

**MINUTES OF A REGULAR MEETING OF THE
MAYOR AND COUNCIL
HELD TUESDAY, AUGUST 22, 2006**

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

Councilmember Frazier
Councilmember Reyes
Councilmember Keyes
Councilmember Sommer
Councilmember Botti

Councilmember Fecanin was absent

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

Mayor McPherson welcomed new volunteer Firefighter Michael Principe as a member of Engine Company #2. Councilmember Reyes commended Fire Captain Perez and the Fire Department and welcomed Firefighter Principe.

Mayor McPherson accepted a presentation of the Historic Preservation 2006 Resurvey from William Newman of the Historic Preservation Committee. The Mayor and the Council thanked Mr. Newman and all members of the committee for meeting a shared goal.

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Councilmember Keyes read the provisions of the Open Public Meetings Law.

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Mayor McPherson opened the hearing of citizens.

Susan Jameson, 29 Clark Court - Ms. Jameson asked for clarification of the budget regarding a liquor license sale for \$600,000.

Mayor McPherson said the line item Ms. Jameson is referring to mean that we sold a liquor license in 2005 for the amount of \$600,000 and in the year 2006 we went to bid on an additional liquor license but there were no bids which is why the amended budget shows \$600,000, it is not the same license, it is a second one.

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

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

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Under the consent agenda, Councilmember Keyes moved approval of the minutes of a regular meeting of July 25, 2006 and the Special Meeting of August 8, 2006, seconded by Councilmember Frazier with all members present voting aye.

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08/15 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember Keyes with all members present voting aye:

RESOLVED: That bills in the amount of \$1,139,323.78 for Current Account 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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08/15 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember 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 \$12. payable to each of the following as recreation refund:
Grace Anderson, Daniel Armanius, Marc Beeler-Hope, Mariah Beeler-Hope, Mihael Castellanos, Julianna DeGennaro, Kevin Gao, Jonah Gusciora, Sara Hansen, Biddy Hardt, Brian Inguanti, Brian Jennerich, Katie Kajouras, Veronica Kan, Alexis Kidchob, Jake Lemaire, Jack Maes, Caroline McCarthy, Joshua Meharg, C. Melfa, Tim Moon, Tyler Nunez, Sophia Pannella, Ashley Rios, Kyle Sanzo, John Soulaire, Emma Sousa, James Sousa, Alen Trako, Cassidy Tucker, Saige argas and Claudia Zaglewski.
2. In the amount of \$30. payable to Lisa Fitzgibbons as recreation refund.

3. In the amount of \$38. payable to Karen Kelly as recreation refund.
4. In the amount of \$45. payable to Karen Fox as recreation refund.
5. In the amount of \$16. payable to Eduardo Alvear as recreation refund.
6. In the amount of \$8. payable to Eileen Joyce as recreation refund.
7. In the amount of \$8. payable to Karen Kelly as recreation refund.
8. In the amount of \$80. payable to Carol Gumbman as recreation refund.
9. In the amount of \$30. payable to Kevin McGorry as recreation refund.
10. In the amount of \$8. payable to Beverly Keegan as recreation refund.
11. In the amount of \$20. payable to Laura Raith as recreation refund.
12. In the amount of \$30. payable to Jackie Skowronski as recreation refund.

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08/15 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember Keyes with all members present voting aye:

WHEREAS the Borough of Rutherford has received the 2005 NJ Fair Rebate for the following property owner, and;

WHEREAS the taxes for this property are now paid current and the owner is entitled to a reimbursement of this money ;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$1,250.00 and charge same to the Miscellaneous Exchange Account.

BLOCK	PLOT	NAME & ADDRESS	AMOUNT
44	19.01	Kim, Chung & Hui 126 West Erie Avenue	\$1,250.00

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08/15 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember Keyes with all members present voting aye:

WHEREAS, a lien on the parcel of property referred to as Block 179, Lot 11, known as 169 Vanderburgh Avenue and assessed in the name of White, Mark & Czatkowski, A.M. was sold at the Borough Tax Lien Sale on June 21, 2006 to R. U. Del Vecchio Pension Trust; 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 \$11,074.52 has been deposited in the Tax Sale Suspense Account;

NOW, THEREFORE, BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$11,074.52 to R. U. Del Vecchio Pension Trust in settlement of Lien #020067.

