

MINUTES OF A REGULAR MEETING HELD TUESDAY, JANUARY 27, 2004
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**MINUTES OF A REGULAR MEETING OF THE
MAYOR AND COUNCIL
HELD TUESDAY, JANUARY 27, 2004**

The meeting was called to order by Mayor McPherson at 8:00 p.m. with the following Councilmembers present:

Councilmember Frazier
Councilmember Fecanin
Councilmember Matthews
Councilmember Bartlett
Councilmember Keyes

Councilman Arnold 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 presented a proclamation proclaiming February 1 - 7th, 2004 as Emergency Management Week.

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Mayor McPherson introduced Sal Piro and Glenn Elliot who presented the 2003 Annual Lion's Club Holiday Decoration Awards.

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A presentation was made by representative Perry DiPiazza from Field Turf Inc. on the proposed Artificial Turf for Tryon Field.

The Council spoke in support of the installation of the Turf.

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Mayor McPherson opened the hearing of citizens.

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Sharon Delvecchio, 227 Mortimer Ave. - Mrs. Delvecchio said that she works for the DPW in town and one of the maintenance personnel had indicated something about the turf in Indian Hills? She said that he had recommended that as being the direction we should go in. She said that this was Bobby Fagan who is also a referee and travels quite a bit. She asked if this material was flammable.

Mr. DiPiazza said that Indian Hills is Field Turf as most of the fields in NJ are. He said as to fire, this is one of the things that set their product apart is that it is comprised of a majority of rounded silica sand which will not burn by putting a cigarette/cigar or a match to it. He said you could burn a couple of the green fiber down but the sand (infill) actually extinguishes any flame.

Denise Ross, 26 Spring Dell - Mrs. Ross said that she understood there was a problem with Becton Fields because they used it too early or that there was settling time needed.

Mr. DiPiazza said the field at Becton is not Field Turf. He said that field differs very much from their product, it has 0% of sand in it. He said the sand actually locks the resilient rubber in place and forms a binder without glueing it together.

Mr. Ferrell - asked about any studies done re: the rate of injuries?

Mr. DiPiazza said a study at the Texas High School level where football is a very big sport and there were 42% less injuries on Field Turf when compared to natural grass. He said this product is designed to emulate a nicely manicured natural grass field. He said that it was clearly safer than natural grass.

Mayor McPherson said that they were very pleased to have a representative of the press here tonight from one of our local newspapers, the Leader. She said that it is unfortunate that representatives from the South Bergenite are not here. She said that as many know they wrote an editorial taking a negative position on the Council's choice to go with artificial turf and many of the issues they raised would have been addressed by the presentation tonight.

Stacy Loureiro, 201 Donaldson Ave. - Ms. Loureiro commended the Skateboard Task Force Committee, two are present this evening. She said they would like to address the Council. She said that she sent the Mayor an e-mail last week and although she didn't expect an answer right away - one important question they have for the Council they would like an answer on today if possible. Ms. Loureiro said they had their first

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preliminary meeting of the In line Skateboard Park/Hockey Rink and one issue that came up and unfortunately the Councilmember from this committee, three of them were not present so none of our issues could be addressed or answered. She wanted a list of those Councilmembers for the record.

Mayor McPherson said that along with Councilmember Fecanin there was Councilmember Matthews.

She asked if it were the Council's understanding that there is only to be a very small allocated space at Wall Field and she understood that there was on the agenda the Green Acres application held on February 17. Ms. Loureiro said that this was a tough question to answer and may not be able to be answered. She asked if there was only enough space for an In line skating rink/hockey rink.

The Mayor said the establishment of the committee was so that they could make recommendations to the governing body as to what they would like to see, so this governing body was not going to take any position until they hear from the Skateboard Committee as to what they think should be in place there.

Mrs. Loureiro said they understood that, however they were told, and Justin Lizza and Gary Buchheister were present but no Councilmembers that could answer the questions. She said that no one seemed to understand what it is that this Council has actually approved to be built at Wall Field.

