

MINUTES OF A REGULAR MEETING HELD TUESDAY, MARCH 27, 2007

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL HELD TUESDAY, MARCH 27, 2007

The meeting was called to order by Mayor McPherson at 8:10 p.m. with the following Councilmembers present:

Councilman Frazier
Councilman Reyes
Councilman Sommer
Councilwoman Keyes
Councilman Genovesi

Councilman Fecanin - absent

Mayor McPherson asked those present to join her in a salute to the flag followed by a moment of silent prayer.

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President of the Council Reyes read the provisions of the Open Public Meetings Law.

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Mayor McPherson invited the Councilmembers to join her off the dais for presentations to:

- Union School Participants in Locks of Love Program
- Art Association Presentation
- Lion's Club Holiday Decoration Awards

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Mayor McPherson opened the hearing of citizens.

Frank DelVecchio, 327 Mortimer Avenue said that previously he had requested information on the containment system of the existing landfill in the Meadowlands, Council President Reyes and Engineer Ralph Tango were good enough to response back with the information they had. He said that basically the containment system is a vinyl sheathing system approximately 15' in length driven into the clay 3' deep. Mr. DelVecchio said the system does not use structural strength from the sheathing system to support movement of the surrounding ground, but uses equal pressure on both sides of the sheathing to stay in place. He said he feels that he can speak with some expertise on this matter because he was a heavy construction contractor for 35 years and his company built the first pedestrian bridge between Giant Stadium and Continental Arena which required working in the landfill area and driving piles to support the bridge. Mr. DelVecchio said that the use of vinyl sheathing was probably chosen because the cost for it is less expensive compared to steel or fiber glass. He said the vinyl sheathing system is supported by pressure on both sides of the sheathing and he believes that the following activities would cause the sheathing to fail; removal of earth from one side of the sheathing either by excavating our water currents, excessive loading on the in-board side, heavy compaction, splintering of vinyl sheathing when being driven. He said the sheathing is in place now, driven from 2002 to 2004. He said hoped that EnCap will address the concerns noted and he would like to be advised if his concerns are justified and if any of his experience would be needed he would be more than happy to sit and talk to anyone. Mayor McPherson thanked Mr. DelVecchio and said that information will be forwarded to him.

Dorothy Clare, 140 Hackett Place said that she received many comments over the past many months, all the rumors she had heard about the Shop Rite and so on and so forth. Ms. Clare said however, she was there to put all the rumors to rest, after trying for two and half years to get an appropriate tenant for their building, she was happy to announce that they have signed a preliminary contract with Key Food Marketplace. She said that it will be a food store and she is sure that everyone in town is going to be very happy about that and she knows that Mayor McPherson is. Ms. Clare said their search included markets such as Food Town and Trader Joe's, which was recommended to her

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many times but they had already gone through that whole process. She said she is very happy that this is going to be a good fit for the community and for the West End. Ms. Clare said she doesn't know exactly when this is going to take place, it is up to the new owner as to when they will be opening. She thanked Mayor McPherson for her efforts that she put forth to assist them. Mayor McPherson thanked Ms. Clare and her family for including her in the process and also thanked them on behalf of the Borough.

As no further citizen wished to speak, Mayor McPherson closed the hearing of citizens.

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Councilman Reyes made a motion to move that all the items on the Consent Agenda be passed, seconded by Councilman Frazier with all members present voting aye.

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Councilwoman Keyes made a motion to move approval of the Minutes of Closed Session held November 20, 2006 seconded by Councilman Frazier, with all members present voting aye with the exceptions of Councilman Reyes and Councilman Genovesi who abstained.

Councilwoman Keyes made a motion to move approval of the Minutes of the Adjourned Meeting held January 1, 2007 seconded by Councilman Sommer, with all members present voting aye with the exception of Councilman Genovesi who abstained.

Councilwoman Keyes made a motion to move approval of the Organization Meeting held January 1, 2007 seconded by Councilman Sommer, with all members present voting aye.

Councilwoman Keyes made a motion to move approval of the Regular Meeting held January 23, 2007 seconded by Councilman Frazier, with all members present voting aye with the exception of Councilman Genovesi who abstained.

Councilwoman Keyes made a motion to move approve the minutes of a Special Meeting held February 5, 2007 seconded by Councilman Sommer, with all members present voting aye, with the exception of Councilman Reyes who abstained.

Councilwoman Keyes made a motion to move approval of the Closed Meeting held February 5, 2007 seconded by Councilman Sommer, with all members present voting aye, with the exception of Councilman Reyes who abstained.

Councilwoman Keyes made a motion to move approval of the Regular Meeting held February 27, 2007 seconded by Councilman Sommer, with all members present voting aye.

Councilwoman Keyes made a motion to move approval of the Special Meeting held March 6, 2007 seconded by Councilman Sommer, with all members present voting aye.

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3/20 Under the Consent Agenda, Councilman Reyes moved the following resolution, seconded by Councilwoman Keyes with all members present voting aye:

RESOLVED: That the following warrants be issued in the amount indicated for the purposes stated:

1. In the amount of \$50.00 payable to Unbelieva-Bills for a Recreation Refund – Deposit Jr. Day Camp Trip
2. In the amount of \$162.00 payable to Newark Bears Professional Baseball Club for a Recreation Refund – Deposit Day Camp Trip
3. In the amount of \$150.00 payable to Connie's Kids for a Recreation Refund – Deposit Day Camp Trip

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4. In the amount of \$100.00 payable to Fun Plex for a Recreation Refund – Deposit Day Camp Trip
5. In the amount of \$100.00 payable to Floyd Hall Enterprises for a Recreation Refund – Deposit Day Camp Trip
6. In the amount of \$2,000.00 payable to Cliffhanger Productions for a Recreation Refund – Deposit for Band for Volunteer Dinner Dance
7. In the amount of \$100.00 payable to Funplex for a Recreation Refund – Deposit Day Camp Trip

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3/20 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