Principal.....	\$10,505.20
Interest.....	\$ 569.32
 TOTAL	 \$11,074.52

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08/15 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember Keyes with all members present voting aye:

WHEREAS, a check in the amount of \$400.00 from the Lyndhurst Education Fund, Inc. and made payable to the Rutherford Recreation Dept. has been deposited in the Miscellaneous Exchange Account; and

WHEREAS, this money is due to Basketball Unlimited as payment for participation in the Tim Finnerty Memorial Girl's JV League:

NOW, THEREFORE, BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$400. made payable to Basketball Unlimited, Inc. and charge same to the Exchange Account.

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

WHEREAS the following taxpayer has received a State Tax Court Judgment reducing their property assessment for the tax year 2005, and;

WHEREAS this taxpayer is now entitled to a refund ;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a refund check in the amount of \$1855.00 and charge same to the 2006 Tax Refunding Bond.

BL.	PLOT	NAME&ADDRESS	AMOUNT
148	2	Crown Grayson Co. Re: 35 Park Avenue	\$ 1855.00

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

WHEREAS, Fire Chief Thomas Verdino has requested permission to attend the New Jersey State Firemen's Convention; and

WHEREAS, this convention to be held in Wildwood, New Jersey from September 14th through September 17th, provides a discussion of programs which will be of benefit to the Fire Chief and our residents; and

WHEREAS, the Borough Administrator has reviewed the program summary and is of the opinion that it is educational in scope and thus would benefit the Fire Chief and the Borough.

NOW, THEREFORE, BE IT RESOLVED, that Fire Chief Thomas Verdino be authorized to attend said convention and the Treasurer is hereby authorized to issue a warrant in the amount of \$350 to Chief Verdino to cover the cost of registration and expenses, and is directed to charge same to educational Program for Employees (Account No. 6-01-29-802-000); and

BE IT FURTHER RESOLVED, that upon his return, the Fire Chief shall submit a written report to the Mayor and Council itemizing the actual expenses incurred and shall outline the primary topics covered at this session their relevance and possible application to his employment with the Borough.

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

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RESOLVED: That bills in the amount of \$2,796,846.76 for Current Account bills, Public Assistance Trust Fund 1 in the amount of \$240.00 and Civil Rights Multi-Cultural Account in the amount of \$125.00 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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For FINANCE , Councilmember Keyes asked the Mayor to open the hearing on the 2006 Municipal Budget.

Mayor McPherson opened the public hearing.

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

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Councilmember Keyes made the following statement:

AGood evening all, I want to begin by thanking our Mayor and my Council colleagues for introducing the amended 2006 municipal budget at our Special Council meeting on August 8, 2006. I was unavoidably out of town with my family on vacation and could not be here.

Tonight I have asked this governing body to adopt our long awaited 2006 municipal budget.

I would like to begin my statement by saying that as Finance Chair, I know that my colleagues put their trust and faith in the fact that we have presented a sound and fiscally responsible document for the Borough to move forward with.

Our residents have mandated that we as a whole, manage not only the assets of the Borough but to also provide the services that keep the Borough thriving.

As you will recall in March I introduced the budget with a proposed increase of 16 plus percent. As we adopt tonight, the overall spending plan is 4.43% more than it was last year.

There are many areas of the budget that I feel need to be expanded upon as it is important for each resident to be as informed as they see fit.

1. The spending plan. This is the area of the budget where our department heads forecast what is needed for the smooth and efficient operation of their domain. And this is where I have to applaud each area. They either come to the table with no change or a nominal increase which has resulted in an increase over last year as stated of 4.43%.

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2. The municipal purpose tax necessary to support this plan is increasing by 14.2%.
3. Residents with homes assessed at the Borough's new average assessed value of \$448,000 (all as a result of the County Mandate for Revaluation B many individuals think that it is the will of this governing body, it is not) these residents can expect to pay \$2,520 for the municipal portion of their tax or approximately \$314. more than last year.
4. In 2005 the total average tax which, by the way included the county, school Borough and open space tax levys, was \$7,420.00. For the year 2006, the dollar amount is \$7,944.
5. Each year we state those costs which we have no control over. This year is no different:

Utilities & Gas up 21%
Pensions up 107%
Sewer Charges up 12%
Contribution to NJMC up 25%
Workers Comp Insurance up 12%

6. Pensions have increased 107%. We have absolutely no control over what the state kicks back to the local municipality. Local government never had to contribute to the pension funds for public employees before 2004. I suppose we should try to look at it from a positive standpoint and that we should be grateful that we have been able to realize a savings during the years that the pension funds were funded appropriately. But that does not make the burden any lighter today for us. And I know that we do not begrudge those individuals that are part of the pension plans.