Mayor McPherson said that nothing has been approved as yet, they were awaiting the recommendation of the committee.

Mrs. Loureiro said that for the record, the people that are pro In line skating rink should be notified that all of the allocated funds was not going to this one venture. She said their committee has been given a huge task by Gary and the committee to draw up plans, pricing, and say exactly what we'd like for the Skate Board Park and they cannot do that without having dimensions of how much space they can use.

The Mayor asked Justin Lizza to address some of these issues but she said again the governing body wants to hear what it is the committee recommends.

Borough Engineer Justin Lizza said that he hoped there wasn't any confusion as they were trying to be as clear as possible. He said they were trying to let them know what we need to do to make recommendations and that ultimately the Mayor and Council would make the final decision on what actually gets built. Mr. Lizza said they have asked the committee to look at different skateboard facilities (they were given a general size that would fit into the overall plan at Wall Field) and then tell them what they would like to see in there.

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Ms. Loureiro said they all agreed at the meeting is that they were to piggyback off of an existing Hockey Rink where it would be a modular skateboard park. She said that when the hockey people come in then the skate board would have to be moved.

Mr. Lizza said that was only an option.

Ms. Loureiro gave the Mayor and Council a packet of some of the research they had done.

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

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Under the consent agenda, Councilmember Fecanin moved approval of the minutes of the regular meetings of November 25 and December 16, 2003 and the Adjourned and Organizational January 1, 2004 , seconded by Councilmember Bartlett with all members present voting aye.

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

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

RESOLVED: Current Fund in the amount of \$3,174,191.70, Trust Fund \$15,625.15, Public Assistance Trust #11 in the amount of \$15,000.00, Capital Fund \$33,862.73 all as detailed on the attached sheets be passed for payment, warrants drawn 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 Fecanin moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye:

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1. In the amount of \$160. payable to Jacqueline Skowronski for referee.
2. In the amount of \$25. payable to Meetu Khanuja as recreation refund.
3. In the amount of \$222.88 payable to Davde & Buster's for recreation refund.
4. In the amount of \$85. payable to Michael Miranda for recreation refund.
5. In the amount of \$170. payable to Moses Hanson-Harding as rec refund.
6. In the amount of \$170. payable to John LaNeve as recreation refund.
7. In the amount of \$10.00 payable to Diane Catazaro for recreation refund.
8. In the amount of \$25. payable to George Fecanin as recreation refund.
9. In the amount of \$25. payable to Colleen Glogiewicz for recreation refund.
10. In the amount of \$378. payable to Mountain Creek Waterpark for recreation deposit.

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

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

1. In an amount not to exceed \$200. payable to Mountain Creek for Recreation Trip.
2. In an amount not to exceed \$350. payable to Dave & Busters for Recreation Trip.
3. In an amount not to exceed \$350. payable to Imax Theater for Recreation Trip.

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

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RESOLVED: Current Fund in the amount of \$3,675,199.23, all as detailed on the attached sheets be passed for payment, warrants drawn 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 Fecanin moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye:

WHEREAS, the following taxpayer has applied for and is entitled to a Senior Citizen and a Veteran's discount on their 2003 taxes; and

WHEREAS, the Tax Collector has certified there is a refund due this taxpayer as 2003 taxes have been paid in full;

NOW, THEREFORE, BE IT RESOLVED, that the Financial Officer be and he is hereby authorized to issue a refund check totaling \$500. and charge same to Due to From the State of New Jersey.

BLOCK	PLOTNAME AND ADDRESS	AMOUNT
140	19 Michael J. DePalma 370 Orient Way	\$500.00

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For **FINANCE**, Councilmember Keyes gave the following report:

The debt statement has been completed by the CFO and he is vigorously working on the budget numbers. There are weekly meetings.

