

MINUTES OF A REGULAR MEETING HELD TUESDAY, DEC. 16, 2003

**MINUTES OF A REGULAR MEETING OF THE
MAYOR AND COUNCIL
HELD TUESDAY, DECEMBER 16, 2003**

The meeting was called to order by Mayor McPherson at 8:20 p.m. with the following Councilmembers present:

Councilmember Frazier
Councilmember Fecanin
Councilmember Bartlett
Councilmember Arnold
Councilmember Lozada

Councilmember Matthews was 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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Councilmember Fecanin read the provisions of the Open Public Meetings Law.

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Mayor McPherson made presentations to the Rutherford High School Football team and coaching staff for their successful season.

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Mayor McPherson opened the hearing of citizens.

Rosemary Loar, 55 Maple St. Ms. Loar asked the Mayor to explain the proposed bus shelters.

Mayor McPherson said the editorial that Ms. Loar was referring to did not give a clear picture of what the Council is contemplating through the bidding process. She said the kiosks will not be lit and will not be in residential areas.

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Councilmember Fecanin said that the advertising would be up to them, there would not be tobacco or alcohol ads - it would be more of the Fortune 400 companies, Disney and movies as well as local advertisements.

The Mayor explained the proposal the Council was contemplating. She said they were looking at a shelter that was more in keeping with the streetscape design, one panel for ads and the process will be that the Borough Attorney has been authorized to prepare bid specifications to go out. The Mayor said they will be able to limit the content of the advertising by saying specifically that we do not want certain ads.

Borough Attorney Rizzutto said that it would be entertainment advertising.

In response to Ms. Loar as to why these shelters were needed, the Mayor said that currently we have a contract that was entered into years ago with NJ Transit who would erect the shelters and the municipality is responsible for maintenance and upkeep. She said that it doesn't make much sense to her as the shelters are provided to increase the ridership, a benefit to NJ Transit. The Mayor said that by replacing the shelters (that we have the responsibility to maintain) with these from a private company will maintain and allow a better job to be done in maintaining them. She said the bidding will specifically provide for twice a week cleaning and maintenance.

Ms. Loar said that her concern was the commercialism, product placement which she feels is a huge pollution but if this were going to help with the upkeep and is done in a way that will help with the maintenance. She felt we were still sacrificing one thing for the other.

Danielle Kurz, 143 Montross Ave. - Ms. Kurz said that she has a bus shelter in her backyard and for many, many years she has had to clean feces, urine and garbage because of the condition. She said that she would welcome a company that would take this over.

Ryan Scherba, 167 Summit Cross - Mr. Scherba asked for a convenient time to meet with the Borough Engineer to discuss the plans for the skate park so the skateboarders and the staff of Outerbounds to give their opinion. He asked if he could be on the committee.

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The Mayor said that she would be making appointments tonight for the committee and he and Mr. Hughes would be on the committee. She also asked them to advise her of any other individuals who would like to be on the committee.

Sharon Delvecchio, 327 Mortimer Ave. - Ms. Delvecchio asked for an update on the status of 319 Mortimer Ave. She said the hawks had returned.

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The Borough Attorney, Anne Marie Rizzuto said they were proceeding with the next legal procedure. She said she could not say too much as this was an ongoing litigation. Ms. Rizzuto said there was an inspection and the engineering report is going to be presented at a hearing to determine whether or not the house can be either rehabilitated or ordered to be condemned.

Ms. Delvecchio asked if the money allocated for the artificial turf is still up for discussion.

The Mayor said that the money being allocated is not being taken away from other things. She said that as a result of being successful in getting \$420,000 from the State for Station Square that reduced the Borough's expenses which had been already allocated.

Rosemary Loar, 11 Maple St. - Ms. Loar asked if some of that money could be used towards the renovation of Williams Center.

Mayor McPherson said the William Center is a county owned property and they are responsible for paying the utility bills. She said this is in excess of \$45,000 a year. She said there is a capital ordinance at the county level to make \$500,000 worth of improvements to the Williams Center. She said that even though it is county owned the Borough of Rutherford has committed \$20,000 each year for the last four years as a contribution. She asked if Ms. Loar were interested in serving on the Board of Trustees, to please contact her.