In closing, with regard to the spending, our plan is tight, responsible and our forecasts deliberate.

I would like to address some of the deficiencies that we have or negative #'s that appear in our budget.

1. Municipal Court: a deficit of \$125,797. This shortfall is directly the result of the state taking more of the court fines than is otherwise accrued to the Borough. This governing body has already begun the process of amending many of our parking and moving violations toward that end. The key word here is VIOLATE. Those that don't won't feel the pain. But it is my belief that we if we are taking the time to issue tickets, and incur an expense for processing the same; we should get paid for it.

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2. A one time inclusion of the anticipated sale of a class a liquor license did not come to fruition, and that had been anticipated at 600,000. I look at this as a cushion for surplus, not something that should be used as a stop gap for budget purposes.

With regard to actual surplus, we ended 2005 with 690,000 which has been used to support this budget.

In the same vain we have been awarded 722,440 in the last seven months, and over the last 4 years, we have realized \$3,582,812

A decision was made, and I believe that it is sound and prudent, we have set aside 1,060,000 in the 2006 budget for the Reserve for Uncollected Taxes. This amount could have been reduced, but we decided to keep the currently level in planning for the 2007 budget and also anticipating any unforeseen or unbudgeted emergencies throughout the balance of 2006.

In the published statement on the website, I touched upon the county mandated revaluation. What I would like to note tonight is that this year's tax bills will reflect varying increases because of the fair market value of the land and improvements, and will increase differently for each homeowner.

The Debt:

The 2006 budget includes 2,306,000 for debt service of which 1,436,732 is for payment of principal. This debt was incurred to finance badly needed capital projects. Funding for these capital projects is a necessary tool for the maintenance and upkeep of our community. Fortunately most of the outstanding debt was raised when interest rates were at historic lows. It should be observed that we have a very low debt to assessed value ration, .545%. The state of NJ allows a maximum debt ratio of 3.5%.

There is another area that I would like to address and that is shared services. Our governor and legislators have initiated the concept of shared services as a beginning to the property tax relief scenario. I want to let you know that this Borough has been practicing "shared services" for a very long time, and I would like to list just a few of the many that are on our list.

County wide 911 emergency call center

Firing Range facility for police

Various equipment sharing with our DPW and neighboring towns - especially larger more expensive equipment that is on loan to us from NJMC

Mutual aid with police volunteer fire and ambulance/first aid

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On the administrative side, which is where we probably realize the most measurable cost savings is our participation in the 4 insurance consortiums JIF/EJIF/MEL & BMED for our employee health benefits. And of course BCCLS, with our Library affords us as a community additional cost savings and incentives.

With the BOE, we share our fields, we provide trash removal, tree removal snow removal, we share the cost of a wide area computer network, the school gym are used by the Borough for rec winter sports, and the adult school uses classrooms at night.

In closing, we are not alone. Every one of our neighboring towns in Bergen County and possibly all of NJ are experiencing the same type.”

Mayor McPherson commended Councilmember Keyes and said that she has approached her role as chairperson of the Finance Committee with a steadfastness that is really unmatched. She thanked Councilmember Keyes and assured the residents that the councilwoman along with the CFO Ed Cortright, Administrator and herself has explored and exhausted every avenue to reduce the burden on our residents and taxpayers. The Mayor said the fact of the matter is that many of the choices in this budget reflect that we have listened very closely to our residents and are guided by our shared vision and this is something the Governing Body should be very proud of.

Councilmember Keyes said that she has been doing this for three years and in those years she has had two inquiries with regard to the budget and that was this year. She said they were from residents to specifically ask about shared services and another residents has come up with some alternative suggestions. Councilmember Keyes said she welcomed those.

Councilmember Reyes thanked Councilmember Keyes and the Finance Committee as well as Ed Cortright for the outstanding job they have done on this budget. He said the budget is for this Borough and protects the services that we have and at the same time it is aware of the circumstances the State is dealing with, the number one issue is property taxes.

