

**MINUTES OF A SPECIAL MEETING OF THE
MAYOR & COUNCIL
HELD WEDNESDAY, OCTOBER 7, 2009**

The meeting was called to order by Mayor Hipp at 6:14 p.m. with the following Councilmembers present:

Councilman Genovesi
Councilwoman Inguanti
Councilman DeSalvo

Councilwoman Keyes-Absent
Councilman Sasso-Absent
Councilwoman Birdsall-Absent

Mayor Hipp announced that there were members from the DOT present for a hearing being conducted pursuant to Green Acres regulations, NJAC 7:36-26 11e which requires that after the application is submitted to the DEP, Green Acres Division and that Dept. determines the application was complete for public hearing purposes the applicant then holds a public hearing to obtain public comment on the application and offer the public to submit written comments within two weeks after the hearing. Mayor Hipp explained the requirements of the hearing per the statute.

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Chris Manz from the Department of Transportation read the following:

TAKE NOTICE that the Borough of Rutherford has filed an application with the New Jersey Department of Environmental Protection, Green Acres Program, proposing to divert 0.039 acres of Block 9.01, Lots 1.02, 1.03 and 2.04 in connection with construction of the New Jersey Department of Transportation's (NJDOT) Route 3 at the Passaic River Crossing Project. As compensation for the proposed diversion the Borough of Rutherford proposes to obtain funding from NJDOT to be used to improve existing Parkland; additionally, NJDOT will plant trees in existing Rutherford Parkland. Pursuant to N.J.A.C. 7:36-26.11 (e), a Hearing to obtain public comment on this request will be held at:
Rutherford Borough Hall- Council Chambers
176 Park Avenue
October 7, 2009 from 6:00 P.M. to 8:00 P.M.

All information submitted by the Borough of Rutherford to the Green Acres Program in support of this requested diversion of parkland is available for public inspection at the Borough Clerk's Office in Borough Hall (Tel. No. 201-460-3001), the Rutherford Public Library or the Green Acres Program Offices.

Written comments on the diversion request may be directed to the Borough Clerk. Please send a copy of any comments submitted on this request to the New Jersey Department of Environmental Protection, Green Acres Program, Bureau of Legal Services and Stewardship, P.O. Box 412, Trenton, NJ 08625-0412.

Public comment on this diversion request will be accepted during the Public Hearing or in writing until October 21, 2009.

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Mayor Hipp explained they had a pre-application meeting concerning the proposed compensation for the diversion of the land owned by the Borough around the Rte. 3

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bridge over the Passaic River. The Mayor said as a result of discussions and negotiations the Borough submitted a pre-application to Green Acres and as part of the compensation the DOT will include the following:

The DOT will pay and plant 98 native trees in the Borough parks; 89 trees are to be paid for and planted by the DOT with locations to be determined by the Borough basically along the tree line; in addition to that monetary compensation of \$60,000 will be paid to the Borough and dedicated to park land improvements.

Mayor Hipp said in giving the land over to DOT so they could make the improvement to the bridge, the Borough will be receiving 187 trees plus the amount of \$60,000. The Mayor said the purpose of the meeting was to receive public comment on the compensation and program and there was a certified court reporter present who would make a transcript of the hearing.

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Martin Siebold Project Manager for the DOT Consultant of Dewberry of Bloomfield, New Jersey. Mr. Siebold provided the following overview: "Parcels of Block 9 Lot 1.02 and a portion of 1.02 and 2.04 are needed to construct the new Rte. 3 bridge over the Passaic River. Since these properties are Green Acres encumbered their purchase is considered a major diversion and subject to the rules of the New Jersey Dept. of Environmental Protection. As presented at the March 3, 2009 pre-application scoping meeting held here, the method of compensation preferred by NJDEP is replacement land which can be used for park land or recreational purposes. A thorough search by NJDOT and the Borough was not successful in identifying such a property and as a result the Borough, the NJDEP and the NJDOT have agreed to monetary compensation to be used for Rutherford park land improvements including the planting of trees by NJDOT. The Borough of Rutherford has issued a resolution proposing this compensation. The pre-application for this major diversion has been submitted to NJDEP and accepted by them.

"This public hearing is to advise you of the progress to date. The project area includes Rte. 3 from Main Avenue interchange in Clifton to the Rte. 17 interchange in Rutherford. Rte. 3 is a major east/west corridor carrying thousands of commuters and providing access to the Garden State Parkway, New Jersey Turnpike and the Meadowlands Sports Complex. Currently the Rte. 3 bridge over the Passaic River requires frequent maintenance and costly repairs and recently had its steel grid deck replaced. Shoulders have been converted into travel lanes and the ramps immediately adjacent to the bridge at all four corners lack acceleration and deceleration lanes. Additionally shoulders are limited throughout the corridor in both directions and are non-existent between River Rd. and Riverside Avenue. Acceleration and deceleration lanes are not long enough; the access ramps force motorist to navigate sharp turns and sight distances are too short along some areas of the roadway.

