

REGULAR MEETING – AUGUST 9, 2016

A Regular Meeting of the Highland Park Mayor and Council was held in Borough Hall, 221 South 5th Avenue, on Tuesday August 9, 2016 and was called to order by Mayor Brill Mittler at 7:33 PM. Mayor Brill Mittler read the Open Public Meetings Statement.

Present: Mayor Brill Mittler; Councilpersons Erickson, Fine, Foster-Dublin, George, Walsh, Welkovits; Borough Attorney Schmierer; Borough Administrator Kovach; Borough Clerk Hullings.

Absent: None.

On motion made by Councilwoman Welkovits, seconded by Councilman George, the minutes of the Regular and Conference Meetings held February 2, 2016, February 16, 2016, March 1, 2016, March 15, 2016, and April 5, 2016, and the Special Meeting held March 23, 2016 were approved as distributed by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Fine, Foster-Dublin, George, Walsh, Welkovits.

Opposed: None.

Absent: None.

Abstain: None.

Mayor Brill Mittler commented that through the HP Gives a Hoot Fund, they distributed over 350 lunches over the last two years to Highland Park students when school is not in session. HP Gives a Hoot has partnered with Elijah's Promise to provide these meals. She presented a plaque and a proclamation to Elijah's Promise.

Jim Zullo, Elijah's Promise, thanked the Mayor and commented that he is honored to work with Highland Park in this initiative. Poverty and hunger is rampant throughout the State and in our communities. He recognized that Highland Park and so many of their residents are strong supporters of Elijah's Promise and he thanked them for this award and will continue this important work.

Mayor Brill Mittler noted that Highland Park recently lost a longtime resident, Gail Highsmith, sister of Shelia Highsmith. They wanted to recognize Gail for the wonderful person she was. She thanked the Highsmith family for sharing her with the Borough.

Mayor Brill Mittler asked the Council members to present their reports.

Councilwoman Foster-Dublin reported that National Night Out was a huge success. There were volunteers from the CERT team and all the Public Safety Agencies on hand and it was a great night. They raised \$865 in donations. A letter was received from Highland Park resident Linda Diamond, who wanted the Governing Body to know how pleased she was with this event. The Police Department received body worn cameras purchased with a grant and they will be phased in. There was a fire on South Adelaide Avenue recently and the Fire Department, Police Department and First Aid Squad responded. She is thankful for the mutual aid provided by other Fire Departments and that there was no loss of life. She thanked all of the first responders for their efforts. She received a letter from Congregation Ohr Torah congratulating the Highland Park Police Department and expressing their strong support for law enforcement.

Councilman Fine – no report.

Councilman Walsh reported that the Arts Commission will be meeting on August 25<sup>th</sup> to discuss arts in the park and creating an art inventory. The 2016 Senior Citizen Art Contest winners for Middlesex County are out and he congratulated the winners from Highland Park – Cynthia Walling, Ellen Rebarber, Ann Parelius and Robert Parelius. The exhibit is open to the public through August 11<sup>th</sup> at Middlesex County College. The New Jersey Senior Olympics Challenge is coming up September 9<sup>th</sup> through 11<sup>th</sup>. He encouraged all seniors to register and compete in the 2016 New Jersey Senior Olympic games which will take place in Woodbridge. Registration for fall recreation and senior activities is ongoing and information can be obtained at the Recreation Center or on the Borough website. All programs fill on a first come, first serve basis.

Councilman George reported that he volunteered at the National Night Out to go into the dunk tank. The Parking Group will be meeting next week and will make parking recommendations for revisions in the Master Plan, Zoning Ordinance and RSIS. They plan to wrap up their study with a public meeting in late October and/or the middle of November. He met recently with the Main Street Highland Park Promotions Committee. He wished new business, Tiger Art Supply, good luck. The final movie nights are 8/13 and 8/27. There will be a window art project during the month of September, culminating on 9/17, the 1<sup>st</sup> day of the town-wide garage sale weekend. The Planning Board completed their Sustainable Highland Park submissions. The Rite Aid Windows are open for art. The Board of Adjustment Attorney, Benjamin Bucca, has been appointed to the Superior Court in Warren County. There is an RFQ out for a new Board of Adjustment Attorney.