Councilmember Frazier, to Councilmember Keyes, said that he knew that this has been a difficult job and he commended the honorable job she has done.

Councilmember Botti, as the newest member of the Council, said that it goes without saying that Councilmember Keyes and her team did a fantastic job of exhausting every avenue and performing due diligence on behalf of the residents of Rutherford. She said this team that is managing the budget and the financing is outstanding and as a resident and taxpayer, she knows she and her family is getting the very best.

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Councilmember Keyes moved the following Resolution to amend and for final adoption of the 2006 Municipal Budget, seconded by Councilmember Reyes with all members present voting aye:

BE IT RESOLVED by the Borough Council of the Borough of Rutherford of the County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes state of the sums therein set forth as appropriations, and authorization of the amount of \$16,011,271.00 for municipal purposes.

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	690,000.00
Miscellaneous Revenues Anticipated	7,865,251.00
Receipts from Delinquent Taxes	490,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (item 6(a), Sheet 11)	16,011,271.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE 1 SCHOOL DISTRICTS ONLY:	
Item 6. Sheet 42	
Item 6(b), Sheet 11 (N.J.S.A.40A:4-14)	
Total Amount to be raised by Taxation for Schools in Type 1 School Districts only	16,011,271.00
4. To be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:	
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	
Total Revenues	25,056,522.00
5. GENERAL APPROPRIATIONS	
Within ACAPS@	
(a&b) Operations including Contingent	13,893,277.00
(e) Deferred Charges and Statutory Expenditures - Municipal	637,000.00
(g) Cash Deficit	
Excluded from "CAPS"	
(a) Operations - Total Operation Excluded	

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from ACAPS@	6,796,539.00
(c) Capital Improvements	285,000.00
(d) Municipal Debt Service	2,306,706.00
(e) Deferred Charges - Municipal	78,000.00
(f) Judgments	
(n) Transferred to Board of Education for use of Local Schools (N.J.S.A.40A:48-17.1 &17.3)	
(g) Cash Deficit	
(k) For Local District School Purposes	
(m) Reserve for Uncollected Taxes (Include Other Reserves if any)	1,060,000.00

**6. SCHOOL APPROPRIATIONS - TYPE 1 SCHOOL
DISTRICTS ONLY (N.J.S.A.40A:4-13)**

Total Appropriations	25,056,522.00
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Under the Consent Agenda, Councilmember Keyes moved the following resolution, seconded by Councilmember 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 AMB Property LP under Docket No.: 000970-2005 for the year 2005; and

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 herein above.

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.

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BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A. 40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

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Under the consent agenda, Councilmember Keyes moved the Borough Administrator be authorized to prepare a Memorandum of Understanding for early retirement incentive, seconded by Councilmember Frazier with all members present voting aye.

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Councilmember Keyes asked the Mayor to appoint Regina Frangipange to the temporary position of Cashier in the Tax Department.

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For COMMUNITY DEVELOPMENT, and under the consent agenda, Councilmember Keyes moved the following Resolution, seconded by Councilmember Frazier with all members present voting aye:

BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$80,426.00 in 2006 Community Development Block for Barrier Free Curb Cuts; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes the Mayor and Borough Clerk to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED. that the Mayor and Council hereby authorizes Timothy F. Stafford, Borough Administrator, to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Rutherford is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

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For LIBRARY, Councilmember Keyes gave the following report:

Fall Book Sale: Friends Preview Night

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The Friends of the Library of Rutherford welcomes members to its Fall Book Sale preview event on Friday, September 8th from 6-8 PM. Members of the Friends may purchase books and enjoy refreshments and good company with fellow friends. The regular book sale will continue on Saturday, September 9th from 9 AM-5 PM and on Sunday, September 10th from 1-4 PM.

Food For Fines: August 21-26th

This week only, patrons may donate non-perishable food items in exchange for overdue fines. Some restrictions apply. The Rutherford Public Library serves as year-round drop off point for donations to the Rutherford Food Pantry.

DVDs & Videos

The Library recently extended its borrowing time for movies on video and DVD from two days to seven days. This is attractive to people who found the two-day loan period too restrictive.

Poetry Readings

The William Carlos Williams Poetry Cooperative of Southern Bergen County is pleased to welcome featured poet with George Witte on Wednesday, September 13 at 7 PM. George Witte is the author of *The Apparitioners* and the editor in chief of St. Martin's Press.

