

NORTH BRUNSWICK TOWNSHIP
MINUTES....

REGULAR MEETING
May 17, 2010

A regular meeting of the North Brunswick Township Council was held on Monday, May 17, 2010 at 7:00 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., Director of Parks, Recreation & Community Services, Lou Ann Benson, Chief Financial Officer, Kala Sriranganathan, Director of Community Development, Michael Hritz, Township Planner, Tom Vigna and Deputy Clerk, Milvi Weiner.

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

Ms. Weiner 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.

Ms. Weiner led the assembly in the Pledge of Allegiance.

Proclamations:

"Click It or Ticket"- Councilwoman Nicola presented a proclamation to Lieutenant Lins who was representing the police department for the "Click It or Ticket" seat belt mobilization from May 24 to June 6, 2010 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education. There were 586 motor vehicle fatalities in New Jersey in 2009. A large percentage of the motor vehicle occupants killed in traffic crashed were not wearing a seat belt.

"DPW on Patrol" – Mayor Womack presented a proclamation to Eric Razzano and Mike Grasso on behalf of Jeffrey Moore, Anthony Parillo, Robert Selover, Charles Carey, Robert Mattei, Adam Vitelli, Matthew Dolinski, Donald Salzman and Darlye Masters. They all helped a resident find her missing husband who is elderly and has Alzheimer's. He was missing for 50 minutes until Jeffrey Moore sent a broadcast over the DPW radio system with the information given to him. Several DPW employees and two fire marshals responded to the area to search for the missing gentleman. The police department responded to the residents home to get more details. The gentleman was found walking on Georges Road by Eric Razzano and Mike Grasso. The employees of DPW received training through "North Brunswick on Patrol".

"Scholar / Athlete / Artist:

"Victor Konstantinovsky" – Councilman Davis presented a proclamation to Victor Konstantinovsky, who is an eight grade High Honor Roll student at Linwood Middle School and in Honors Language Arts and Science. He participated on the Linwood Middle School Baseball Team and he was a member of the U12 North Brunswick Travel Raiders Team who was awarded the Mayor's Proclamation for their success in Cooperstown. Victor is a member of the Chamber Orchestra and his career interest is in mechanical engineering.

"Ajit Mathews" – Councilwoman Narra presented a proclamation to Ajit Mathews, who is an eight grade Honor Roll student at Linwood Middle School. He has participated in the North Brunswick Recreation Basketball Program and is a member of the Concert Choir. Ajit's career interest is in radiology.

"Presentation by the Department of Parks, Recreation & Community Services:

"Arbor Day 2010 Volunteers" – Councilman Socio, Councilman Corbin and Lou Ann Benson presented certificates to participants that planted trees at Community Park on April 24th – Arbor Day. This was provided by a \$7,000 grant from the Environmental Commission.

"Litter – Clean-Up" Program – Councilman Socio, Councilman Corbin and Lou Ann Benson presented certificates, T-shirts and bags to students from Judd School and St. Joe's and two teachers from Judd School who participated in the "Litter – Clean –Up" Program.

Break for Proclamation Recipients: 7:20 pm

Resume: 7:35

Mayor Womack asked council members if any items are to be removed from the Consent Agenda. Councilwoman Nicola asked to remove item “b” from the Consent Agenda. Motion made by Mr. Davis to approve items “8a and “8c – 8p” on the agenda, second by Mr. Socio.