RESOLVED: That bills in the amount of \$3,797,463.98 for Current Account bills, \$6,356.74 for Capital bills and \$33,625.17 for Trust fund bills, all as detailed on the attached sheets be passed for payment, warrants drawn and charged in the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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Under the consent agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

RESOLVED: That the following warrants be issued in the amount indicated for the purpose stated:

1. In the amount of \$2,000.00 payable to Cliffhanger Productions for a Recreation Refund –Final Payment for Band (Dinner Dance)
2. In the amount of \$5.00 payable to Loretta Daleda for a Recreation Refund – Registered for wrong program
3. In the amount of \$15.00 payable to Luis Rodriquez for a Recreation Refund – transfer to different program

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Under the consent agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

RESOLVED: The bills in the amount of \$2,330,036.28 payable from the Current Account all as detailed as follows on the attached sheets be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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Councilwoman Keyes said for **FINANCE**, the application for extraordinary aide has been submitted.

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As Liaison for **COMMUNITY DEVELOPMENT**, Councilwoman Keyes announced that the Borough will be receiving \$129,653 from Community Development for the renovation of the Williams Plaza and 55 Kip Center will be receiving \$7,000 for their food program.

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Mayor McPherson opened the hearing of the Budget to the citizens. The Mayor said the public hearing of the Budget will remain open until such time as the Budget is adopted, anticipated for sometime in July or early August, depending on the State's ability to adopt their budget. Mayor McPherson said that the Hearing will not be closed but will be carried over to the next meeting.

Councilwoman Keyes said that the rest of the liaison reports are on file with the Clerk.

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Under the consent agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

WHEREAS, certain 2006 budget accounts will have unexpended balances and other 2006 budget accounts will have sufficient amounts to cover requirements;

NOW, THEREFORE BE IT RESOLVED that the following amounts be transferred to and from the accounts named:

<u>FROM</u>		<u>TO</u>	
Building Inspector Salaries	\$4,500	Tax Collection Salaries	\$3,700
Fire Hydrant Service	10,000	Legal	55,900
Fire Safety Salaries	4,000	Engineering	7,000
Sanitation Salaries	7,500	Planning Board Salaries	200
Buildings & Grounds Salary	2,900	Police Other Equipment	2,000
Sewer Salaries	11,000	Roads Other Equipment	6,200
Sewer Other Expenses	13,000	Joint Meeting	10,100
Animal Control Expenses	3,500	Gasoline	1,300
Recreation Salaries	5,000	Court Interpreters	1,700
Dumping Fees	12,000		
Health Other Expenses	2,000		
Recreation Other Expenses	5,000		
FICA	1,500		
Court Salaries	1,200		
Shade Tree Other Expenses	5,000		
TOTAL	88,100	TOTAL	\$88,100

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Under the consent agenda, Councilman Reyes moved acceptance of the request for maternity leave of absence for Alexandra Cacciatore, seconded by Councilman Frazier with all members present voting aye.

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Councilwoman Keyes asked the Mayor to appoint Robyn Esposito to the position of Sr. Clerk Typist from the NJDOP Certification of Eligibles.

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Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

WHEREAS, the Mayor and Council of the Borough of Rutherford have been advised of the proposed amended settlement of a Tax Appeal filed on behalf of Wilshire Oil Co. c/o North Fork Bank under Docket No.: 005282-2005 for the year 2005; and

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WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Rutherford to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that settlement of the said Tax Appeal be finalized in accordance with Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A. 40A-57 has been certified to by the Chief of Finance Officer and is attached hereto and made a part hereof.

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Under the consent agenda Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford, after entertaining the issues on March 20 and March 27, as follows:

The Borough of Rutherford shall sell one Class C Plenary Liquor Consumption License, by public sale and bidding.

The minimum bid requirement for the liquor license shall be \$600,000.

The Borough reserves the right to reject all bids if the highest bid is not accepted.

All bidders shall be qualified to have an interest in a retail alcoholic license under standards set forth in *N.J.S.A. 33:3-1 et seq.*, and under all applicable rules and regulations and municipal ordinances governing the issuance and location of said license.

All bidders shall meet the requirements and specific conditions as set forth in the bid documents to be drawn by the Borough Attorney.

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For **POLICE**, Councilman Frazier stated that the monthly reports are on file in the Borough Clerk's office.

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Under the consent agenda, Councilman Reyes moved to approve the American Legion #109 – request to close a portion of Carmita Ave for annual HANDS party Down Syndrome adults & children on Sunday, May 6th from 12 noon to 5:00 pm. seconded by Councilman Frazier, with all members present voting aye.

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Under the consent agenda, Councilman Reyes moved to approve the application to Solicit for Charitable Purposes – Rutherford Veteran's Alliance Poppy Sale – month of May seconded by Councilman Frazier, with all members present voting aye.

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Under the consent agenda, Councilman Reyes moved to approve St. Mary's request for rain-date of April 22nd for annual Carnival seconded by Councilman Frazier, with all members present voting aye.

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3/20 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, the Borough Police Department has need for an emergency generator;

WHEREAS, on May 23, 2006, the Borough Council authorized the advertisement of an open public bid with several alternates for acquisition and installation of the emergency generator, which public bid was thereafter released and published;

WHEREAS, the Borough received one bid proposal for the Base Bid, from Quality Electrical Construction Company ("Quality"), State License #4736, in the amount of \$91,200.00;

WHEREAS, Quality has agreed to honor its bid dated in May 24, 2006 in the amount of \$91,200.00, and to provide the services set forth in its bid proposal in accordance with the bid documents;

WHEREAS, Quality has indicated that there is an additional cost of \$3,950.00 which is a price increase in the purchase of the actual generator unit due to new governmental manufacturing regulations;

WHEREAS, Quality, in lieu of charging the additional cost set forth above, will receive the assistance of the Borough for the digging and pouring of the concrete pad for the emergency generator platform, to be located in the Borough Annex police parking lot;

WHEREAS, Quality will complete and submit a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Rutherford in the previous one year, and that the contract will if from making any reportable contributions through the term of the contract;

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed and approved Quality's bid proposal;

WHEREAS, the Borough Chief Financial Officer has certified the availability of funds for award of this contract for the acquisition and installation of the emergency generator;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rutherford as follows:

1. The contract for the Police Department Emergency Generator open public bid be and is hereby awarded to Quality Electrical Construction Company. 290 Laurel Avenue, West Keansburg, New Jersey;
2. The Business Entity Certification will be placed on file with this Resolution;
3. The Mayor and Borough Clerk are hereby authorized to execute contracts in this matter.