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For **POLICE** Councilmember Frazier said the report is on file in the Clerk's office.

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Under the consent agenda, Councilmember Keyes moved permission for RHS PTA to hold carnival at Memorial Field October 11th through October 14th seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Keyes moved permission to close Hasbrouck Place for a block party on Sept. 3rd, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Keyes moved the following Resolution, seconded by Councilmember 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;

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Under the consent agenda, Councilmember Keyes moved the following Resolution, seconded by Councilmember 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 Licenses be issued to:

Union School PTA	On Premise 50/50
Evening Membership Woman's Club	Draw Raffle
Rutherford Jr. Football	Off-Premise 50/50

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Under the consent agenda, Councilmember Keyes moved approval to close the following streets for block parties: Belford Ave. on Sept. 9, Myrtle St. on Sept. 23 and Wheaton on Sept. 16th, seconded by Councilmember Fraizer with all members present voting aye.

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For Planning Board, and under the consent agenda, Councilmember Keyes moved the following resolution, seconded by Councilmember Frazier with all members present voting aye.

RESOLUTION ENDORSING UPDATE TO BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Borough of Rutherford adopted a Housing Element and Fair Share Plan ("HE-FSP)" on October 20, 2005;

WHEREAS, the Mayor and Council of the Borough of Rutherford endorsed the Housing Element and Fair Share Plan on October 25, 2005;

WHEREAS, pursuant to N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95:3.2, the Governing Body submitted a Petition for Substantive Certification of the Borough's HE-FSP to the New Jersey Council on Affordable Housing ("COAH") for review and certification;

WHEREAS, COAH established November 7, 2005 as the official petition date;

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WHEREAS, pursuant to N.J.A.C. 5:95-3.5, notice of the Borough's petition was published on November 17, 2005 in the News Leader;

WHEREAS, pursuant to N.J.A.C. 5:95-3.5, notice of the Borough's petition was additionally published on December 6, 2005 in The Record;

WHEREAS, COAH issued a Third Round Report Requesting Additional Information ("RRAI") dated June 9, 2006, requesting technical clarifications and updates to Rutherford's HE-FSP of October 2005, specifically stating that no re-petition is necessary when certain conditions exist with respect to the Update to the HE-FSP;

WHEREAS, the Planning Board of the Borough of Rutherford adopted an Update to the HE-FSP on August 17, 2006 with no substantive changes to the previously adopted Housing Element and Fair Share Plan, and determined that the Update shall become part of the Master Plan of the Borough of Rutherford;

WHEREAS, a true copy of the resolution of the Planning Board adopting the Update to the HE-FSP is attached pursuant to N.J.A.C. 5:95-2.2(a)2;

WHEREAS, the Mayor and Council finds that the Update to the Borough's HE-FSP does not represent a change in the siting for affordable housing units, or a substantial change in density or other zoning requirements that result in a change of housing type on a specific site, or a fundamental change in approach to the Borough's low- and moderate-income housing obligation, and further finds that the Update does not precipitate the need for a re-petition pursuant to N.J.A.C. 5:95-3.4;

WHEREAS, the Mayor and Council finds that the Planning Board's Resolution duly adopts the Update as appropriate for inclusion in the Borough's HE-FSH;

WHEREAS, N.J.A.C. 5:95-5.2(b) requires the Borough of Rutherford to forward the Update and response to the RRAI within ninety days of receipt of the RRAI;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford hereby endorses the Update to the Housing Element and Fair Share Plan as adopted by the Borough of Rutherford Planning Board on August 17, 2006;

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Rutherford, pursuant to the provisions of N.J.S.A. 52:270-301 et seq. and N.J.A.C. 5:95-1.1 et seq., submits the Update to the HE-FSP and supporting documentation to COAH for review and certification in furtherance of the Borough of Rutherford's Petition for Substantive Certification;

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BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Rutherford request that COAH approve the Petition for Substantive Certification;

BE IT FURTHER RESOLVED that notice of the submission of the Update to the HE-FSP and supporting documentation shall be sent to the current service list maintained by COAH for the Borough of Rutherford.