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 / Thomas P. Melanson
- b. Authorizing the acceptance of the Municipal Alliance Grant 2010 _____ 155-5.10
- c. Authorizing the redemption of various Third Party Liens _____ 156-5.10
- d. Authorizing the cancellation of taxes for a 100% disabled veteran for the following:
 - 1. John F. Lancsak, III _____ 157-5.10
 - 2. James Carolan _____ 158-5.10
- e. Authorizing Water/Sewer Utility Budget Transfers for FY2010 appropriations _____ 159-5.10
- f. Authorizing Budget Transfers for FY2010 appropriations _____ 160-5.10
- g. Authorizing an amendment to agreement with Florio Perucci Steinhardt & Fader, LLC
as 2010 Labor Counsel _____ 161-5.10
- h. Authorizing the acceptance of a Federal Grant from the State of New Jersey Division
of Highway Traffic Safety – “Click It or Ticket Seat Belt Campaign” _____ 162-5.10
- i. Authorizing the application and use of U.S. Dept. of Justice, Bureau of Justice Assistance
Federal FY2010 Bulletproof Vest Partnership (BVP) Reimbursement Program _____ 163-5.10
- j. Item of revenue in budget (Chapter 159):
 - 1. Division of Highway Traffic Safety Grant - \$4,000.00 _____ 164-5.10
 - 2. Body Armor Replacement, State allocation - \$2,502.27 _____ 165-5.10
- k. Authorizing purchases from State Contract Vendors _____ 166-5.10
- l. Authorizing the Youth Sports Festival to conduct fireworks display _____ 167-5.10
- m. Authorizing a road closing on Willow Avenue _____ 168-5.10
- n. Authorizing an amendment to Contract BID09001 with Lucas Brothers, Inc. for the
2009 Road Program Project Closeout Change Order (\$319,930.94) _____ 169-5.10
- o. Authorizing the approval of Change Order No. 8 to Stone Hill Contracting Co. Inc.
for upgrades to the Water Treatment Plant _____ 170-5.10
- p. Payment of bills _____ 171-5.10

Mayor Womack called for a motion to approve item # 9 on the Agenda. Approval of minutes: Regular Council Meeting / May 3, 2010. So moved by Mr. Davis, second by Mr. Socio.

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

Public Hearing: Private Improvements Performance Bond Release for Livingston Plaza Associates.
Mayor Womack opened the public hearing. No comments from the public. Motion made by Mr. Andrews, second by Mr. Socio to close the public hearing.

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

Mayor Womack called for a motion to approve Resolution # 172-5.10– “Authorizing the “Private Improvements Performance Bond Release for Livingston Plaza Associates”. So moved by Ms. Narra, second by Mr. Socio.

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

Ordinance / First Reading / Introduction:

#10-13 – An Ordinance of the Township of North Brunswick in the County of Middlesex, New Jersey, to Acquire, by negotiated agreement the property known as Block 224, Lots 19 and 20 on the Official Tax Map of the Township of North Brunswick, Middlesex County, New Jersey located on Old Georges Road for Open Space or other Governmental purposes and appropriating Capital Improvement Fund Balance for the Acquisition

Mayor Womack called for a motion to introduce Ordinance No. 10-13. So moved by Mr. Socio second by Mr. Davis, second reading and public hearing to be held at a regular meeting on June 1, 2010 at 7:00 P.M. in the Municipal Complex, 710 Hermann Road, North Brunswick, Middlesex County, New Jersey following legal publication in the May 20, 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

#10-14 - An Ordinance amending and supplementing Chapter 166, “Entertainment, Public”, Section 166-3 “Applications, Procedure for Granting Special Permits; Fee” to provide for the option to waive the permit fee for bona fide Non Profit Organizations and Units of State and Local Government and Section 166-8 “Responsibility of Applicant for cost of any services required to pay for the cost of all municipal services required to accommodate the entertainment activity and to amend the title of such section to “Responsibility of applicant for cost of all services required”

Mayor Womack called for a motion to introduce Ordinance No. 10-14. So moved by Mr. Socio, second by Mr. Davis, second reading and public hearing to be held at a regular meeting on June 1, 2010 at 7:00 P.M. in the Municipal Complex, 710 Hermann Road, North Brunswick, Middlesex County, New Jersey following legal publication in the May 20, 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:

#10-12 – AS AMENDED - An Ordinance supplementing Chapter 205, “Land Use”, Adding a new Section Article XIVA, to create a new Commercial District known as “C-4 Non-Restricted Commercial District”
Mayor Womack opened the Public Hearing.

Mr. Mafraglo – Rte. 130 Deli – in favor of this ordinance – present use is I-1. Purpose of amendment – further add to boundary line – nothing out there – should include that property, cannot expand deli as it is right now.

Ms. Messeroll – lives at the dead end of Quarry Lane and asked if this would be any impact on any part of Quarry Lane now or in the future? Good plan and the homeowners are in agreement.