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

WHEREAS, there exists a need to provide professional Legal services in 2004 for the Borough of Rutherford; and

WHEREAS, Anne Marie Rizzuto, Esquire, has been appointed as Borough Attorney for 2004; and

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WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$100,000, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Anne Marie Rizzuto, Esquire, 596 Franklin Ave..., Nutley, New Jersey 07110 for services as Borough Attorney and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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

WHEREAS, there exists a need to provide professional Engineering services in 2004 for the Borough of Rutherford; and

WHEREAS, **Schoor DePalma** has been appointed as Borough Engineer for 2004; and

WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$200,000, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Schoor DePalma, P.O. Box 5245, Parsippany, New Jersey 07054 for services as Borough Engineer and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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Under the consent agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye.

WHEREAS, there exists a need to provide professional services in 2004 for Tax Appeal litigation; and

WHEREAS, **Paul S. Barbire**, Esquire, has been appointed as Special Tax Counsel for 2004; and

WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$25,000, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Paul S. Barbire, Esquire, Nine Lincoln Avenue, Rutherford, New Jersey 07070 for services as Special Tax Counsel and said contract when executed shall be retained by the Borough Clerk for public inspection.

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2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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

WHEREAS, there exists a need to provide professional legal services for labor and related personnel matters

WHEREAS, **Eric M. Bernstein, Esquire** has been appointed as Special Labor Counsel for 2003; and

WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$45,000, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Eric M. Bernstein & Associates, Two North Rd., P.O. Box 4922, Warren, New Jersey 07059 for legal services as Special Labor Counsel and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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

WHEREAS, there exists a requirement to appoint a professional risk consultant under the provisions of the Borough's membership in the South Bergen Municipal Joint Insurance Fund and the Municipal Excess Liability Fund; and

WHEREAS, **Victor Gardella**, President of Professional Insurance Associates, has been appointed professional risk consultant; and

WHEREAS, the risk consultant fees are established by the insurance funds and included in the annual assessment and the final amount of the contract for the year 2004 is \$49,574, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Professional Services Contract with Professional Insurance Associates, Inc., 429 Hackensack Street, Carlstadt, New Jersey for risk consultant services and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

*

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

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WHEREAS, there exists a requirement to appoint a professional risk consultant/producer under the provisions of the Borough's membership in the Bergen Municipal Employee Benefit Fund; and

WHEREAS, **Victor Gardella**, President of Professional Insurance Associates, has been appointed professional risk consultant/producer; and

WHEREAS, the risk consultant/producer fees are established by the insurance funds and included in the annual assessment, and the final amount of the contract for the year 2004 is \$3,500, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Professional Insurance Associates, Inc. 429 Hackensack Street, Carlstadt, New Jersey for risk consultant/producer services and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

*

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

WHEREAS, there exists a need to provide professional auditing services in 2004 for the Borough of Rutherford; and

WHEREAS, **Ferraioli, Wielkotz, Cerullo & Cuva, P.A.** , has been appointed Borough Auditor for 2004; and

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WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$16,500, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Ferraioli, Wielkocz, Cerullo & Cuva, P.A., P.O. Box 259, Pompton Lakes, New Jersey 07442 for services as Borough Auditor and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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

WHEREAS, there exists a need to provide professional legal services as Bond Counsel for the Borough of Rutherford; and

WHEREAS, **McManimon & Scotland**, has been appointed Bond Counsel for 2004; and

WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$10,000, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with McManimon & Scotland, LLC, One Riverfront Plaza, 4th Floor, Newark, NJ 07102 for legal services as Bond Counsel and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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

WHEREAS, there exists a need to provide professional legal services as Disciplinary Hearing Officer in 2004 for the Borough of Rutherford; and

WHEREAS, **James McCarthy, Esq.**, has been appointed Disciplinary Officer for 2004; and

WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$5,000, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with James McCarthy, 47 Orient Way, Rutherford, NJ 07070 for services as Disciplinary Hearing Officer and said contract when executed shall be retained by the Borough Clerk for public inspection.