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Under the consent agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier, with all members present voting aye:

WHEREAS, certain organizations have applied for a Raffle License and have been approved by the Chief of Police and paid the required fees;

NOW, THEREFORE, BE IT RESOLVED that License be issued to:

St. Mary's Aquinas Club

Off-Premises Draw Raffle

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St. Mary's Aquinas Club

11 Carnival Games

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Under the consent agenda Councilman Reyes moved to accept Rutherford Taxi annual renewal for six cabs seconded by Councilman Frazier, with all members present voting aye.

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Under the consent agenda Councilman Reyes moved to accept the request from Charles Sciarra, Esq. letter of resignation as Public Defender seconded by Councilman Frazier, with all members present voting aye.

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Under the consent agenda Councilman Reyes moved the following Resolution, seconded by Councilman Frazier, with all members present voting aye:

WHEREAS, the Borough of Rutherford Police Department has purchased five Blackberry wireless devices for use by the Police Department detectives, and the devices require a service plan for internet and telephone usages;

WHEREAS, the State of New Jersey has authorized contracts to be awarded by municipalities to enter into service plan contracts with the State-approved vendor, Verizon, without public bidding;

WHEREAS, the Borough Purchasing Department has reviewed this matter.

WHEREAS, the Borough Chief Financial Officer has certified the availability of funds for award of this contract for elevator inspection services;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford as follows:

The Purchasing Department is authorized to enter into a Service Plan contract for the Police Department's Blackberry wireless devices, pursuant to State contract, for a period of one year, in the approximate amount of \$4,700.00

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Councilman Frazier noted the Council's support in passing a resolution concerning the National Incident Management System which our emergency services will follow for all incident management.

He also noted support for the purchase of the back-up generator in the Police Department so that we do not have to worry about what happened a few years ago when some systems went down and we had to utilize the Fire Truck.

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Under the consent agenda, Councilman Reyes moved the following Resolution seconded by Councilman Frazier, with all members present voting aye:

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, County, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, The Governor of New Jersey in Executive Order Codey #50 directed State, county and municipal government to implement the National Incident Management System; and

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WHEREAS, the collective input and guidance from all Federal, State, County, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, County, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, County, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the County's ability to utilize federal funding to enhance municipal, County and State agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the Borough, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, be it resolved that The National Incident Management System (NIMS) is the standard in which all emergency incidents occurring in the Borough of Rutherford be managed.

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For **PUBLIC WORKS**, Councilman Reyes made a motion for acceptance of the Hearing Officer's recommendation for discipline of DPW employee, David Pappa, recommendation is for termination seconded by Councilwoman Keyes with all members present voting aye, except for Councilman Sommer who voted no.

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Under the consent agenda, Councilman Reyes made a motion for the following Resolution, seconded by Councilman Frazier, with all members present voting aye:

WHEREAS, the Borough of Rutherford intends to accept transfer of title to the lot (to be known as Block 219.04, Lot 2.01) where the occupied DPW garage is presently located and the lot (to be known as Block 219.04, Lot 2.02) where the pump station of the Bergen County Utilities Authority ("BCUA") and the Borough's salt barn are presently located;

WHEREAS, the Borough of Rutherford intends to transfer title of land to be known as Block 219.04, Lot 2.02 to the BCUA;

WHEREAS, separate ordinances are to be voted upon to accept dedication of a new portion of the roadway known as Highland Cross and to transfer property to the BCUA;

WHEREAS, a subdivision is presently pending before the Borough Planning Board for creation of the lot lines for the various lots and dedicated roadway;

WHEREAS, the Borough and the BCUA have negotiated various easement agreements between them for the Borough to utilize and access its salt barn and the pump station lot;

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WHEREAS, various agreements are to be entered between the Borough and Linque H-C Partners, LLC ("Linque"), the current designated redeveloper of the Highland Cross Redevelopment Area, including various closing agreements and other documents, to effect the tri-party negotiations between the Borough, the BCUA, and Linque.

WHEREAS, the Borough Attorney is to conduct final negotiations and a closing transaction wherein the various agreements and documents are to be executed and the various easements and deeds are to be recorded;

WHEREAS, the Borough is currently holding in escrow the sum of approximately \$161,668.75 in lieu of a maintenance bond, under a previously-executed and approved Use and Occupancy Agreement, which constitutes the final construction payment owed by the Borough to Linque for construction of the DPW garage, and the Borough Attorney is holding in escrow the sum of \$39,600.00 in lieu of a maintenance bond, paid by Linque, in connection with the construction of Veterans Boulevard;

WHEREAS, a claim has been asserted against Linque and the Borough by the law firm of McKirdy and Riskin ("McKirdy"), in the amount of \$41,676.89, for unpaid attorney fees that appear to be owed by Linque to McKirdy for condemnation actions of the "ditch lots" in the Highland Cross Redevelopment Area, such condemnation actions having been undertaken by Linque upon prior approval of the Mayor and Council, to assist in the drainage in the area;

WHEREAS, at closing of title, the escrowed amounts referenced above will be transferred to Linque, except for the sum of \$50,000.00, which shall continue to be held in a non-interest bearing escrow account by the Borough, pending resolution of the McKirdy claim referenced above;