Councilman Erickson – no report.

Councilwoman Welkovits reported that the Public Works and Public Utilities Committee has been very busy this season. She announced five new programs that have begun this summer. (1) Highland Park will host New Jersey's first Bicycle Assessment later this month. Much like the Schools Walkability Study completed in the spring, this will be done on bicycles. Experts and professionals from the NJDOT, Rutgers Edward Bloustein School of Planning, Keep Middlesex Moving, Borough staff and volunteers will participate at no cost to the Borough. She thanked Peter Bilton of Keep Middlesex Moving, Trish Sanchez and Fern Goodhart of the Complete Streets Group. (2) The Borough is coordinating a tree replacement program for the Borough street trees on Raritan Avenue. The cost will be taken from the existing tree fund. She thanked John Webster, a Main Street Highland Park volunteer, who carefully

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chose the tree species to be planted and Public Works Foreman Frank Troy, who will head the project. (3) The Borough will be introducing a new campaign, Solar Challenge, to help home and building owners purchase solar panels for their property. The program allows consumers to engage directly with multiple installers and get the best rates. The Borough will be applying for a \$5,000 grant to offset advertising costs. She thanked Sustainable Highland Park for bringing this program to the Borough's attention. (4) Recycle Coach is a smart phone app to help residents and businesses with information on recycling. Our goal is to continue to improve our rate of recycling. The cost to the Borough is paid from the Clean Communities grant. (5) She thanked Daniel Larkins for applying for and being awarded an Association of New Jersey Environmental Commissions Grant to create a Birding Program. The kick-off event is Saturday, August 20<sup>th</sup> at 9:00 AM at the Environmental Center on River Road. Another event is scheduled for September at the Meadows Trails.

Borough Administrator Kovach – no report.

Borough Attorney Schmierer – no report.

Mayor Brill Mittler reported that there is another new store in town, Cybil's Retro Clothing and Jewelry Store, that opened next door to the Turkish Grill. She visited the store today and noted that there is clothing and from different eras, estate jewelry and shoes. She encouraged residents to check out this new business.

The Clerk reported that an ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 169, ARTICLE I, "DRUG-FREE SCHOOL ZONES", had been introduced in writing by the Public Safety Committee for consideration of passage on first reading by title.

On motion made by Councilwoman Welkovits, seconded by Councilman George, the ordinance entitled as above was duly adopted on first reading by title by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Fine, Foster-Dublin, George, Walsh, Welkovits.

Opposed: None.

Abstain: None.

The following resolution, introduced by the Public Safety Committee, was duly adopted on motion made by Councilwoman Welkovits, seconded by Councilman George, and carried by unanimous affirmative voice vote:

No. 8-16-217

WHEREAS, an Ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLAND PARK, CHAPTER 169, ARTICLE I, "DRUG-FREE SCHOOL ZONES" has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221, South Fifth Avenue, Highland Park, New Jersey, on Tuesday, September 6, 2016, at 7:00 PM, for the purpose of considering said Ordinance on final passage.

BE IT FURTHER RESOLVED that said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

Mayor Brill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves.

Pandora Scooter, 235 Denison Street, commented that she is here tonight because she heard the Council might be taking action on gun control. She is a 24-year resident of Highland Park and an active member of the LGBT community being indirectly affected by the tragedy in Orlando and other tragedies that have been happening due to gun violence and the availability and accessibility of guns. She asked the Council to very seriously consider taking action similar to Highland Park, Illinois to protect our citizens and to make a statement nationwide.