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2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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

WHEREAS, there exists a need to provide professional legal services for eminent domain proceedings involving Lots 65.05, 65.06 and 65.07 in Block 219.02 on the tax map of the Borough of Rutherford; and

WHEREAS, the Borough of Rutherford will be reimbursed for the costs associated with these proceedings; and

WHEREAS, these professional services will be billed at the rate of \$225.00 per hour; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with the law firm of **McKirby and Riskin**, 136 South Street, P.O. Box 2379, Morristown, New Jersey 07962 and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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

WHEREAS, there exists a need to provide professional legal services for the Rutherford Planning Board; and

WHEREAS, the Planning Board has appoint **Anthony Suarez**, Esquire as its attorney for 2004; and

WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$7,500, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Anthony Suarez, Esquire, 1590 Anderson Avenue, Fort Lee, New Jersey 07024 for legal services as Planning Board Attorney and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

*

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

WHEREAS, there exists a need to provide professional legal services for the Rutherford Zoning Board of Adjustment; and

WHEREAS, the Board of Adjustment has appointed **Gary Cucchiara** as its attorney for 2004; and

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WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$10,000, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Gary Cucchiara, Esquire, Stryker, Tams & Dil, LLP, 2 Penn Plaza East, Newark New Jersey 07105 for legal services as Board of Adjustment Attorney and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

*

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

WHEREAS, there exists a need to provide professional planning and engineer services for the Rutherford Zoning Board of Adjustment; and

WHEREAS, the Rutherford Zoning Board of Adjustment has appointed **Schoor DePalma** as its professional planner and engineer for 2004; and

WHEREAS, the estimated amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$7,500, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Schoor DePalma, P.O. Box 5245, Parsippany, New Jersey 07054 for professional engineering services to the Rutherford Planning Board and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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Under the consent agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye;

WHEREAS, there exists a need to provide services and coordination for special events in 2004 for the Borough of Rutherford; and

WHEREAS, **Cliff Witmyer** and Cliffhanger Productions, Inc. has been appointed as Special Events Coordinator for 2004; and

WHEREAS, the maximum amount of the contract, absent subsequent modification by the Mayor and Council for the year 2004 is \$50,000, which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

WHEREAS, the statute allows the award of such a contract for extraordinary unspecified services where the Mayor and Council make appropriate finding supporting same.

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WHEREAS, the Mayor and Council find that the services to be rendered by Cliffhanger Production, Inc. are services not readily available in the open competitive market; and such persons or entities that render such services are not easily located; and such persons or entities that render such services are not as readily or properly qualified to render such services as the appointee herein.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with Cliff Witmyer and Cliffhanger Productions, Inc., in an amount not to exceed \$50,000, for services as Special Events Coordinator for the year 2004, and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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Under the consent agenda, Councilmember Fecanin moved to authorize the Tax Assessor to prepare and mail proposal requests to qualified revaluation firms in accordance with the Bergen County Board of Taxation's Revaluation Order to be completed for tax year 2005 and permission to forward the Borough Tax Maps to Trenton for approval and comments, seconded by Councilmember Bartlett with all members present voting aye.

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01/20 For Community Development and under the consent agenda, Councilmember Bartlett moved the following resolution, seconded by Councilmember Arnold and unanimously approved on roll call:

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 \$120,000 in 2004/2005 Community Development Block Grant funds for Barrier-Free Handicapped Ramp Improvements around Schools in the Borough of Rutherford;

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BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Bernadette P. McPherson, Mayor, to be a signator to the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Edward Cortright, Chief Financial Officer, 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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01/20 For Community Development and under the consent agenda, Councilmember Bartlett moved the following resolution, seconded by Councilmember Arnold and unanimously approved on roll call:

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 \$120,000 in 2004/2005 Community Development Block Grant funds for Carneer Avenue Sidewalks, Drainage, Curbs and Roadway Improvements in the Borough of Rutherford;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Bernadette P. McPherson, Mayor, to be a signator to the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Edward Cortright, Chief Financial Officer, 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 **THE BOARD OF EDUCATION** and under the consent agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye:

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WHEREAS, New Jersey's public schools serve more than 1.3 million children from Pre-Kindergarten through 12th grade; and

WHEREAS, the direction of public education in New Jersey is charted locally by individual school boards, whose 4,800 members serve as advocates for public education as they work with administrators, teachers, parents and local residents; and

WHEREAS, Boards of education provide accountability to the public; they communicate the needs of the school district to the community; and they convey to school administrators the public's expectations for the school district; and

WHEREAS, School board members receive no enumeration for their services; and

WHEREAS, The Borough of Rutherford is justly proud of the academic, athletic and social achievements of the students in our community; and

WHEREAS, the New Jersey School Boards Association has declared January, 2004 to be School Board Recognition Month, a time that all residents might acknowledge the contributions made by our local school board members.