Danielle Kurz, 143 Montross Ave. - Ms. Kurz said she had been involved with the Williams Center for many years and we should all be willing to help the Center.

David Frazier, Rutherford High School Athletic Director - Mr. Frazier said the synthetic grass is something that will aid this town as we are able to open up a field that can be utilized 30, 50 or 100 times more than it is presently. He said that this Council is doing something phenomenal that people will not forget, it will pay for itself over time and it is something that is needed.

The Mayor said that it was brought to their attention that there is no better time than now to go to bid for the artificial turf as it is becoming very popular and the price has never been lower.

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

Councilmember Lozada congratulated the Mayor and said if it weren't for her efforts for the Williams Center it would not be there.

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Councilmember Fecanin moved that all the items on the Consent Agenda be passed, seconded by Councilmember Frazier with all members present voting aye.

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Under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

RESOLVED: That Current Account Bills in the amount of \$903,253.16, Public Assistance Trust #1 in the amount of \$150. and Trust Fund to Current Fund in the amount of \$2,003.93, 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, Councilmember Matthews moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

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

1. In the amount of \$2,000 payable to Reserve Account for postage for the 2004 collection schedules.

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Under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

1. In the amount of \$25. each payable to the following as recreation refund.

Dana Tucker Leticia Kehoe Toni Sieurella Lisa Puso

2. In the amount of \$50. payable to Tylar Kazerani as recreation refund.

3. In the amount of \$300. payable to Joy Capoano as recreation refund.

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4. In the amount of \$110. payable to Gloria Mansi as recreation refund
5. In the amount of \$165 payable to Dignia Reiriz as recreation refund.
6. In the amount of \$110. payable to Jean Monggulla as recreation refund
7. In the amount of \$40. payable to Alex Henry as recreation refund.
8. In the amount of \$60. payable to GSPO Provider Services Rx Program
9. In the amount of \$2,275. payable to Computype Co. for Holiday Fest.
10. In the amount of \$50.00 payable to Diane Catanzaro as Rec. refund.

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Under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, there exists an overpayment of 4th quarter taxes on the properties listed below; and

WHEREAS, the parties listed are entitled to a refund of these overpayments;

NOW, THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue refund checks totaling \$2,416.00 and charge same to 2003 taxes.

| BLOCK | PLOT | NAME AND ADDRESS | AMOUNT |
|--------------|-------------|---|---------------|
| 108 | 4 | Chase Manhattan re: 125 Wheaton Place | \$1729.00 |
| 155 | 24 C003C | Boiling Springs Savings Bank re: 40 Feronia Way, Unit 3C | \$ 687.00 |

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Under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, there exists an overpayment of 4th quarter taxes on the properties listed below; and

WHEREAS, the parties listed are entitled to a refund of these overpayments;

NOW, THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue refund checks totaling \$1,733.99 and charge same to 2003 taxes.

| BLOCK | PLOT | NAME AND ADDRESS | AMOUNT |
|--------------|-------------|-----------------------------------|---------------|
| 151.01 | 41 | L & L Bonora 12 William Street | \$1,733.99 |

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Under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS there exists an overpayment of 2003 taxes for the following properties, and;

WHEREAS these overpayments will be refunded from 2003 taxes overpaid and credited to 2004 property taxes;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the amount of \$15.46 made payable to the Borough of Rutherford and charge same to 2003 taxes overpaid.

| BLOCK | PLOT | NAME & ADDRESS | AMOUNT |
|--------------|-------------|--|---------------|
| 48 | 3.02 | Dacanay, Jean Marijk & Phebe L. 161 Wood Street | \$13.37 |

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Avenue was sold at the Boroughs Tax Lien sale held October 10, 2002 to Crusader Servicing Corporation; and

WHEREAS the necessary arrangements have been made with the Tax Collector's Office for the redemption of this lien and a check in the amount of \$19,302.99 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$1100.00 was deposited in the Premium Trust Account the day of the sale;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a check in the amount of \$20,402.99 to Crusader Servicing Corporation in settlement of Lien # 001659

| | |
|-----------------------------------|-------------|
| PRINCIPAL | \$17,319.25 |
| INTEREST&PENALTY | \$ 1953.74 |
| RECORDING FEES | \$ 30.00 |
| PREMIUM | \$ 1100.00 |
| TOTAL | \$20,402.99 |

