ms. Gilliam - resident of Edwin Street who has concerns about the traffic flow on her street - 3 small streets with one light.

Ms. Murphy - resident of Excelsior Avenue who is also concerned with the traffic flow in her area if they open up streets in the three block area. Webcraft gate would be opened all the way to the train station. North Brunswick noted for changing original plans.

Mr. Needles - resident of Hidden Lake Drive who was excited to hear of talk 5 years ago about a transit village. What he has to say is not "personal", but "business". He is concerned about the Quality of Life - economic problems going on in the county, state and town. He is "A-political", not a registered Republican or Democrat, but as an Independent. He read the Maser Study and he commissioned his own study, "The Needles Study. Summary what the word "if" means? Transit Village - train stop; not tracks- people get on and off - "cart pulling a lot of horses", betting on an "if". He feels places like where Moe's is should be occupied first and that big box stores should be in the final phase with "if" and questioned why big box stores were first. He looked at D.O.T. Transit Villages - initiative for municipalities - live, shop and play without automobiles. He read that the State of N.J. would get involved and expand Rte. 1 which would create more traffic - a lot of issues. He states that this reminds him of the movie "Field of Dreams:, build it and they will come.

Ms. Kaye - resident of Seminole Road concerned with Urbanomics - 9 children coming to schools - numbers are wrong. It would cost 10 million dollars for another school. Guaranteed more stores, 300 residents and more children. Has the D.O.T. approved plans for improvement?

Ms. Nicola - would the developer do the road improvements without housing component.

Mr. Haas - resident of Hidden Lake Drive who is concerned with the increase of traffic on Hidden Lake Drive; if there were to be a transit village and big box stores in North Brunswick. Vacant retail space needs to be filled first. Stated that on page 49 of the ordinance it states that there will be an unbelievable amount of parking spaces - 11,000 needed for that site - making it a huge parking lot with pollution. There would be a need to close the Jersey Avenue Station. Phase I would make traffic worse.

Mr. Orban - resident of Lakeview Court - resident for 40 years and appreciates the effort of the past 4/5 years of planning for the transit village and now needs to see how it can be achieved. Economic times have changed drastically - ordinance - compromise - what do we do for enticement - it cannot be approved as it is right now. Rte. 1 will never be better unless we have an east / west corridor. A lot has to happen with the state before the ordinance is done. He is willing to help out and feels council should look a little further or table the ordinance.

Mr. Theokas - resident of Woodmere Road who has mixed feelings and feels nobody believes anyone. He is in support for the development of the 200 acres instead of leaving the land dormant and not doing anything with it and he feels 300 units is a minimal risk - can't get hurt - must do something - comfortable with decision.

Mr. Barnhard - resident of Delaware Avenue who is opposed to this ordinance. He questioned what kind of units will the 300 units be and will there be a limitation on occupants? Child friendly - squeezing people in units. Will there be a police sub-station there after the full build out? 1,875 units would bring 1,000 children. He asked Councilman Andrews to postpone the vote and go public with the figures in the "book". A lot of work needs to be done and it will cost more than 8 million dollars - not a benefit to North Brunswick - transit village should be first - low cost of living will bring more children - way out of control - vote no.

Ms. De Francesco - resident of Magnolia Road who has concerns about the school system and school budget. She feels the township should encourage people to come here and asked if there are ratables in empty stores; Renaissance for example. If the improvements were made at the roadways and at Jersey Avenue - why would they come to our transit village? Maintenance facility behind J & J - noise - how do you expect tenants to live there?

Ms. Isaacson - resident of Schmidt Lane who feels it is good to have a transit village - good to bring in money, but asked if it is a good time to build? Governor Christie cutting funds - people losing jobs. Will people be able to afford homes that are being built? Builders are running out of money - time constraining. She is asking council to re-consider this ordinance again.

Mr. DiStefano - Chairman of the Planning Board who stated that this ordinance was five years in the making - numerous studies have been done and feels we already need a new school with the amount of children that are attending schools now. Phase I - 2.1 million would go to the schools and \$333,000.00 to the municipality and feels that this project is the answer to the problem.