WHEREAS, at closing, the Borough will also, pursuant to the provisions of the previously-executed Use and Occupancy Agreement, transfer the sum of approximately \$69,839.22 to Linque as reimbursement to it for real estate taxes paid by Linque on existing Block 219.04, Lot 2 since the occupancy of the DPW garage and salt barn began;

WHEREAS, at closing, an agreement will be signed requiring the construction by Linque of a paved parking area behind the Borough's salt barn on the BCUA's pump station lot, for the Borough to utilize for municipal purposes, said construction being in lieu of a requirement for a canopied outdoor storage area;

NOW, THEREFORE, the Mayor and Council do hereby resolve as follows:

1. The Borough Attorney is authorized to conduct the transfers of title, negotiate and execute the final closing documents, transfer the referenced sums of money, and pay such other reasonable costs as are required and reasonably contemplated in the closing transaction contemplated in this Resolution and the prior Resolutions of the Mayor and Council;
2. The Mayor or her designee is authorized to execute a power of attorney to Anne Marie Rizzuto, Esq., and the firm of McManimon and Scotland, LLC, to be guided by their fiduciary obligations to the Borough, and authorizing the conduct of the closing of title as reasonably contemplated herein;
3. The Mayor or her designee is authorized to execute such closing documents as shall be necessary to reasonably effectuate the transfer of title as contemplated in this Resolution and the prior Resolutions of the Mayor and Council;
4. The Borough Clerk is authorized to witness signatures as required for the effectuation of the transfers of title as contemplated herein.

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For **FIRE**, Councilman Reyes stated that the Fire Department Report is on file with the Borough Clerk.

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Under consent agenda, Councilman Reyes approve Engine Company #2 request for military leave of absence for Jonathan Rood effective February 26, 2007, seconded by Councilman Frazier, with all members present voting aye.

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3/20 Under consent agenda, Councilman Reyes motion to authorize Hold Harmless agreement with Arcade Realty for use of the Maples property, 129-131 Chestnut Street for Fire Department Training, seconded by Councilwoman Keyes, with all members present voting aye.

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As liaison to the **Library**, under the consent agenda, Councilman Reyes request acceptance of letter of resignation from Susan Reyes from Library Board of Trustees seconded by Councilman Frazier, with all members present voting aye.

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As liaison to the **Veterans**, under the consent agenda Councilman Reyes moved the Borough Engineer be authorized to advertise for bids for the Eternal Flame project, seconded by Councilman Frazier, will all members present voting aye.

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Under the consent agenda Councilman Reyes moved to reschedule the April 24th Meeting to May 1st, seconded by Councilman Frazier, with all members present voting aye.

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Councilman Reyes said that he would like to speak about his role in the Meadowlands because it is an important issue, as Mr. DeVecchio spoke about earlier regarding the EnCap Project, he feels it is important that every resident know his position on the EnCap Project and the entire situation in the Meadowlands. Councilman Reyes stated that he is not an engineer or an environmental scientist, he is a police officer, a Lieutenant with the Paterson Police Department. He said he could speak in detail about law enforcement and crime, but he cannot talk in detail about engineering because that is not where his training is. Councilman Reyes said with this he has to rely on the professionals that give him advice and some of the professionals that have been giving advice to them are the New Jersey Meadowlands Commission, the New Jersey Department of Environmental Protection, Hackensack Meadowlands Municipal Commission, New Jersey Division of Fish and Wildlife, United States Environmental Protection Agency, The United States Army Corp. of Engineer, The National Fish and Wildlife Foundation, US Fish and Wildlife Services, Rutgers University, Ramapo College, those are all governmental agencies that are working with the Meadowlands in their initiative. He said that there other non-governmental organizations in the Meadowlands such as the American Littoral Society, the Association of New Jersey Environmental Commissions, Columbian Law Clinic, Environmental Defense, Hackensack River Symposium from Fairleigh Dickinson University, Hackensack River Keeper, Hackensack Partnership, Meadowlands Conservation Trust, Natural Resources Defense Council, New Jersey Audubon Society, New Jersey Chapter Sierra Club, New Jersey Conservation Foundation, New Jersey Environmental Federation, New Jersey Environmental Lobby, The New York/ New Jersey Harbor Bay Keeper, Regional Plan Association, Rutgers Environmental Law Clinic, The Fight Nature Association, The Hudson River Foundation. Councilman Reyes said that all of these non-government organizations, as well as the government organizations, are involved in the Meadowlands.

He said that when they go to the New Jersey Meadowlands Commission meetings, which many of the people here have been there with him, he applauds the environmental clean-up that is going on in the Meadowlands and not too long ago there were 24 landfills that needed to be capped. Councilman Reyes said that those landfills needed to be capped to clean up the Meadowlands area and for too long the environmental hazards that were happening there were unchecked and nobody was doing anything about it. He said the Rutherford Taxpayers Association brought in Mr. Jeff Tittel, a well respected director of the

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Sierra Club. He believes that Mr. Tittel is Sierra Club's paid lobbyist to deal with the environmental issues. Councilman Reyes said he spoke about how EnCap isn't going to work and it's a danger to anyone that would live there, concerns that we all need to have, that we need to look into because we want to protect anyone that is within our municipality or within the Meadowlands area. He said the environmental cleanup has to be done properly and carefully and it is our responsibility, especially them, the elected officials, to make sure that it is done properly. He said that is why he has said, and the minutes will reflect it, that he hopes Governor Corzine will be equally supportive of making sure that the DEP does their job in reviewing how the landfills are capped. He said that out of all the people he mentioned only one person was brought in by the Rutherford Taxpayers Association to discuss EnCap, which was Mr. Tittel.

From the audience, Mr. Porter shouted to Councilman Reyes asking him why he didn't come to their meeting.

Mayor McPherson said that Mr. Porter is out of order and asked Councilman Reyes to continue his report because Mr. Porter had an opportunity to speak during the hearing of citizens.

Councilman Reyes said that the comment he would like to make is if Mr. Tittel is so concerned about the Meadowlands, which is a great concern to have, why hasn't he ever reached out to him or spoken to him about the dangers of the Meadowlands.