Karen Kantor, 125 Graham Street, commented that she is a Coordinator of the Brady Campaign and she supports efforts to limit accessibility of guns and ammo. There is a law passed by the State Assembly concerning resident's rights to apply for a gun permit if they feel a serious threat when traveling to other neighborhoods. The law has not yet been signed by Governor Christie. She hoped that the law is passed and that the Governing Body shows support to the State for safer neighborhoods, safe States and a safer Country. She also commented that the new owner of an apartment building on South 1<sup>st</sup> and Graham Street put up an ugly sign. There is only writing on one sign and the sign seems too high. Mayor Brill Mittler commented that she received emails about this sign and sent them to the Code Enforcement Department for investigation. Code Enforcement Director Brescher noted that the sign fits within the parameters of the ordinance (230-136H). Mayor Brill Mittler asked him to check with the Zoning Officer and the Board of Adjustment to see if that ordinance needs to be updated.

Mayor Brill Mittler thanked Ms. Scooter and Ms. Kantor for their commitment to gun control. Councilman Fine is working on other legislation.

No one else appearing to be heard, the Mayor closed the public discussion session.

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On motion made by Councilwoman Welkovits, seconded by Councilman Walsh and carried by affirmative voice vote of all councilpersons present, Resolution No. 8-16-228, entitled Resolution Supporting Action on Climate Change and Resolution No. 8-16-232, entitled Resolution in Support of the New Jersey Renewable Energy Transition Act were tabled from consideration.

Resolution Nos. 8-16-218 through 8-16-227 and Resolution Nos. 8-16-229 through 8-16-231 were duly adopted on motion made by Councilwoman Welkovits, seconded by Councilman George, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Fine, Foster-Dublin, George, Walsh, Welkovits.

Opposed: None.

Absent: None.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 8-16-218

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that all claims presented prior to this meeting as shown on a detailed list prepared by the Borough Treasurer, and which have been submitted and approved in accordance with Highland Park Ordinance No. 1004, shall be and the same are hereby approved; and

BE IT FURTHER RESOLVED that the Borough Clerk shall include in the minutes of this meeting a statement as to all such claims approved as shown in a Bills List Journal in accordance with said Ordinance.

The bills approved for payment at this meeting, Bills List 8/9/16 can be found in the Bills List Journal Book No. 35.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 8-16-219

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to remit to the following the amount set opposite, the same being the amount of overpayment of 2016 3rd quarter taxes for the property indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>REMITTEE</u>	<u>AMOUNT TO BE REMITTED</u>
190	4.02	Chicago Title Company (a.k.a. 1201 Ella Lane) 3705 Quakerbridge Road Mercerville, NJ 08619	\$3,640.19

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Department and Tax Collector forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 8-16-220

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to remit to the following the amount set opposite, the same being the amount of overpayment of 2016 3<sup>rd</sup> quarter taxes for the property indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>REMITTEE</u>	<u>AMOUNT TO BE REMITTED</u>
84	16	Title Masters, LLC (a.k.a. 500 Grove Avenue) 203 South Avenue East, 2 <sup>nd</sup> Floor Westfield, NJ 07090	\$2,429.52

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Department and Tax Collector forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 8-16-221

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to remit to the following the amount set opposite, the same being the amount of overpayment of 2016 2<sup>nd</sup> quarter taxes for the property indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>REMITTEE</u>	<u>AMOUNT TO BE REMITTED</u>
160	46	Julius Samel (a.k.a. 209 No. 3rd Ave.) 167 Burholme Drive Hamilton, NJ 08691	\$2,818.97

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Department and Tax Collector forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted as above:

No. 8-16-222

WHEREAS, property tax payments for the 1<sup>st</sup> and 2<sup>nd</sup> quarter of 2016 were made for Block 83, Lot 41, a.k.a. 425 Donaldson Street by Fox & Foxx Development; and

WHEREAS, property was sub-divided for the year 2016, resulting in charges due on the new property known as Block 83, Lot 41.01 for the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2016;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Finance Director be and is hereby authorized and directed to transfer payments totaling \$4,986.91 from Lot 41 to Lot 41.01, per Anthony Marra, Attorney for Fox & Foxx Development, LLC.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Department and Tax Collector forthwith.