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For **FINANCE**, and under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, certain budget accounts will have unexpended balances and other 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:

| FROM | TO | | | |
|-------------------|--------------------------------|---------|--------|---------|
| Police - Salaries | Building Inspector - Equipment | 61,100. | 1,500. | |
| (Terminal Leave) | Police Surgeon | | | |
| 3,500. | | | | |
| | Fire-Services | | Fire | Engines |
| 18,000. | Roads - Salt | | | |
| 15,000 | | | | |

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Administrator, Mayor and himself on what we can do better for the town. He said that no other town in this area alerts residents by flyer as to when the leaves will be picked up. He said that on top of the snow removal, Oct. 23 thru 31st the DPW collected over 342 tons of leaves that are picked up and removed to a facility out of town. Nov. 1 thru 30, they collected 2,637 tons, Dec. 1 thru 15 - 946 tons. Councilmember Fecanin said that as of yesterday grand total is 3,926 tons of leaves.

He said they have been through the town two and a half times and he finds it disturbing that after they go through and pick up an area, the next day leaves are being put out on the street again. He said they have to come up with something for next year

Mayor McPherson said that it has been reported that we have an ordinance that prohibits landscapers from blowing out into the street - We have an ordinance that says we can license landscapers but it is something that needs to be reviewed and the attorney is in the process of doing that.

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For **BOARD OF ADJUSTMENT**, Councilmember Fecanin said there were two variances, 1 approved, 1 denied.

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For **PRESIDENT OF THE COUNCIL**, and under the consent agenda, Councilmember Fecanin moved to authorize the final negotiation of agreement and the Mayor to sign the easement agreements between the Borough, Linque and BCUA for pumping station area, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved to authorize the final negotiations of AT&T and Sprint Lease agreements and co-locations and authorize the Mayor to execute, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved authorization for the Borough Engineer to prepare application for NJDOT Enhancement Program Grant for sidewalk replacement in West End business area, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved to authorize execution of deeds for Bl. 219 condemnation properties from Borough to Linque (Highland Cross Redevelopment Area), seconded by Councilmember Frazier with all members present voting aye.

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For **FIRE**, Councilmember Frazier gave the following report:
72 inspections made by Fire Safety for a total of 1,297 for the year. 42 incidents in which were addressed by the Fire Department. 23 false alarms this year, 5 brush and trash fires

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For Planning Board, Councilmember Frazier moved the following resolution, seconded by Councilmember with all members present voting aye:

DETERMINATION OF THE FOLLOWING PROPERTIES

131 Chestnut St., Block 73, Lots 7.01, 9 & 10:
106 Park Avenue, Block 73, Lot 23; and 114 Park Avenue, Block 73, Lots 22.02 & 22.03

AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the Mayor and Council of the Borough of Rutherford, by Resolution dated June 17, 2003, directed the Rutherford Planning Board to conduct an investigation to and make a recommendation as to whether the properties outlined above meet the criteria of the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et. Seq.) as An Area in Need of Rehabilitation; and

WHEREAS, the Borough of Rutherford subsequently engage the services of Sean F. Moronski, P.P., A.I.C.P. of the firm of Schoor DePalma, Inc. to assess the area in question based on his experience as a professional planner; and

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WHEREAS, Mr. Moronski recommended that the each of the properties outlined above would meet the criteria for designation as “An Area in Need of Rehabilitation” under Section 14 of the Local Redevelopment and Housing Law based upon the following findings:

- A. More than half of the housing stock on the properties is at least 50 years old.
- B. A program of rehabilitation, as defined in section 3 of P.L. 1992, c.79 (C.40.A:12A-3) may be expected to prevent further deterioration and promote the overall development of the community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rutherford, that the properties outlined above are hereby designated as An Area in Need of Rehabilitation pursuant to Section 14 of the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et Seq.)

BE IT FURTHER RESOLVED that this Resolution was reviewed by the Rutherford Planning Board at its meeting of June 19, 2003 pursuant to statute and that the Board finds that the adoption of this Resolution is consistent with the Rutherford Borough Master Plan goals and objectives of continuing revitalization of the downtown business district.