From the audience, Ms. Inguanti shouted that Mr. Tittel came to their forum and Mayor McPherson told Ms. Inguanti that she was out of order also and she had an opportunity to speak during the hearing of citizens and she chose not to. Mayor McPherson asked Councilman Reyes to continue.

At this point, these audience members began to leave and Councilman Reyes said that they didn't want to hear what he had to say, he wants to put the facts out there because the Republican party has chosen to leave the building, is that what is going on?

Councilman Genovesi stated to Councilman Reyes that he takes offense to that statement.

Mayor McPherson stated to Councilman Genovesi that he has not been recognized.

Ms. Inguanti shouted what do you want to do, arrest another housewife.

Ms. Inguanti then rushed up the aisle to the microphone and shouted come to the forum. She shouted over Mayor McPherson to call Mr. Tittel and ask him why he came, please ask him why he came.

Mayor McPherson said to Ms. Inguanti that she is sure she would like nothing better than that and stated to Ms. Inguanti that she is out of order and she had an opportunity to speak. The Mayor asked her to be courteous and civil in the Chambers.

Ms. Inguanti again shouted from the audience but the comments were inaudible.

Mayor McPherson asked Councilman Reyes to continue.

Councilman Reyes said let's place the facts out there and he was going to call it like it is. He said the Republican Party has hijacked the Rutherford Taxpayers Association; who are the co-presidents of the Rutherford Taxpayers Association? He said Ms. Rose Inguanti and Mr. Dave Porter, two of the officers of the Republican Party. Councilman Reyes said now that he has addressed this with them, they don't want to let the taxpayers of Rutherford know that, they say that the Rutherford Taxpayers Association is a non-partisan organization and that they are not going to ask or tell anybody what party they belong to. He said that he is a Democrat and he is proud to be a Democrat, if you are a Republican and you have an opinion just say you are a Republican and that this is your opinion, there is nothing wrong with that. Councilman Reyes said that he has plenty of friends that are Republicans and he respects their opinions, lets not hide behind the Rutherford Taxpayers Association and say that we are not going to talk about what party we are or what agenda we may have and the fact that you bring one person out of all those environmental groups, you just bring one person in and you don't listen to what other people have to say, clearly

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shows that there is an agenda here for this purpose. Councilman Reyes said that there are other areas that he could talk about, Mr. Hipp is another one that speaks on behalf of the Rutherford Taxpayers Association, he clearly writes letters to the editor, which he encourages, but he doesn't say that he is Mr. Genovesi's campaign manager or he is a club member of the Republican Party, he doesn't say that. Councilman Reyes asked why is that, why are we hiding behind the Rutherford Taxpayers, if you want to make an opinion then just let everyone know where you stand. He said he will give his opinion, he is a Democrat and you may or may not accept his opinion or what he is saying. Councilman Reyes said he doesn't hide behind other organizations and in regards to DEP, if they say it is not safe to build there, he will not support anything being built out there. He said that he wants to make that point clear, our environment is paramount, but to sit back and do nothing and accept the status quo is ridiculous and insulting.

Mayor McPherson thanked Councilman Reyes and said she regretted that he had to be interrupted; there was an opportunity for everyone to be heard.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi said that the monthly report, uniform construction code revenue for the month of February for the Building Department was \$15,140, Construction Department Revenue was \$4,809, Total Value of Construction was \$534,637.06, Total Number of Permits Issued was 108, Total Number of Construction Department Inspections was 573.

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Councilmen Genovesi said that he had a resolution asking to award contract for elevator inspection services, he asked that the Council put that on consent and they did. He said after receiving John Uhl's recommendation and reviewing both the resolution to award the contract and reviewing the quotes obtained for these services given the amount in question for the contract is under the bid threshold for public bidding that advertisements were made for the work by the Borough resulting in comparative pricing and that certification of funds were made available through the Borough CFO.

Under the consent agenda, Councilman Reyes moved the following Resolution seconded by Councilman Frazier, will all members present voting aye:

WHEREAS, the Borough of Rutherford Building Department has need for elevator inspection services as required under local ordinances and State Construction and Building Codes;

WHEREAS, the Borough Purchasing Department has solicited for quotations to render these services as allowed under public bidding laws and regulations;

WHEREAS, the Borough Purchasing Department received two responses to its solicitation for quotations;

WHEREAS, the Borough Attorney, the Borough Construction Official, and other Borough Officials have reviewed the two quotations;

WHEREAS, the Borough Construction Official recommends the award of the contract to New Jersey Technical Services, Inc. in the amount of \$18,876.00, which is under the bid threshold for public bidding;

WHEREAS, though the quotation from New Jersey Technical Services, Inc. was not the lowest quotation, it is determined to be the most advantageous proposal for the Borough, in view of the provider's past good performance, experience and knowledge of the Borough, the elevators located within the Borough, and the Building Department, and its expertise and knowledge of the elevator inspection codes and requirements;

WHEREAS, the Borough Chief Financial Officer has certified the availability of funds for award of this contract for elevator inspection services;

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NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Rutherford as follows:

1. The contract for elevator inspection services in the amount of \$18,876.00 be and is hereby awarded to New Jersey Technical Services, Inc., 100 Schraalenburgh Road, Suite 7, Harrington Park, New Jersey, with the following required documentation to be included:
 - (a) Certificate of Insurance and Insurance Policy for \$1,000,000.00 shall name the Borough of Rutherford as an additional named insured and a copy of the actual policy shall be filed with the Borough Purchasing Department;
 - (b) A Business Entity Disclosure Form shall be executed by the vendor and shall be filed with the Borough Purchasing Department;
 - (c) Ancillary documents as required by the Borough Purchasing Department shall be executed by the vendor and filed with the Borough Purchasing Department;
 - (d) The contract shall be awarded for a period of one year beginning on April 1, 2007 and ending on March 31, 2008;
2. The Mayor and Borough Clerk are hereby authorized to execute contracts in this matter.