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The following resolution, introduced by the Council as a Whole, was duly adopted as above:  
No. 8-16-223

WHEREAS, the Borough of Highland Park has received a written request authorizing enforcement of traffic regulations on private property pursuant to N.J.S.A. 39:5A-1 *et seq.* and specifically requesting that the provisions of Subtitle 1, Title 39, of the Revised Statutes of the State of New Jersey shall be made applicable to the following area:

A. 1177 Raritan Avenue – Glatt 27; and

WHEREAS, the Borough Council of the Borough of Highland Park deems that enforcement of traffic regulations on the aforesaid private property will benefit all of the citizens of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park that the Police Department of the Borough of Highland Park and other law enforcement agencies be and the same are hereby empowered to enforce the provisions of Subtitle 1 of Title 39 of Revised Statutes of the State of New Jersey.

The following resolution, introduced by the Council as a Whole, was duly adopted as above:  
No. 8-16-224

WHEREAS, the Mayor and Council of the Borough of Highland Park established the HP Gives a Hoot Committee by Resolution 6-16-190 to include seven (7) Regular Members, to be appointed by the Mayor with the advice and consent of the Borough Council for terms to expire December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park, that the "HP Gives a Hoot" Committee will consist of the following:

1. Eight (8) Regular Members, to be appointed by the Mayor with the advice and consent of the Borough Council, for terms to expire December 31, 2016; and

The following resolution, introduced by the Council as a Whole, was duly adopted as above:  
No. 8-16-225

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following shall be and is hereby appointed to serve as a member of the Highland Park Housing Authority for a term to expire as indicated:

Steve Chudnick

September 1, 2021

The following resolution, introduced by the Council as a Whole, was duly adopted as above:  
No. 8-16-226

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that henceforth Sustainable Highland Park shall also be referred to as Highland Park's "Green Team" for purposes of Sustainable Jersey certification and activities.

The following resolution, introduced by the Council as a Whole, was duly adopted as above:  
No. 8-16-227

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that henceforth the Arts Commission, the Communications Department and the Public Information Commission shall also be referred to as Highland Park's "Creative Team" for purposes of Sustainable Jersey certification and activities.

The following resolution, introduced by the Finance Committee, was duly adopted as above:  
No. 8-16-229

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 5, 2016 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an annual basis, there have been the following changes, to wit:

ILAN LANCRY, Sergeant of Police, at an annual salary of \$124,718.00, longevity in base, effective July 1, 2016 (correction of Resolution No. 7-16-213).

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 5, 2016 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an hourly basis, there have been the following changes, to wit:

REMOVE ROCHELLE AUGUSTUS, as Camp Counselor.

NANETTE DANDE, Library Page, at an hourly rate of \$8.50, effective August 1, 2016.

YURIY PROTS, Camp Counselor, at an hourly rate of \$10.00, effective July 1, 2016.

COLEEN AU, Library Desk Assistant, at an hourly rate of \$12.17, effective August 10, 2016.

MARTA HERRERA, Library Desk Assistant, at an hourly rate of \$8.38, effective August 10, 2016.

FURTHER RESOLVED that the Finance Director be and is hereby directed to make the necessary changes in the payroll records of the Finance Department in accordance with the changes established by this resolution.

The following resolution, introduced by the Public Safety Committee, was duly adopted as above:  
No. 8-16-230

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough is hereby authorized to purchase one (1) Interceptor Sedan from Winner Ford (\$25,309.00) and the associated equipment to outfit the police vehicles to be leased through the prior approved MClA Leasing Program.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Director forthwith.