Mr. Taormina – resident of Davidson Mill Road who feels that he will feel the most impact. He lives adjacent to a vacant lot which will be used as a roadway. Trucks making the swing will end up going over the double lines. He has lived in town for 37 years and has seen “Go- Go” joints and then came the gas station – will create a dust hazard and noise during the day and night.

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

Mayor Womack called for a motion to adopt Ordinance # 10-12 – AS AMENDED. So moved by Mr. Davis, second by Mr. Socio, Ordinance No. 10-12 – AS AMENDED approved on second and final reading and referred to the Mayor for his action and then published in the May 20, 2010 issue of the Home News and Tribune.

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

Ordinance / Second Reading / Public Hearing:

#10-11 – AS AMENDED - 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

Mayor Womack opened the Public Hearing at 7:55 pm.

Ms. Murphy – resident of Excelsior Avenue – feels that this ordinance is to their advantage – better access to Rte. 1 and feels Johnson & Johnson should be developed.

Mr. McNamara – resident of Hoover Drive who has a serious concern with the 1, 875 units when Phase II is completed. His definition of “Smart Growth” is defined as taxpayers being able to stay in their homes.

Mr. Barnhard – resident of Delaware Drive who still feels confused with the estimated number of school age children to be living in these units. How are these homes going to be advertised on the market and questioned the type of people buying into the development. It will not be a transit village if there is no train and it will be a negative input on the school system. He stated that there are no bike or walk pathways or playgrounds on Rte. 27 and How Lane. Plans have to be redone without a train station.

Mr. Pfeiffer - resident of Upper Brook Drive who feels if we do not get the train station that we will be in big trouble. Plans look beautiful – less than 10 miles from Princeton – Forrestral Village which was flawed from the start – what insurance do we have? He wished that it will be a successful train station or otherwise it will be a disaster.

Mr. Haas - resident of Hidden Lake Drive who was here to follow up with the May 3rd meeting on the amount of parking spaces – 11,000 – 12,000 spaces will actually be reduced to 9,000 – 9,500. Parking spaces will be ¼ number of the people living in town. 60% will be a parking lot due to the box stores – not a good risk to take. Revised ordinance makes mention of a light rail station – one or the other – light rail or commuter station. Maser study estimates only 50 to 60 cars coming down Hidden Lake Drive. Mr. Haas feels that this is very understated and finds it hard to believe and asks what actions could be done on Hidden Lake Drive other than speed humps. He does not believe in models and feels with the New Brunswick, Jersey Avenue and this train station would be a big risk. Mr. Haas asked if property owners were notified of the Maser Study and stated that Robert Paley and Gene Goundry has good articles in the newspapers.

Mr. Miller – resident of Nathan Drive who stated that at 7:30 am there are already 50 to 60 cars going down Nathan Drive. He stated that these are rational statistics but they are for irrational people. Shell game – building this project – there is no guarantee. Big box stores are the cornerstones of this project. Damage to Quality of Life and he would not mind paying more in taxes. He feels that there will be tons of traffic.

Mr. O’Neill – resident of Hobart Road who still has skepticism and asked who is paying for the traffic and demographic study and feels that it is not too late to have a competing study done. He did not move to North Brunswick to have it turn into a urban town – keep it a suburban town. He asked if anyone looked at the traffic and demographic study for the Metro Park in Iselin – Woodbridge?

Ms. Rodakis – resident of Cherokee Road who asked if the attorney reread the ordinance to make sure it is up to par and that there are no problems? Design and development is beautiful. Would Amtrak allow the use of the lines? If homes are build and there are no restrictions there will be 3,000 children because people do not follow restrictions. She likes to see progress – looks gorgeous but she is very leery and asks to table this ordinance again and asked if we would lose anything from the state? Governor gave power back to the township.