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Councilman Genovesi requested the Council to consent to renew our membership with the Passaic River Coalition. He said he feels that the Coalition provides a valuable service to many communities by providing solutions to assure clear and plentiful water sources whereas, the Coalition is comprised of municipalities depending on ground water for their drinking water supplies, they continue to protect and preserve critical water resources and their overall protection of our environment so that he felt it necessary to ask the Council if they would renew the membership to 2007 for a fee of \$125.

Under the consent agenda, Councilman Reyes made a motion to renew the membership contract for 2007 Passaic River Coalition seconded by Councilman Frazier, with all members present voting aye.

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Councilman Genovesi said in response to Councilman Reyes comment that all Republicans are steering the Taxpayers Association; while he appreciates his colleague's opportunity to express his opinion he happens to disagree with the residential high density housing of EnCap. He said that he will continue to be against this project and he has been against this project for a very long time. Councilman Genovesi said that he is a Republican and for someone who is in the position of being Council President, his attack this evening is beneath him. He said he is not hiding behind anything and he should be more careful in the future to label all Republicans, he happens to be a Republican, you're a professional, he is a professional and he is his colleague and he took a lot of offense to that. Councilman Genovesi said that while he respects his ability to present his opinion he hopes that Councilman Reyes does so more carefully in the future. Councilman Genovesi thanked the Mayor and concluded his report.

Councilman Reyes said that he wasn't attacking all Republicans, in fact that one of the comments he made was that he has many Republican friends that disagree with him and he would never make a blanket statement. He said he made a specific statement that in the Rutherford Taxpayers leadership is right now and he said he will use the terms again, the Rutherford Taxpayers Association has been hijacked by the Republican Club and that is the term he will use. Councilman Reyes said that he is a professional, a professional law enforcement officer and he may not know engineering and about how the environmental sciences go regarding capping but relies upon his professionals and that everybody else is doing their job such as DEP and we hold them to that, but he does know when a flim-flam occurs and that is exactly what has happened. He said that because the Rutherford Taxpayers Association has made statements, and he clearly mentioned the names of the people that are the leaders but they don't want to come out and say "I'm a Republican and this is our position." He said they want to say no, it is non-partisan, well it is non-partisan

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if you act non-partisan but if you are acting on behalf of the Republican Club then that is not non-partisan.

Mayor McPherson stated that they are going to continue with the agenda, for Human Resources Councilman Sommer.

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Councilman Sommer said that he had just a few items but before he started he wanted to thank Ms. Clare for sharing the good news about the Key Food Marketplace coming to the West End. He said that his liaison committee reports are on file and due to the lateness of time in our meeting, the local assistance board and the ambulance are on file; for the Board of Aesthetic Review there was one item he wanted to point out and that is that Bill Gumbman is receiving the Citizen of the Year Award from the VFW on Sunday, April 29th at 1:00 p.m. at the Tamblin Field Civic Center.

Councilman Sommer said lastly he would like to point out that they have reviewed and are in concurrence with the progress that the Nereid Boat Club is making, they made a presentation last week and for those who have seen an article several months ago about the Nereid Boat Club and their plans for a water-front park, we all think that it will be a great addition to that part of Jackson Avenue and that part of town.

Councilman Sommer said that concludes his report and he thanked the Mayor.

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Under the consent agenda, Councilman Reyes moved to approve the request for the Stephanie Sloan-Brancato Softball Foundation Tournament to be held June 29th - July 1st seconded by Councilman Frazier, with all members present voting aye.

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Under the consent agenda, Councilman Reyes moved to approve the request for the 2007 Senior Citizen Olympics to be held in June 7th seconded by Councilman Frazier, with all members present voting aye.

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Under the consent agenda, Councilman Reyes moved to approve the request for the 2007 Recreation Volunteer Celebration to be held April 5th seconded by Councilman Frazier, with all members present voting aye.

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Under the consent agenda, Councilman Reyes moved to accept the Letter of resignation from Rhonda Sabitini as Teacher Aide for Preschool program, seconded by Councilman Frazier, with members present voting aye.

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Under the consent agenda, Councilman Reyes moved to approve the Recreation Superintendent's recommendation for 2007-08 Pre-K fees, seconded by Councilman Frazier, with all members present voting aye.

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Under the consent agenda, Councilman Reyes made a motion to approve the following Resolution seconded by Councilman Frazier, with all members present voting aye:

WHEREAS, the Borough of Rutherford has long supported the proposed waterfront development at Borough-owned property as referenced above, that is partially leased to Nereid Boat Club;

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WHEREAS, the Borough has a pending NJ State Green Acres Grant for waterfront development, including the installation of a waterfront park and a boat ramp for the Borough's Fire Department boat;

WHEREAS, the Borough and Nereid have previously reached an agreement on repayment of the Green Acres loan;

WHEREAS, Nereid Boat Club has hired counsel, Wilentz, Goldman and Spitzer, to process the various applications so that the waterfront bulkhead and the waterfront park and accessories can be constructed, and the Green Acres grant accepted;

WHEREAS, Nereid Boat Club as hired an engineering firm, Langan Engineering and Environmental Services, to prepare the various plans and applications;

WHEREAS, Nereid Boat Club has hired a landscape architect, Michael Hakim, L.A. to draw the plans for the waterfront park;

WHEREAS, Nereid made a presentation to the Mayor and Council at the work session meeting of March 20, 2007;

NOW, THEREFORE, the Mayor and Council do hereby resolve as follows:

1. The Borough Engineer is authorized to assist the Nereid Boat Club and its professionals in reviewing the waterfront park plans for submission for the Coastal General Permit, and to render such other services as may be requested and reasonable;
2. The Police Department and Fire Marshal shall continue to render assistance and review as the waterfront park plan is developed, and Nereid Boat Club shall be required to incorporate such reasonable changes as may be requested by same, including installation of lighting and features necessary for the proper operation of the Fire Department boat rescue operations at the property.
3. The Borough Attorney is authorized to continue rendering review and assistance in matters necessary to receive permits for the proposed bulkhead and waterfront park, to receive and accept the Green Acres funding in place, and to review and negotiate with respect to proposed changes to the Lease Agreement between the Borough and Nereid Boat Club, which lease amendments will be brought back to the Council at the appropriate time;
4. The Mayor and Council approve the seeking of additional funds by Nereid from private sources and fundraising efforts, and will review and consider requests for grant applications to increase the Green Acres funding;
5. Nereid Boat Club shall make such additional presentations as necessary to incorporate changes to the plan and gain approval of the final plan, and to further define the costs and expenses associated with the construction.