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The following resolution, introduced by the Public Works and Public Utilities Committee, was duly adopted as above:

No. 8-16-231

WHEREAS, pursuant to Resolution No. 3-16-108, adopted by the Borough Council on March 15, 2016, a contract was awarded to JADS Construction Company, Inc. of South River, NJ, for the Improvements to Valentine Street – Phase II Project; and

WHEREAS, it appears from Pay Estimate No. 2, filed by the CME Associates, that certain work under said contract has been completed and approved, and there is due to JADS Construction Company, Inc. the sum of \$31,108.00 in accordance with said Pay Estimate for work performed from July 2, 2016 to July 30, 2016; and

WHEREAS, funds for this purpose are available in Account No. C-04-55-822-210 in the amount of \$31,108.00, as reflected by the Certification of Funds Available by Chief Financial Officer Kathleen Kovach, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Chief Financial Officer be and is hereby authorized and directed to pay JADS Construction Company, Inc. the sum of \$31,108.00, as certified by the Engineer in Pay Estimate No. 2, subject to the Clerk's receipt of the Certified Payroll and Project Manning Reports and additional documents as necessary; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Chief Financial Officer Kathleen Kovach and the CME Associates forthwith.

The following resolution, introduced by the Finance Committee, was duly adopted on motion made by Councilwoman Welkovits, seconded by Councilman George, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Fine, Foster-Dublin, George, Walsh, Welkovits.

Opposed: None.

Absent: None.

No. 8-16-233

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2016 in the sum of \$30,670.41, which item is now available as revenue from State and Federal programs pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED that a like sum of \$30,670.41 be and the same is hereby appropriated under the caption of:

NJDEP Clean Communities Program	\$30,670.41
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BE IT FURTHER RESOLVED that the above is the result of a grant for Fiscal Year 2016; and

BE IT FURTHER RESOLVED that two (2) certified copies of the certification of adoption of this resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

Mayor Brill Mittler appointed H. James Polos to serve as the Emergency Management Coordinator for a term to expire April 24, 2019.

Mayor Brill Mittler appointed Pandora Scooter to serve as a regular member of the Arts Commission for a term to expire August 1, 2019.

Mayor Brill Mittler appointed John Marron to serve as a regular member of the Arts Commission for a term to expire August 1, 2017.

Mayor Brill Mittler appointed Tara Canavera to serve as a regular member of the Recreation Advisory Committee for a term to expire December 31, 2016.

Mayor Brill Mittler appointed Sylvia Hove to serve as a regular member of the Community Food Pantry for a term to expire December 31, 2016.

Mayor Brill Mittler appointed Sylvia Hove to serve as a regular member of the HP Gives a Hoot Committee for a term to expire December 31, 2016.

Mayor Brill Mittler appointed Dan Bianchini to serve as a regular member of the Digital Data Task Force for a term to expire December 7, 2016.

The above appointments were confirmed on motion made by Councilwoman Welkovits, seconded by Councilwoman Foster-Dublin, and carried by the following roll call vote, to wit:

Ayes: Councilpersons Erickson, Foster-Dublin, Fine, George, Walsh, Welkovits.

Opposed: None.

Absent: None.

Mayor Brill Mittler opened the meeting for public discussion and called upon all those wishing to speak to identify themselves.

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Herb Gross, Adelaide Gardens, reported that there is annual picnic held at the Roosevelt Center Veteran's home. He commended Commander Bill Young and Bobby Porter. Councilwoman Foster-Dublin noted that this month's Plays in the Park is dedicated to all service men and women and is free to them and their family members.

Ruth Bickhardt, 307 Magnolia Street, asked about item #11, drug free school zone. Councilman George explained that the legislature amended the drunk driving and drug laws. There is a requirement to have a 1,000-foot drug free area around schools. The ordinance amendment redefines the areas. All Prosecutor's Offices in the State of New Jersey require this. Ms. Bickhardt commented about a 5-foot fence at the corner of Magnolia and South 5<sup>th</sup> Avenue that was recently put up. She witnessed a near collision. Code Enforcement Director Brescher noted that the fence will be coming down in the next week and replaced with a 4-foot fence.