These conditions along with heavy lines of traffic during peak periods cause variable speeds and sudden stops contributing to driver uncertainty. Accident analyses and field observations indicate a major safety problem for vehicles at all ramp locations in the study area. There have been over 500 accidents in a recent three year period; one of the highest rates in the State.

Public hearings and public information centers were held to present the project to the public in October 2002 and public information centers were held in October 2004 during preliminary design. As a result of the comments and responses resulting from the process and a review of the preliminary plans, the Federal Highway Administration issued a finding of no significant impact for this project and issued it to the NJDOT. The project is now in final design. Public information centers were held in the summer of 2008 to update the public on the project and give further information on contracts, schedules, and details on noise barriers. The construction of the replacement Park Avenue Bridge is already underway, under an advanced contract. The replacement of the Rte. 3 Bridge over the Passaic River will be part of a main contract, scheduled to be advertised for construction in early 2010. This project will provide for safety and operational improvements, ramp improvements at the Rte. 21 and Riverside Avenue interchanges and the addition of acceleration and deceleration lands throughout the project area. In

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addition, through lanes will be widened to the current standard where possible. Shoulders will be added in both directions and a collector distributor row will be added in each direction between the Rte. 21 and Park Avenue interchanges necessitating a wider bridge over the Passaic River.

The Green Acres properties must be obtained since the widened bridge will pass over them. The proposed ramp and land improvement will improve safety by eliminating substandard ramps, separating through traffic from vehicles entering and exiting the roadway and by easing the transition for vehicles to and from the highway. In addition to facilitating the associated access improvements, the replacement of the Rte. 3 bridge over the Passaic River with a widened structure will increase visibility and improve stopping sight distance. By lowering the vertical profile of the roadway as it crosses the Passaic River and passes under Park Avenue in Rutherford. Visibility will also be improved at Park Avenue since the overpass is being replaced with a structure having a higher vertical clearance, it will have a lowered Rte. 3 profile. Traffic will be maintained under Rte. 3 by using staged construction for the improvements.

The project is in the final design stage and this Green Acres hearing is to apprise you of the process used to obtain the needed Green Acres properties. Please note that we are only prepared to address the matters pertaining to the Green Acres aspects of the project. For your information, when construction takes on these properties, any trees that are removed or damaged that are over 6" in diameter are subject to NJDEP rules regarding mitigation and/or compensation. There are a total of three healthy trees on the site. We welcome your comments and suggestions on the Green Acres issues. Persons wishing to give testimony should sign up to speak at the registration desk in the hall and you will be called to speak in the order that you are registered. Each speaker will be allotted five minutes. All testimony will be recorded by the court stenographer and will be made part of the project record, so please state your name and address for the record. Witness statements may be given instead of oral testimony as stated on the sheet you received when you signed in. We now welcome you comments."

Mayor Hipp opened the hearing to the public.

Chris Manz confirmed that the Green Acres, DEP has approved the Green Acres pre-application package and gave their approval to move forward with the final application of which this hearing is a part of.

Kathleen Lovatt, 47 Clark Court questioned the timeline for planting of the trees in the park lands and on the streets.

Chris Manz responded that the DOT will be planting the trees through the "Good Neighbor Contract" which is a landscape contract being done in the upcoming spring. He said hopefully they will get final approval of the application in December. Mr. Manz invited all to review the application as the locations of the trees have been designated in various parks in Rutherford along with the types of trees.

Kathleen Lovatt asked who determines what trees are planted, on what streets and will the residents have input on such.

Mayor Hipp responded that they will be working with the Shade Tree Committee and DPW based on priority. The Mayor said after the final approval they will give the public the opportunity to be heard.

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Mayor Hipp stated that the resolution has to be submitted 75 days before the date of the State House Commission Meeting and he asked the Borough Clerk to put the resolution reaffirming the application on the agenda for the Special Meeting scheduled for October 13.

It was stated that they provided a draft resolution reaffirming the application.

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Mayor Hipp said that the comment period is opened until October 21 and the Resolution being prepared, has them representing that they have reviewed both oral and written comments accepted during the public comment period. Mayor Hipp said he couldn't pass that next week, he has a 75 day period of time and he need to know when they are meeting. The Mayor said he would like to check with Green Acres to make sure they don't have that language, that it is required because as he read they are re-affirming their desire to continue with the project under NJAC 7:36-26.11(i)4.

Mr. Manz said when they get back to Trenton the following day, he will check to see if the December date was set.

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Mayor Hipp announced they will be recessed until a member of the public wishes to speak.

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Mayor Hipp opened the hearing to the public; as no one wished to speak the hearing was closed at 8:01 p.m.

Borough Clerk