NOW, THEREFORE BE IT RESOLVED That the Borough of Rutherford's governing body does hereby commend the service of the Rutherford Board of Education and its members to our community and its children;

BE IT FURTHER RESOLVED, that the Borough of Rutherford proclaims January, 2004 as SCHOOL BOARD RECOGNITION MONTH in the Borough of Rutherford, and urges all citizens to join in recognizing the dedication of local school board members, past and present, as we work together to improve educational opportunities for our children.

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For **POLICE** Councilmember Bartlett gave the following report:

The 2003 annual report is on file with the Borough Clerk.

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Under the consent agenda, Councilmember Fecanin moved approval of a Taxi Driver permit for Robert Cavanaugh, seconded by Councilmember Bartlett with all members present voting aye.

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01/20 Under the consent agenda, Councilmember Bartlett moved the following resolution, seconded by Councilmember Arnold and unanimously approved on roll call:

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:

Rutherford Elk's #547

On-premise 50/50 Draw Raffle 1398

Rutherford Elk's #547

On-premise 50/50 Raffle 1399

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Under the consent agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye: **1/20**

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WHEREAS, N.J.S.A.10a:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, THE CRANFORD POLICE COOPERATIVE PRICING, SYSTEM IDENTIFIER 47-CPCPS, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on January 20, 2004 the governing body of THE BOROUGH OF RUTHERFORD, County of Bergen, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED as follows:

TITLE: This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Rutherford.

AUTHORITY: Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT: The Lead agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A.40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

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

WHEREAS, the Borough of Rutherford has a need to purchase two (2) 2004 Crown Victoria police vehicles at a price of \$22,085.00 per vehicle under the Cranford Police Cooperative Pricing System, Contract #101; and

WHEREAS, Warnock Fleet, 175 Route 10, East Hanover, New Jersey 07936 has been awarded this contract for the 2004 Ford Crown Victoria Police vehicles by the Cranford Police cooperative Pricing System, Contract #101, for the year 2004; and

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WHEREAS, under New Jersey Statute 40A 11-15 the Borough of Rutherford is authorized to participate in this cooperative contract;

NOW, THEREFORE, BE IT RESOLVED that the Borough shall award the purchase of these vehicles to Warnock ford and that funds in the total amount of \$44,170.00 have been certified by the Treasurer as seen by said attachment.

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Under the consent agenda, Councilmember Fecanin moved to authorize a review of Alternate Side parking regulations in school areas, seconded by Councilmember Bartlett with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Bartlett 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:

St. Mary's High School	50/50 Raffle
Knights of Columbus	Draw Raffle
Knights of Columbus	50/50 Raffle

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For **PUBLIC WORKS**, Councilmember Fecanin gave the following report: The yearly report is on file with the Borough Clerk. Councilmember Fecanin said there was an OEM meeting this afternoon on the snow storm. He said the storm was downgraded but the DPW are prepared and are already salting the streets.

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Under the consent agenda, Councilmember Fecanin moved authorization for payment to Linque for work completed on DPW garage, seconded by Councilmember Bartlett with all members present voting aye.

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For the **Board of Adjustment** , Councilmember Fecanin advised of a notice to property owners regarding 340 Union Avenue.

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01/20 For **PRESIDENT OF THE COUNCIL** Councilmember Bartlett moved the following resolution, seconded by Councilmember Arnold with all members present voting aye except Councilmember Matthews who voted nay.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Rutherford that Borough Administrator Thomas Bellucci be and is hereby removed from service;

BE IT FURTHER RESOLVED that the effective date of the termination of Thomas Bellucci shall be Friday, January 30, 2004.