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For **PUBLIC WORKS**, and under the consent agenda, Councilmember Keyes moved the following Resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, the Borough Council finds and declares that trees are an important part of New Jersey's environment; and

WHEREAS, the Borough Council recognizes the importance of safe and proper tree care practices; and

WHEREAS, it is appropriate for tree care to be conducted by qualified, licensed and insured tree care experts to prevent injuries and damage to life and property; and

WHEREAS, Senate Bill No. S-1199 and Assembly Bill No. A-2589 of 2006 amends and supplements the "Tree Expert Act", P.L. 1940, c.100 (C.45:15C-1 et seq.) By (1) changing the title of "certified tree expert" to "licensed tree expert"; (2) increasing the membership and authority of the State Board of Tree Experts; (3) establishing new education requirements for licensing tree experts and tree care operators; (4) creating licenses and a registration system for tree care operators; (5) requiring that tree care employers are registered and carry minimum levels of liability insurance; and (6) establishing penalties for violating certain portions of the act.

IT IS THEREFORE RESOLVED that the Borough Council of Rutherford supports the passage of New Jersey Legislative Bills S-1199 and A-2589.

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Under the consent agenda, Councilmember Keyes moved authorization to include \$149,000 remaining from 2004 Road Improvement Program into the 2005 program, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Keyes moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, the Mayor and Council of the Borough of Rutherford has advertised for bids for **Curb Replacement Program**; and

WHEREAS, bids for the same have been received:

NOW, THEREFORE, BE IT RESOLVED, that the bid submitted by **Arnold's Roads, P.O. Box 7495, East Brunswick, NJ 08816** at the price of **\$124,910** in accordance with the specifications for the same on file in the Borough Clerk's Office be and it is hereby accepted; and

WHEREAS, the Treasurer has certified in writing to the Governing Body that there are adequate funds in the amount of **\$124,910** which are specifically designated in the accounts listed below in the Capital budget to complete the contract:

C-04-55-926-911	2,934.00
G-04-55-929-926	6,149.00
C-04-55-930-918	50,000.00
G-04-55-938-901	20,000.00
G-04-55-938-901	50,000.00

WHEREAS, said certificate is attached to this resolution and shall be filed together with the Borough Clerk's Office; and

BE IT FURTHER RESOLVED, that the following clauses shall become a part of the contract herein awarded:

The contractor will comply with all rules and regulations and orders promulgated by the State Treasurer pursuant to P.L. 1975, cz and with all provisions of N.J.S.A. 10:2-1 through 10:2-4 and all rules and regulations promulgated thereunder.

In the event of the contractor noncompliance with this specification or of any rules, regulations, or orders promulgated by the State Treasurer pursuant to P.L. 1975, c.127 or with the provision of N.J.S.A. 10:2-1 through 10:2-4 or rules or regulations promulgated thereunder, this contract may be cancelled, terminated or suspended in whole or in part, and the contractor may be declared ineligible by the State Treasurer for further public works contracts. Such other

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sanctions as may be adopted by the State Treasurer pursuant to P.L. 1975, c. 127, may be imposed for the aforementioned violation.

AND BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and they are hereby authorized to execute such agreements and other documents as may be required on behalf of the Borough of Rutherford to complete said transaction; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized to return to the unsuccessful bidders their bid bond, certified check or cashier's check heretofore deposited by them with her, with the exception of the surety deposited by the lowest bidder, which shall be retained by the Borough Clerk until the required bond has been filed, at which time the Borough Clerk is hereby directed to return said surety to said bidder.

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Under the consent agenda, Councilmember Keyes moved the Borough Attorney be authorized to review the Stormwater Management Ordinance, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Keyes moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, the Borough of Rutherford previously entered into a Contract with Flanagan's Contracting Group, Inc. (the "Contractor") pursuant to the public bidding process, for improvements to Station Square (the "Project");

WHEREAS, the bulk of the improvements have been completed, except for improvements on Orient Way, and the Contractor has not performed any services since approximately August, 2004;

WHEREAS, the parties desire to settle and resolve any and all differences and points of contention between them, now existing or hereinafter discovered;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford as follows, that the proposed settlement is hereby approved as follows:

- a. The Borough will pay the full and final sum of \$21,260.30 to the Contractor, upon the Contractor executing a copy of this Resolution evidencing his acceptance of these terms;
- b. The Borough will waive the two year maintenance bond requirement for the Project;
- c. The Borough will not seek maintenance or repair of defects from the Contractor;

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The Contractor shall accept the payment as full and final settlement of any and all claims, now existing or hereinafter discovered, and voluntarily agrees to refrain from any and all claims or litigation processes of any kind, with respect to any aspect of the Project;

The Contractor and any entity or business it controls agrees not to bid on any public contract offered by the Borough of Rutherford.