Mayor Brill Mittler commented that the Borough advertised that they were talking about environmental investigation taking place on the Buck Woods property. She had a chance to meet with the neighbors within 200 feet of the property along with Councilman George and Council President Welkovits. They also met with members of the Environmental Commission and the Shade Tree Advisory Committee for their input. The Courts are now involved in the negotiations with this property owner. She asked the Borough Attorney to provide a synopsis.

Borough Attorney Schmierer commented that Buck Woods is a 4.5-acre parcel of land at the end of South 6<sup>th</sup> Avenue and is named for the former owner of the Buck Construction Company. The land is privately owned by JSM at Highland Park, LLC, a development company. They have been trying for a number of years to develop this parcel with homes, as this property is zoned residential. Zoning regulations would permit single family homes on 5,000 square foot lots. They have trying to develop this property for the last five years. When they first applied to the former Code Enforcement Director for a permit to remove trees, they planned to remove 90% of the trees on this property so that they could test for any environmental problems. They believe that there are environmental problems because we know that anecdotally over the year's construction debris was thrown into the ravine on this property. The property has very steep slopes on both sides. We do know that construction debris was thrown in the ravine when Raritan Avenue was redone in the 1970's. They dug down and found old trolley tracks and the creosote wood that held them that was thrown into this area. The owner of the property, before they can determine what if anything they can do with the property, needs to do some testing. He referred to a map that he had showing circles that delineated all the trees on this property. The Construction Department refused to approve the permit to take down the trees. The Borough and the property owner have been in Court for the last five years due to the denial of the tree permit. Recently, the case was assigned to a Judge in New Brunswick who urged the parties to work out a compromise to allow some testing to occur on the property and to not take down all the trees. The Judge directed that the property owner prepare what is called an Environmental Investigation Plan. This plan, the center of the property, which is the bottom of the ravine where the Borough has a 30-foot wide easement, proposes to take down 72 trees in a 30-foot wide area. The property owner would have to access the property off of South 6<sup>th</sup> Avenue. In order to make sure that those are the only trees taken down, the Borough would work out a consent order with the Court. The Borough would require certain things to take place. There would be snow fencing put on either side of this 30-foot wide corridor to keep the equipment from accessing other areas. They would tag every tree that is out there to make sure the Borough knows which 72 trees are coming down. The developer would post an escrow and the Borough's Engineer would be on site to supervise every day that they are working along with their Environmental Engineer. They estimate the work would take about 3 weeks to 1 month to complete, but they are not completely sure about weather conditions and how long it takes to take down a tree and conduct soil samples. It is possible after they study this corridor that they determine there is pollution and construction debris and they dig some out but don't find it all, they would come back with an amended plan and some more trees might have to come down. This work can only be done during the week and they have to adhere to the Borough's noise ordinance. They meet a couple of weeks ago with the neighbors on either side and they asked a number of questions. They feel this will be a reasonable way to allow the owner to figure out what can be done with the property. If they decide to develop the property they would have to apply to the Planning Board and provide the appropriate notification to surrounding residents. If there was any development on the property or if they abandon the idea to develop the property, there is a tree replacement ordinance in town. The 72 trees removed would have to be replaced or a donation made the Tree Replacement Fund. If he pursues a development application to build homes after taking down more trees, he would have to plant more trees or pay additional money to the Tree Replacement Fund. The Governing Body wanted the residents to know that this might occur and that they have to go back to Court on the 19<sup>th</sup> of August to explain their position and the Borough's willingness to cooperate. They believe it is a reasonable plan and they hope the developer will accept it.

Karen Kantor, 125 Graham Street, asked how many homes could be built in that area. Borough Attorney Schmierer noted that they could only build 26 homes due to all the restrictions with steep slopes, etc. in that zone.

No one else appearing to be heard, Mayor Brill Mittler closed public discussion.

There being no further business, on motion made by Councilwoman Welkovits, seconded by Councilman George, and carried by affirmative voice vote of all Councilpersons present, the meeting adjourned at 8:27 PM.

Respectfully submitted,

Joan Hullings  
Borough Clerk