BE IT FURTHER RESOLVED that, pursuant to Borough Ordinance 4:37(C), Thomas Bellucci shall receive his salary for the next three calendar months following the effective date of this Resolution.

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Under the consent agenda, Councilmember Fecanin moved approval for Engineer Justin Lizza to draft a Resolution endorsing transportation enhancement application, seconded by Councilmember Bartlett with all members present voting aye.

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For **FIRE**, Councilmember Frazier gave the following report:
The yearly report is on file with the Borough Clerk. Councilmember Frazier commended the Fire Department on their pursuit of volunteers for the department.

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Under the consent agenda, Councilmember Fecanin moved to accept the resignation of Michael Sprung from Engine Co. #4, seconded by Councilmember Bartlett with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved to accept with regret the retirement of John J. Melfa from Engine Co. #4, seconded by Councilmember Bartlett with all members present voting aye.

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

WHEREAS, the South Bergen Fire Chiefs' Association, comprised of 19 towns, has provided man power and equipment for both stand-by and emergencies for over 40 years; and

WHEREAS, the need has arisen to have such an agreement in writing.

THEREFORE, BE IT RESOLVED that the following towns, CARLSTADT, EAST NEWARK, EAST RUTHERFORD, ELMWOOD PARK, GARFIELD, HASBROUCK HEIGHTS, LITTLE FERRY, LODI, LYNDHURST, MAYWOOD, MOONACHIE, NORTH ARLINGTON, NUTLEY, ROCHELLE PARK, RUTHERFORD, SADDLE BROOK, SECAUCUS, WALLINGTON, WOOD-RIDGE which comprise the South Bergen Chiefs' Association, now formally agree in writing to supply equipment and man power to each other in case of fire, emergency, and/or stand-by whenever outside assistance is needed. Fire Chiefs shall include a copy of their current alarm card with the submittal of this agreement.

There shall be no cost incurred between the towns.

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Under the consent agenda, Councilmember Fecanin moved approval of membership for Tara Fisher and John Dunford in Fire Rescue Co. #5, seconded by Councilmember Bartlett with all members present voting aye.

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For the **HUMAN RESOURCES**, Councilmember Matthews gave the following report: The 2003 Annual report is on file with the Borough Clerk.

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Under the consent agenda, Councilmember Fecanin moved approval of grant for \$8,000 for Recreation for Individuals with Disabilities program, seconded by Councilmember Bartlett with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved to ask the Mayor for a public hearing as per the Borough Engineer for Green Acres application for Wall Field Project to be held February 17th at 8:00 pm, seconded by Councilmember Bartlett with all members present voting aye.

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For **Board of Health**, and under the consent agenda, Councilmember Fecanin moved permission to close street for Annual Rabies Clinic January 31st, 1-3:30 pm Mortimer Ave. firehouse, seconded by Councilmember Bartlett with all members present voting aye.

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Mayor McPherson made the following appointments:

01/20 McManimon & Scotland as Bond Counsel. Confirmation moved by Councilmember Bartlett, seconded by Councilmember Fecanin and unanimously approved on roll call.

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Mayor McPherson's remarks "I'd like to announce that we're pleased that our new Borough Administrator Mr. Timothy Stafford will be joining us as of February 9th. Mr. Stafford brings to us a wealth of knowledge from his experience among others as Director of Labor Relations in the County of Essex. We look forward to working with him and he is here with us this evening. Although he comes to us from Essex County he is familiar with Rutherford having relatives here and coming from a good and a rather large family here in Rutherford, the Nienstedt family. So we are very glad to have him with us."

01/20 Timothy Stafford to the position of Borough Administrator effective February 9, 2004. Confirmation moved by Councilmember Bartlett, seconded by Councilmember Keyes and unanimously approved on roll call.

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01/20 Mayor McPherson appointed Cliff Witmyer as Special Events Coordinator

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Mayor McPherson appointed Sharon and Frank Delvecchio to the Board of Aesthetic Review.