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For **BUILDINGS AND PUBLIC UTILITIES**, Councilmember Arnold gave the following report:

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For **Ambulance Corp**, Councilmember Arnold gave the following report: He reminded all to get their Flu Shot. The Squad responded to 107 calls during the last month, traveling over 1,000 miles. 59 were classified as medical emergencies, 36 for trauma and 19 for motor vehicle accidents. 200 hours have been put in which is quite a bit for a small town. There are about 29 volunteers active. Three employees of the Borough have taken classes and have become members, a program initiated by the Mayor. He said that it has helped but it is not enough.

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For **Board of Education/HASP**, Councilmember Arnold moved approval for the HASP program to use Tambllyn Civic Center for their 2004 summer program with a \$1,000. utilities charge , seconded by Councilmember Frazier with all members present voting aye.

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Mayor McPherson said it was a pleasure serving with Councilmember Lozada

Councilmember Lozada said it was a wonderful opportunity to serve on the Council as well as a privilege to serve with this wonderful Mayor and Council. She said that she has learned a lot and has met so many nice people and it will be very difficult to forget. Councilmember Lozada thanked all for the challenging time. She wished Maura good luck and was sure she would enjoy it as much as she did.

For **HUMAN RESOURCES**, and for Recreation, Councilmember Lozada gave the following report:

The Basketball season begins on December 20th There are 625 children in grades K-8th participating.

The Indoor Soccer will begin after the New Year.
There are 255 children in grades 1-8 registered.

The Winter Brochure was mailed in the beginning of December throughout the town.

Councilmember Lozada said the Recreation Dept. has done a great job and it was a pleasure to be associated with them.

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Under the consent agenda, Councilmember Fecanin moved authorization to amend specifications for Tryon Field Improvement project to include artificial turf, seconded by Councilmember Frazier with all members present voting aye.

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As Liaison to **55 Kip Center**, Councilmember Lozada gave the following report:

The DPW took down the fence around the patio. Three volunteers from RHS raked and cleaned the outside.

There were two fundraisers in November:

Holiday Breakfast on Sunday 23rd Served 308 adults. The Rutherford, and Lyndhurst Rotary Club volunteered, and the RHS interact students and their Moderator served and cleaned.

Victorian Tea-served 101 adults

Doll Tea- dressing dolls and bears for the Salvation Army

After the Holiday Parade, RHS and St. Mary s students handed out warm cider and helped with set up and clean up.

35 Organizations participated in decorating trees and wreaths for the “Festival of Trees”, Volunteers also decorated the center and the Kip tree.

407 Meals served.

325.5 Volunteer Hours

175 Home Friends.

Councilmember Lozada said the Kip Center has done a great deal and she was very proud to have served. She thanked the Mayor and the Borough Engineer for their work with the center.

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As Liaison to **LIBRARY**, Councilmember Lozada gave the following report:

Elaine Bartlett, offered a program on taking stress out of preparing for the holidays. During a question and answer period the audience learned how to use this philosophy in practical ways to have a harmonious holiday time.

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Ellen Carter, head of circulation, created a wonderful exhibit of photos and personal recollections based on the 40th anniversary of President Kennedy's death.

The Library was a part of Rutherford's Holiday Festival, selling hot dogs and beverages.

The Friends of the Library mailed out 7000 fundraiser/newsletter with the help of 40 girls Scouts, Brownies, leaders, parents and several friends.

Total book circulation for the month of November - 12,566.

Councilmember Lozada said the Library has also done a great job and through the efforts of the Mayor and Council they were able to secure \$1.9 million for the heating and air conditioning. She said that she was quite proud to have been associated with them.

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For the CIVIL RIGHTS COMMISSION, Councilmember Lozada said they held a few festivals and felt it helped to bring people together as one unit, one race, all residents who live harmoniously. She said it was a great plus for the Commission because people will be aware that we have a Civil Rights Commission.

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For the AESTHETIC REVIEW BOARD, Councilmember Lozada said they also did an excellent job fixing the Williams Center grounds and trying to beautify the town.

Councilmember Lozada thanked all the committees she worked with and said she was leaving friends.