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For **FIRE**, Councilmember Reyes gave the following report: 65 incidents in the month of July, 1 structural fire, 5 vehicle fires, 25 false alarms. 2 firefighters injured, minor injuries. Again, he thanked the Dept. and the Ladies Auxiliary for the work they provide to the Borough.

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Councilmember Reyes said that the Meadowlands now has a book on the bird and wildlife trails. He thanked the Mayor for her role in stopping a Resolution that would have interfered with the area of Rutherford at a Meadowland Commission meeting. Councilmember Reyes said the Meadowlands is doing a lot of great stuff and we have to support them especially in their wildlife and conservation of this area.

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Under the consent agenda, Councilmember Keyes moved acceptance of membership for Special Duty Firefighter Michael Flynn, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Keyes moved to accept the resignation of Firefighter Michael Vespoli, III and to accept the membership of Michael Principe, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Keyes moved permission to allow the Fire & Safety Services of Piscataway (our service contractor for the Pierce Arrow XT's) to use our Engine 2 as a demonstration apparatus at the annual NJ State Firemen's Assoc. Convention in Wildwood, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Keyes moved approval for Engine Co.

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#2 to take truck to River Edge on Sept. 10th for a wetdown, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Keyes moved approval for Engine Co. #2 to take truck to Midland Park on Sept. 3rd for a wetdown, seconded by Councilmember Frazier with all members present voting aye.

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For **BUILDINGS AND PUBLIC UTILITIES**, Councilmember Botti gave the following report: 166 permits issued, 325 inspections - value of construction for July was \$6.3 million. Departments July intake was \$41,639.

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Under the consent agenda, Councilmember Keyes moved to authorize the Borough Engineer to advertise for bids for Borough Hall parking lot re-paving, seconded by Councilmember Frazier with all members present voting aye.

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For **HUMAN RESOURCES** and Recreation Department, Councilmember Sommer gave the following report: Beginning Sept. 6th a Coaches Clinic will be held (a safety certification course) at Tamblyn Field. Soccer Coaches Clinic will be held the following night. Councilmember Sommer said this was very important that the safety issues related to the children are understood.

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For Ambulance, Councilmember Sommer said there was an article in the NewsLeader that summarized what has been mentioned here at meetings. He said that he was very proud that the specifics of the report was published. He praised all the volunteers in Rutherford.

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Councilmember Frazier remarked how proud he was of the Mayor and Council in how they are dealing with COAH and meeting the requirements and our moral obligations.

Mayor McPherson thanked Councilmember Frazier for his efforts as well as the efforts of all on this governing body as well as the Borough Planner Ryan Rapp and the work of

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Borough Attorney AnneMarie Rizzuto on the ongoing efforts and success of the Borough of Rutherford in meeting our COAH obligations.

Councilmember Reyes also said how proud he was not only of the Mayor and Council but also the residents. He also thanked Councilmember Mike Mathews who was very instrumental in this.

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Mayor McPherson gave the following committee reports:

The Downtown Partnership continues to meet with various Borough representatives about how we might make all of the special events that the Borough undertakes to be a benefit to our downtown. The Council was prudent enough tonight and agreeable to authorize the Borough Attorney to review a number of items at the request of the Rutherford Downtown Partnership and that is first to establish the by-laws as having the force of law through the ordinances and also a request that refers to the expansion of the Special Improvement District to include those properties adjacent to existing properties within the district if they should revert to a commercial or a retail use and they expect a report from both the Borough Attorney and the Borough Planner.

Under the consent agenda, Councilmember Keyes moved to authorize the Borough Attorney to draft an ordinance for amendment to BID ordinance and for review by the Planning Board, seconded by Councilmember Frazier with all members present voting aye.

Regarding the 125th Anniversary Celebration, Mayor McPherson said that it is the last moment for an ad to go into the Commemorative Journal. She said the committee has worked very hard on the Journal and she commended Jackie Bunker-Lohrenz, Bill Newman, the Borough Historian, Jane Fisher and in a very special way Alex Cacciatore and Jeff Teller who are working in the Administrator's office. She said they have been wonderful through this entire process.