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01/20 Mayor McPherson to the Planning Board. Confirmation moved by Councilmember Bartlett, seconded by Councilmember Frazier and unanimously approved on roll call.

01/20 Denise Ross to the Economic Development Committee.

01/20 To the Civil Rights Commission - Judith Calviello, Roberto Bustamante, Richard Reyes, Elizabeth Eustice, Christine Grayson and Simone Yuen. Confirmation moved by Councilmember Frazier, seconded by Councilmember Bartlett and unanimously approved on roll call.

01/20 To the Historic Preservation Committee: John Moe, Carol Kowalski, S. Skivitski, Bill Galloway and Lou Micelli.

Mayor McPherson proclaimed the following:

Resolution - In Memory of Anthony Ferraro, Jr. Ambulance Corps member
Proclamation - encouraging support for Ambulance Fund Drive
Proclamation - Office of Emergency Management
Proclamation - "Catholic School Week" Jan. 26 - 30
Proclamation - Black History Month

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Under the consent agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye;

WHEREAS, there exists a need for the County of Bergen, Office of Emergency Management, Department of Public Safety to provide an automated telephone alerting system service (hereinafter called "system") to be available 24 hours a day, seven days a week, and all days per year to the seventy municipalities comprising the County of Bergen; and

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WHEREAS, the Bergen County Board of Chosen Freeholders adopted Resolution No. 1434 on October 15, 2003, authorizing the County to award a purchase contract to Swift Reach Networks, 116 N Franklin Turnpike, Ramsey, New Jersey 07446 (hereinafter known as the "service provider 7) to provide the above-referenced system to those municipalities so desiring; and

WHEREAS, the Municipality wishes to utilize such a system *for* the benefit of its citizens; and

WHEREAS, an agreement is necessary to delineate the respective responsibilities of the parties in connection therewith; and

WHEREAS, the County shall pay 100% of the cost of initial installation, testing, and training of the system and 100% of the cost of the annual maintenance, testing and training of the system; and

WHEREAS, the Municipality shall pay 100% of the per-call charge of \$0.07 for a 45 second message and \$0.035 for a 30 second message with said charges being incurred on a use-by-use basis and billed directly by the service provider.

NOW, THEREFORE, BE IT RESOLVED, that the municipality be and is hereby authorized to enter into an Agreement with the County of Bergen to utilize an automated telephone alerting system service at any time during the County's contract period with the service provider (November 5, 2003 through November 4, 2004 with an option for an additional year); and

BE IT FURTHER RESOLVED, that the Mayor of the municipality be and is hereby authorized to execute said Agreement in a form to be approved by.

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Mayor McPherson said they had consented support for the first annual Rutherford International Music Festival which will be sponsored by the Rutherford Downtown Partnership in conjunction with a non-profit organization that has been spearheaded by Mrs. Danielle Kurz. She said the Borough would be supporting this and the schedule is for some time in the middle of June.

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Councilmember Keyes said that she wanted to acknowledge that January is School Board Recognition month in New Jersey and they were very happy and pleased that tonight we have with us the President of the Board of Education, Sue Willis and Vice President Ann Monohan.

For the **Board of Education**, Councilmember Keyes gave the following report;

This month there was a special presentation of student athletic awards that Mr. David Frazier, Athletic Director, along with the Board of Education President Sue Willis presented to the students. There were 56 awards presented. The School Board was very pleased to accept a donation of the new scoreboard for the HS gym, a generous donation made by the Rutherford Recreation Dept. The Rutherford Education Foundation has accepted grant applications from 5 of the elementary schools and the High School. The Foundation was pleased to be able to fund four of the applications with a total dollar amount of \$6,325.00. School construction is going on at Lincoln and Washington Schools.

Councilmember Keyes said she would be attending the focus group next month to discuss the alternatives to the over reliance on property taxes for school funding.

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As there was no further business, Councilmember Bartlett moved to adjourn, seconded by Councilmember Frazier with all members present voting aye. The meeting adjourned at 8:50 p.m.

Borough Clerk