Ms. Pollard – resident of Upper Brook Drive who feels it is hard to believe that the impact on schools is minimal. Will there be road improvements on secondary roads? Residents look at intersections and wonder if they are state or county roads. Roads need re-surfacing and repairs because people are using back roads. She asked if the acquisition of property is financed by the developer and asked if after a traffic study is done has it ever been decided afterwards that it was a bad idea? Do we have a commitment from tenants for the big box stores? Tax liability if buildings are not occupied? Do we have a committee looking for industrial tenants with minimal expenditure to the township?

Mr. Seber – resident of Linder Avenue who after the five year study supported the prior plan. He has made numerous phone calls such as; NJDOT supervisor asking if there will be a train / transit village? Probably no transit – supported by state – spoke to TOD – we can pass all the ordinances we want but it will not matter if we cannot have a transit village. We need a “letter of intent” from NJDOT / Amtrak – monstrous “if” – assumption that we are going to get a train. Single phase – zoning change all contingent on the transit station. Big Box stores – fail “Smart Growth”.

He discussed the traffic increase on Rte.1 and the grid-lock on Aaron Road, strain on schools and effect on the Quality of Life. He asked why elected officials are in support of this and why did he have to make these phone calls?

Pedestrian pathways are not what were presented years ago. He asked if we can truly deliver this and if the casual language be removed with “must” and “required”. If we cannot get the train then will we be using the big box stores for ratables.

Can there be a restriction on residential units – only one bedroom units?

Ms. Costanza – resident of Point of Woods Drive who is confused with the states position – big box stores and a transit village are not compatible. She agreed with all the people that preceded her. The public was called to this meeting and she feels that the whole tone of the town will be changed. Ms. Costanza feels that the Mayor has been pushing for this all evening and asks for this ordinance to be “tabled”. She commented on the comment that a resident made that big

box stores would be good neighbors. She feels that there should be more discussion and it should not be called a transit village.

NORTH BRUNSWICK TOWNSHIP
MINUTES....

May 17, 2010
Page 5

Public Hearing on #10-11 – AS AMENDED con't

Mr. Shakarjian – resident of Milltown who is with the Lawrence Brook Watershed Partnership. He read a letter addressed to Mayor Womack regarding the North Brunswick Transit Village (see attachment) from Alan S. Godber, President of the Lawrence Brook Watershed Partnership. He asked if this is a real benefit or just putting lipstick on a pig? He feels that the current plan is not progressive and that people who live there will drive to Costco's. He sees something more age-restricted in the future.

Ms. Paszamant – resident of Quince Place who has condolences for the transit village and questioned where the parking is go to be in Phase II – has major tweaks – talk to the developer. It should be more community oriented – more culture and restaurants. She has issues with detention ponds and wildlife – not wildlife oriented. Access roads – Bertucci's is a disaster for pedestrians – people cannot get to the island. It will be good to have a bus but there is no room for a bus stop – options – it will be better if there is no train. Senior housing – would like to retire and live in North Brunswick – restrict children and pets.

Mr. Theokas – resident of Woodmere Avenue who feels that there are challenges but they have fallen between the cracks. He remembers talking at the Johnson & Johnson property of green grass and a library and now in 2010 talking of 200 acres with maybe a transit village, 300 housing units, box stores and boutiques. He stated that looking down the road we are going to need more schools.

Ms. Santoro – resident of Adams Lane who questioned who would be taking caring of this property with the township planning lay-offs – DPW – not enough police officers and stated the town does whatever they wan. She does not believe in surveys and the town has grown immensely. Township talking of 26 furlough days – concentrate on getting back on our feet – need more police officers and we should be concentrating on stores that are empty – help this town.

Ms. Lieberman – resident of Constitution Circle who is proud of this town. She stated that this has been under study fo six years and if we study more we may lose the opportunity – change is not always bad – what is the alternative? Town is going to grow – a town that does not grow is a dead town. Her trade is being a Project Manager and there are areas of risk. The end project is better than it was before and never going to find a solution to please everyone.

Ms. Chyb – resident of Newton Street who is asking Council to vote against this ordinance. The current transit village plan is disastrous – 1,800 housing units proposed – need a new school building. Every housing unit is added to school age population. There is a new tone in state legislation – need a solution that is much easier. Studies have been made that state housing does not add impact on schooling. We are considered a suburban area with good schooling. Kidding ourselves that a new school is not needed.