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Under the consent agenda, Councilman Reyes made a motion to authorize the advertising for a pre-school Teacher Aide position seconded by Councilman Frazier, with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes moved to accept the request of the Arbor Day Celebration Tuesday, April 17th 6:30 pm Borough Hall, seconded by Councilman Frazier, with all members present voting aye.

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Mayor McPherson gave the following committee reports:

Under the consent agenda, Councilman Reyes moved to approve the following upcoming Rutherford Downtown Partnership Events seconded by Councilman Frazier, with all members present voting aye:

- April 28th – Keep Rutherford Clean Day
- June 6th to October 31st – Farmer's Market
- June 27th – Taste of Rutherford with a Classic Car Show
- July 28th – Hambletonian Parade and Festival.

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Mayor McPherson made the following appointments:

Councilwoman Keyes made a motion to confirm the appointment of Maria Teresa Guterrez to the Civil Rights Commission seconded by Councilman Sommer, with all those present voting aye.

Councilwoman Keyes made a motion to confirm the appointment of David Lafferty, Esq. as the Borough Hearing Officer seconded by Councilman Sommer, with all those present voting aye.

Councilwoman Keyes made a motion to confirm the appointment of Robyn Esposito to the permanent position of Senior Clerk Typist effective March 27, 2007 subject to the rules and regulations and policies and procedures of the Borough of Rutherford and subject to the rules and regulations of the New Jersey Department of Personnel as well as all applicable New Jersey State Statutes, seconded by Councilman Sommer, with all those present voting aye.

Special Events Committee:

Cliff Witmyer, Special Events Coordinator
Borough Administrator Timothy F. Stafford
Councilman Richard Reyes
Councilman George Fecanin
Police Chief Steven Nienstedt
Fire Marshal Paul Dansbach
DPW Superintendent Chris Seidler
Health Official Brian O'Keefe
Recreation Superintendent Lori Rosenbower

Environmental Committee

Health Officer Brian O'Keefe
Borough Administrator Timothy F. Stafford
DPW Superintendent Chris Seidler
Councilman George Fecanin, DPW Liaison
Pat Goodwin, Citizen Representative
Councilman Richard Reyes

Councilman Joe Sommer to the position of **Nereid Boat Club Liaison.**

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Mayor McPherson made the following proclamation:

CROP Walk – Sunday, April 15th

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Mayor McPherson stated that she had a letter she would like to comment on. The Mayor said that on Friday she received correspondence from Lincoln Equities Group. Mayor McPherson said they may remember that Lincoln Equities Group is the organization that was responsible for the proposal that was put forth to our Visioning Committee in 2006, acted upon in 2007 by both a Resolution rejecting the proposal and a Resolution by this Governing Body rejecting the proposal. Mayor McPherson said that in spite of that she has received correspondence from Lincoln Equities to inform her that they intend to make an application to the Meadowlands Commission. The Mayor believes that their intention is to subvert and avoid any presentation to the Borough of Rutherford and she was happy to release the letter that she received and the letter that she sent in response to with Councilmembers and a number of individuals that were copied on it. Mayor McPherson said the letter will be released to the press in very short order. She said that they received the letter clearly indicating that Linque is once again unwilling to work cooperatively with the Borough and appears to be unwilling to meet its obligation under the current redevelopment plan and redevelopment agreement. Mayor McPherson said it appears Linque purposely is seeking to avoid any input or action from the Borough and intends to move forward with application to the Meadowlands Commission with the proposal that includes residential, among other uses, her response is unequivocal, the Borough's position remains clearly opposed to residential in that area and other proposal that is not supported by the Meadowlands Master Plan, our own and our Vision Statement for the Borough. The Mayor said that we will not be governed by threats and intimidation. Mayor McPherson said in her letter she states to Mr. Bergstein of Linque, "as you know the Highland Cross Redevelopment Plan does not permit residential uses, the NJMC Master Plan does not provide for residential uses on the site, the Borough of Rutherford Master Plan does not provide for residential uses on the site. The Borough's Visioning Committee after many public hearings, held at your request, has declared that residential uses should not be permitted on this site. The Borough Council adopted the attached Resolution declaring that residential uses should not be permitted on this site. As I have personally advised you and your attorney's on several occasions, I am opposed to any attempt to include residential uses at this site. The Borough's position has not changed in this regard and yet the letter references 800 residential units. I do not think it could be clearer that the Borough of Rutherford will strenuously object to any amendments to the Highland Cross Plan to allow residential uses at this site; nevertheless it is obvious that you do not intend to develop the uses for which you have already received your NJMC approval. The Borough remains ready to work with you or any other potential redeveloper to bring a project to this site which is consistent with the existing redevelopment plan and the Borough Visioning Statement and Master Plan. You of course may proceed however you wish, the Borough will proceed in the manner we see fit, which is to oppose that which is not in keeping with the redevelopment plan, the redevelopment agreement, the NJMC's Master Plan, the Borough's Master Plan, the Borough's Vision Statement or in the best interest of the Borough."