The Mayor asked that all community organizations that wish to either march in the parade or display at the festival to please contact the Recreation Department to register as there will be a line of march put together. Also the Recreation Dept. is taking registrations for our centennial babies. Also the Mayor said they are looking to locate those residents who are 100 years of age or more.

Mayor McPherson made the following appointments:

Mayor McPherson appointed Regina Frangipane as Temporary Cashier in the Tax Collector's office effective 8/23/06. Confirmation moved by Councilmember Keyes, seconded by Councilmember Sommer with all members present voting aye.

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Mayor McPherson proclaimed the following:

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For **Ordinance on First Reading**, Councilmember Frazier asked the Clerk to read by title only the ordinance regarding no animals on school property.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 26, ENTITLED DOGS AND KENNELS, ORDINANCE NO. 1464**

Borough Attorney Rizzuto said that after consultation with the Council she would like to make some slight changes to make it clear what this ordinance is. She said that we currently have an ordinance that allows our citizenry, the public to walk their dogs on public streets and this ordinance does not change that. Ms. Rizzuto said that dogs can walk on public streets but they must be curbed at the curb line, there is no intention to change this. She said that what this ordinance is doing is legislating that dogs should not walk, play or roll on Board of Education property or defecate or urinate on said property specifically the six schools. She said there is no intention to change anything with respect to public sidewalks only with respect to School property itself. Ms. Rizzuto said that she would like to change Section B of the ordinance - in the fourth line she will delete the words "common thoroughfare" and in the fifth line she will delete the words "or controlled" so that it is clear that the intention of this law is only limiting as to the Board of Education property that they own.

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

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For **Ordinance on second reading**, Councilmember Keyes asked the clerk to read by title only an ordinance regarding salary for Confidential Assistant.

The Clerk read the ordinance by title as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED AAN ORDINANCE REGULATING THE EMPLOYMENT, TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD, UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE 11, N.J. REV. STAT.) OF NEW JERSEY, NO. 3110-06**

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ADOPTED MARCH 28, 2006

Councilmember Keyes 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 Keyes moved the ordinance be passed on second and final reading and advertised according to law, seconded by Councilmember Sommer with all members present voting aye.

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For **Ordinance on second reading**, Councilmember Frazier asked the clerk to read by title only an ordinance regarding amendment to various fines.

The Clerk read the ordinance by title as follows: AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, TO INCREASE TRAFFIC AND PARKING FINES.

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

Mayor McPherson opened the meeting for a public hearing.

Councilmember Keyes commended the Council on this ordinance because this is an important issue that we have been looking at for a while.

Mayor McPherson thanked the Council for their review of this ordinance and said that felt this ordinance was misunderstood when it was introduced for first reading. She said one misunderstanding was that upon introduction of this that the Council was renewing a ban on overnight parking.....so it is important that everything is clear to the public, 1st reading is for introductory purposes only.

Councilmember Frazier thanked the Mayor for making those statements. As Councilmember Keyes in her budget report earlier, pointed out the deficit that comes to us because some of the responsibilities we have to the state and this will be a balancing.

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

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

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For **Ordinance on second reading**, Councilmember Frazier asked the clerk to read by title only an ordinance regarding a handicap space on Woodward Ave.

The Clerk read the ordinance by title 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.

Councilmember Frazier 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 Frazier moved the ordinance be passed on second and final reading and advertised according to law, seconded by Councilmember Reyes with all members present voting aye.

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For MISCELLANEOUS and under the consent agenda, Councilmember Keyes moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

RESOLVED: That pursuant to and within the schedule of Salary Ranges and Titles contained in the Civil Service Ordinance #3117-06, salaries for the years 2006 and 2007 be paid to the employee named below, which is made a part thereof in the amount and under the titles set after the respective names; and,

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby directed to report and said changes in salaries and titles to the New Jersey Department of Personnel and to the Public Employees Retirement System of New Jersey in the manner and form provided for that purpose by said agencies; and,

BE IT FURTHER RESOLVED, that the Treasurer be and he is hereby directed to prepare payrolls for the Borough of Rutherford employees to reflect the salaries and titles

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detailed as follows:

	Alexandra Cacciatore	Confidential Asst.	\$35,146
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The meeting was adjourned at 9:20 p.m.

Borough Clerk