Mr. Needles – resident of Hidden Lake Drive who stated he has had an interesting past month and asked to put the vote aside and look at reality. DKM property – big box stores were ruled out – what makes them right now? He questioned why there were three police cars stationed at Aaron Road – accident or construction? Reality for him is the traffic and feels tonight a monumental decision will be made. More people are against this ordinance then for it. The state has serious problems and we4 have traffic, empty stores and overcrowded schools.

Mrs, Rosenzweig - resident of Linwood Place who said that no one has looked at the fact that stores will be coming; but who is going to be working in them? If we do not go ahead will we later shoot ourselves in the foot. Fashion Plaza – major company wanted to come in.

Mr. Ebright – resident of Rustic Drive who is in opposition of this ordinance even if it included an agreement. Schools are at capacity now. We do not have a commitment for a transit village – scrutinize it closely – a good developer gets the commitment in advance. Build Phase I on spec hoping there will be approval down the road for the transit village.

Mr. Maimone – resident of Salem Road - questioned part of Phase I – bus station – commuter friendly – walkway from Renaissance bus station? Renaissance Village has 333 units – how many children come out of these units? He is not happy with big box stores – Costco's should be built on the main highway. Sate does not have money is the bottom line.

Mr. Padovano – resident of Princess Drive – youngest speaker that has spoken tonight. He talked of strip malls and Regal Cinemas and compared it to the failed Xandu Project on the turnpike. He has never driven down Rte.1 and thought of a transit village. There are thousand of cars at the Costco's in Edison. He applauded the council members that voted against the ordinance.

Mr. Rosenzweig – resident of Linwood Place who spoke of Quality of Life and ratables. He spoke of a meeting the Mayor had with the library trustees stating there may be a necessity to close the library in one year – thinking of the town without a library. If the ordinance passes – Phase I starts – definite advantages – whatever happens we got to get Money otherwise things will get worse.

Mr. Zastko – feels we need to do something – make the right decision – residents in support of transit village - residents are hurting – tax appeals. Growth of a town – need to look in the future. The Shoppes of North Brunswick best shot in the arm. Big box stores moved toward the back – go with it.

Mr. Haas – he followed up with Mr. Hritz – intersection change. If Bertucci's is to be acquired in 2017 – have all the properties been informed? Inform these people that their property is threatened. We would like to see a gated retirement society.

Mr. McNamara – discussed the projected number of school children.

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

*May 17, 2010
Page 6*

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

Mayor Womack called for a motion to adopt Ordinance # 10-11 – AS AMENDED. So moved by Mr. Davis second by Mr. Andrews Ordinance No. 10-11 – AS AMENDED approved on second and final reading and referred to the Mayor for his action and then published in the May 20, 2010 issue of the Home News and Tribune.

Roll Call: Ayes: Ms. Narra, Messrs. Andrews and Davis
Nays: Ms. Nicola, Socio and Corbin
Mayor Womack - Aye

Mayor Womack opened the Public Hearing at 12:10 am

Mr. Barnhard – questioned Mr. Gordon or Mr. Lombard to explain the definition of capital improvement? - in Ordinance #10-13 – “other governmental purposes”.. “For Sale” = how did this come about? The town is talking About closing the library, furloughs, lay-offs, need of more police. Will this run as a municipal pool? Losing project. \$250,000.00 could be better spent – privately owned – bail out – negotiate with someone else.

Ms. Rodakis – concerns with Huron Road and Jersey Avenue – where the light is – gigantic trucks have been for months have been parking there – is this permissible?

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

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

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

Adjourn – 12:20 am

Milvi Weiner
Deputy Clerk

Adjourn – 7:58 P.M.

**Lisa Russo
Municipal Clerk**

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

**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. Davis, second by Mr. Socio.

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

Adjourn – 8:15 P.M.

**Lisa Russo
Municipal Clerk**

Adjourn – 8:15 P.M.

**Lisa Russo
Municipal Clerk**

Adjourn – 7:30 P.M.

**Lisa Russo
Municipal Clerk**

Adjourn – 8:12 P.M.

**Lisa Russo
Municipal Clerk**