Mayor McPherson said that the New Jersey Meadowland Commission Executive Director Bob Ceberio informed her that a meeting took place on Thursday and the letter references it, with Linque executives at the offices of the NJMC. The Mayor said he also informed her that the presentation was made by a Mr. Thomas Bruinooge Esq. on behalf of Linque. Mayor McPherson continued saying that Mr. Bruinooge may be unfamiliar to some of the governing body members or members of the public, he did not attend the public meetings for the Visioning Statement, however he is an attorney with offices in Rutherford and has an interest in Linque. The Mayor said that they should also know that he is listed as Treasurer of the Bergen County Republican's Inc., which is a political committee that supported Kathleen Donovan for County Executive in 2007 and that in a newspaper article in the Bergen Record article dated November 10, 2006 the same organization has claimed credit for the Republican victory of Rutherford Councilman John Genovesi in an article of that date. Mayor McPherson said that she has the copy of the letter, she had a copy of the letter she sent in response, the Resolution and she intends to forward such to the press along with a press release.

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For **Ordinance on First Reading**, Councilman Frazier asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, ORDINANCE NO. 2140-74**

Councilman Frazier moved this ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes, with all members present voting aye.

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For **Ordinance on First Reading**, Councilman Frazier asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 76, ENTITLED POLICE DEPARTMENT ORDINANCE NO. 1532 AS AMENDED.**

Councilman Frazier moved this ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes, with all members present voting aye.

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For **Ordinance on First Reading**, Councilman Reyes asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO APPROVE SALE OF LAND TO NEW JERSEY DEPARTMENT OF TRANSPORTATION, BLOCK 9.01, LOT 1.02 PART OF LOT 1.03 AND LOT 2.04.**

Councilman Reyes moved this ordinance be passed on first reading and advertised according to law, seconded by Councilman Frazier, with all members present voting aye.

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For **Ordinance on First Reading**, Councilman Reyes asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 105A, ENTITLED SPECIAL IMPROVEMENT DISTRICTS, ORDINANCE NO. 2662776-96.**

Councilman Reyes moved this ordinance be passed on first reading and advertised according to law, seconded by Councilman Frazier, with all members present voting aye.

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For **Ordinance on First Reading**, Councilman Reyes asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO APPROVE TRANSFER OF LAND TO BERGEN COUNTY UTILITIES AUTHORITY.**

Councilman Reyes moved this ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes, with all members present voting aye.

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For **Ordinance on Second Reading**, Councilwoman Keyes asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.**

Mayor McPherson opened for public hearing on this ordinance, as no one wished to address the Council, the Mayor advised that the public hearing will remain open and carried to the next meeting.

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For **Ordinance on Second Reading**, Councilman Reyes asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 107 ENTITLED STORM WATER MANAGEMENT.**

Mayor McPherson opened the public hearing for discussion on this Ordinance. As there was no citizen wishing to speak, the public hearing was closed.

Councilman Reyes moved this ordinance be passed on second reading and advertised according to law, seconded by Councilwoman Keyes, with all members present voting aye.

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For **Ordinance on Second Reading**, Councilman Reyes asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO ACCEPT DEDICATION OF AN EXTENSION OF HIGHLAND CROSS IN THE BOROUGH OF RUTHERFORD, NEW JERSEY FOR USE AS A PUBLIC ROAD AND RIGHT OF WAY.**

Mayor McPherson opened the public hearing for discussion on this Ordinance. As there was no citizen wishing to speak, the public hearing was closed.

Councilman Reyes moved this ordinance be passed on second reading and advertised according to law, seconded by Councilman Sommer, with all members present voting aye.

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For **Ordinance on Second Reading**, Councilman Reyes asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 22 CONSTRUCTION CODES, ORDINANCE NO. 2206-77 AND CHAPTER 109 STREETS AND SIDEWALKS, ORDINANCE NO. 1891 AND 274495.**

Mayor McPherson opened the public hearing for discussion on this Ordinance.

Robert Genardi, 155 Montross Avenue said that he was a little confused, back in December the Borough put on a full-time electrical inspector, if the fees are down according to his diagrams, why do we need a full-time electrical inspector.

Mr. Genardi said the other question is before we past this ordinance did we need DCA approval for the increases. Mayor McPherson said that she believes no but she will confirm that with Mr. Uhl. Mr. Genardi responded that he believes that the fees, part of the building permit do go to DCA. Mayor McPherson said she is sure that Mr. Uhl will give all the appropriate information that we need.

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As no other citizen wished to be heard on this Ordinance, Mayor McPherson call upon Mr. Uhl.

Mr. Uhl said that in regards to the electrical sub-code official, he was already a full-time employee, he was working three days a week, with full benefits and we increase his days to five days a week. Mr. Uhl said in regards to DCA approval, it is not required but we do forward it to them for review and they do take a percentage of those fees. Mayor McPherson clarified not approval in advance, obviously it hasn't been approved as of yet. Mr. Uhl responded correct.

As no other citizens wished to discuss, Mayor McPherson closed the public hearing.

Councilman Reyes moved this ordinance be passed on second reading and advertised according to law, seconded by Councilwoman Keyes, with all members present voting aye, except Councilman Genovesi who voted no.

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UNFINISHED BUSINESS

Under Councilman Reyes agenda, Mayor McPherson mentioned that they are granting a leave of absence for Military Service to Jonathon Rood. The Mayor stated that Jonathon's family has a very long record of volunteer service to the Borough and she received his mother's approval to share the mailing address as he can not receive emails or phone calls, no packages just letters and cards. The address for Jonathon Rood is: RCP.Rood Jonathon R. 0202 PLT 20442 BN G CO Box 12044 Paris Island South Carolina 29905-2044.

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Mayor McPherson wished to thank Bill Neumann and Councilman Reyes, of the Historic Preservation Committee and also Robyn Esposito in the Purchasing Department, they will soon have almost all of the portraits of the Mayor's of Rutherford unveiled. The Mayor said that Bill went back and looked at different pictures, portraits that were not existing there and they hope to have them hung soon.

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Councilwoman Keyes moved to adjourn 9:45 p.m. seconded by Councilman Sommer and unanimously approved on roll call.

Borough Clerk