Mr. Seber - resident of Linder Avenue who feels we are trying to do right with constituents - intent and spirit of this project and on a personal note - not probable to be a transit village - no funds. Rumor - Amtrak owns the train tracks and does not want to give permission for a train station - validated 5 years ago. Intent to reduce traffic on Rte. 1. Is it really going to be a transit village? - sign on Rte. 1 "Imagine" - use bond money. Library is now off the table. Bigger issue - Smart Growth - spirit of why we started - check-list for a transit village - language of proposal - if & if (assume) and other language being used is "probably". He stated that the second speaker at the high school was a lawyer for eminent domain.

Mr. Scialabba - resident of Wheeler Road who has been the chairman of the Traffic Safety Committee for the past 5 years and has never seen any projects and feels disappointed. Regards to the entire project - look past the smoke and mirror - as a lawyer and litigator - experts will say anything you want them to say. Developer - profitable for the developer and not just because they like North Brunswick. Learn from past mistakes - reality - use your common sense. Cozzens Lane a county road not a local street. Do not change anything - get approvals first - first trust us. N.J. Transit said as much as they would love to have a transit village but it was not going to happen - no funding or Amtrak not allowing it. Phase I is ok, but never have Phase II.

Mr. Kobru - resident of Birchwood Court asked if it is not a transit village - what would it be?

Ms. Chyb - resident of Newton Street who feels this ordinance should not pass - do we need a transit village? Learn from experience - Renaissance - other developments - over-built. People come to North Brunswick for good schools. Rte. 1 and Rte.130 - only moving bottleneck

Ms. DeHaven – resident of Maplewood Place who questioned the number of children (9) who would be living in the units. Board of Education laying off people – can't do what they are doing now – deserve education – compassion – people come to North Brunswick because of the schools – children are losing out.

Council President Corbin – noted a problem after going over the ordinance three times – definition the ordinance used for “train station” which stated it as a facility that provides access to one or more of the following: passenger rail, light rail, regional bus, bus rapid transit, local bus, taxi or other passenger services. If you read the ordinance by the definition as it was written, that would mean after Phase I you do not really need a train. All you needed to do was have some foundations and you could actually have a taxicab there and then it would qualify under the ordinance for the development of those other 1,500 units.

Mayor Womack called for a motion to amend the Ordinance #10-11, so moved by Mr. Davis, second by Ms. Narra. Councilman Davis withdrew his “first” and Ms. Narra withdrew her “second” after further discussion on amending the ordinance to make it explicit that the full build-out cannot occur without a train station serviced by NJ Transit.

Mayor Womack called for a motion to table Ordinance # 10 -11, so moved by Mr. Andrews, second by Mr. Davis.

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

Mayor Womack opened the Public Hearing at 11:43 pm.

Mr. Theokas - questioned Council President Corbin when did he read this language? and stated he was impressed after sitting here for 4 ½ hours – shame on everyone.

Ms. Paszamant – resident of Quince Place who had concerns with flood and wetlands – knocking down more trees – work with developer

Mr. Needles – resident of Hidden Lake Drive who used words such as smoking mirror, intent, leap of faith, reality, N.J. dire strait and “ cart before the horse” – amend to say big box – not done – move to Phase II – consider move big box after.

Ms. Kaye – requested not using ratables to build a school – need a referendum.

Mr. Barnhard – resident of Delaware Avenue – will have more questions for next meeting and asked for help at LaRose and How Lane – traffic issues – police help.

Mr. Scialabba – questions on ordinance – page 3, paragraph “c” – alternative – Maser study recommendations cannot happen without NJ Transit, County and D.O.T. – traffic problem. D.O.T. – anticipating – developer comes up with an alternative plan – tighten up.

Mr. Haas – questions on ordinance – page 17, section “g” – what they can and cannot do and page 18, section “h” – bonuses – delineate – Phase I – 1-2, Phase II – 3-7.

Mr. Besold – school children – methology – not all transit villages in same location – study. He received a Master's degree in Urban study. Transportation study – build all the highways you want but they will be filled up – avoid Rte. 1 Esthetics – buildings take up the sites – a lot of parking lot – strip malls.

Mayor Womack called for a motion to adjourn the Public Hearing. So moved by Mr. Socio, second by Mr. Andrews.

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

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

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

Adjourn – 12:10 A.M.

Lisa Russo
Municipal Clerk