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Mayor McPherson said that Councilmember Lozada's term of office has been marked by many things and Martha has many, many traits. The Mayor said that Councilmember Lozada is very determined, very devoted, thorough, patient, modest, gracious and very generous with her praise. She said that Martha gives praise to many others including the Mayor for project that she was able to

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bring to fruition. Every committee and liaison assignment that Councilmember Lozada has been appointed to has become better and benefited as a result of her being a part of it. The Mayor said that Martha Lozada would be appointed to serve on these committees so that they can continue to have the benefits of her efforts. The Mayor said it was her privilege to serve with Councilmember Lozada and said she was a model for all public servants in her devotion to the Borough and her liaison assignments.

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Mayor McPherson thanked the Holiday Festival Committee, a sub-committee of the Special Events Committee that put together the program the Borough had the day after Thanksgiving both Friday and Saturday. She thanked the Downtown Partnership, DPW, Police and Fire Depts., Chamber of Commerce, Rutherford Community Band and Cliff Whitmeyer from Cliff Hanger Productions. She said they are meeting already for next year.

Mayor McPherson opened the Public Hearing of 2004 Downtown Partnership Budget.

Mayor McPherson closed the public hearing and asked for a motion for approval.

Councilmember Bartlett moved approval of the 2004 Downtown Partnership Budget, seconded by Councilmember Frazier with all members present voting aye:

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Councilmember Bartlett moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, a special improvement district (“SID”) has been established within the Borough by Ordinance 2776-96, October 1996, pursuant to N.J.S.A.40:56-65et.seq. to enhance the Park Avenue business community;

WHEREAS, the SID is administered by a non-profit corporation formed for this purpose known as the Rutherford Downtown Partnership, Inc. (“RDP”);

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WHEREAS, the RDP's Board of Trustees duly noticed a special meeting to conduct a vote of its membership to amend its By-Laws on June 16, 2003,

WHEREAS, the RDP has reported to the Borough that three (3) special questions were presented to the RDP membership at the special election at which time a quorum was established and the votes were tabulated by the RDP resulting in two (2) amendments being passed by the RDP by the required two-thirds (2/3) majority required to amend the By-Laws under Article VIII, Section 8.04 of the RDP's By-Laws.

WHEREAS, the Borough is required to approve any amendments to the RDP's By-Laws prior to any such amendments becoming effective pursuant to Article VIII, Section 8.04 © of the RDP's By-Laws;

1. The Mayor and Council hereby approve the attached amendments to the Rutherford Downtown Partnership, Inc. By-Laws.
2. Effective Date. This Resolution shall become effective upon execution hereof.

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Mayor McPherson made the following appointments:

Tryon Field Improvement Committee: Denise Ross, Gary Buchheister, Michael Paskas, Councilmember Bartlett, Councilmember Fecanin, David Frazier, David Chancey and Justin Lizza.

In-line Skating/Skateboarding Park Committee: Tom Kuruc, George Essbach, Ryan Scherba, Patrick Hughes, Councilmember Fecanin and Justin Lizza.

Mayor McPherson wished everyone a Happy and a very Peaceful Holiday Season.

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For **Ordinance on second reading**, Councilmember Bartlett moved
AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE

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BOROUGH OF RUTHERFORD, CHAPTER 61, ENTITLED MUNICIPAL PROPERTY AND GROUNDS, AND CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, TO INCREASE TRAFFIC AND PARKING FINES AS REQUIRED BY STATE STATUTE be read by title only by the Clerk, seconded by Councilmember Frazier with all members present voting aye.

The Clerk read the ordinance by title only.

Councilmember Bartlett asked the Mayor to open the meeting for a public hearing on this ordinance.

Mayor McPherson opened the meeting for a public hearing.

As no citizen wished to speak, Mayor McPherson closed the public hearing.

Councilmember Bartlett moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 61, ENTITLED MUNICIPAL PROPERTY AND GROUNDS, AND CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, TO INCREASE TRAFFIC AND PARKING FINES AS REQUIRED BY STATE STATUTE be passed on second and final reading and advertised according to law, seconded by Councilmember Frazier with all members present voting aye.

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As there was no further business, Councilmember Bartlett moved to adjourn at 9:25 p.m., seconded by Councilmember Fecanin with all members present voting aye.

Borough Clerk

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