

MINUTES OF A REGULAR MEETING HELD TUESDAY, OCTOBER 26, 2004

**MINUTES OF A REGULAR MEETING OF THE
MAYOR AND COUNCIL
HELD TUESDAY, OCTOBER 26, 2004**

The meeting was called to order by Mayor McPherson at 8:05 p.m. with the following Councilmembers present:

Councilmember Frazier
Councilmember Fecanin
Councilmember Matthews
Councilmember Keyes

Councilmembers Arnold and Bartlett were absent

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

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

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Mayor McPherson made a presentation to Sgt. Patrick Feliciano who has been honored by the Bergen County Hispanic Advisory Commission as the Law Enforcement person of the year in the Hispanic Community.

Mayor McPherson accepted a donation towards the 9/11 Memorial in Lincoln Park in honor of Tim Finnerty.

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Mayor McPherson opened the hearing of citizens:

Sharon DelVecchio, 327 Mortimer Ave. - Ms. DelVecchio on behalf of the Rutherford Dog Owner's Assn. thanked the governing body for allowing them to have the Halloween Dog Parade.

Doris Updyke, 402 Park Ave. - Ms. Updyke asked if there were any other way to dispose of paint and spray paint cans, etc. other than the BCUA.

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The Mayor said this is something they can bring up with the new leadership in the DPW and she was sure they would come up with some suggestions.

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

Mayor McPherson introduced Library Director Jane Fisher.

Brian O'Keefe, Board of Health - Mr. O'Keefe, addressing the status of the influenza vaccine said he had a written report that he would give the Governing Body. The information regarding the problem with the vaccine not being available to the Borough was sent to the newspapers, service organizations, Houses of Worship, posted on the Web Site and Community Bulletin Board as well as flyers sent throughout the town. Also, a hot line was established 201-460-3023. He said the current situation is that the CDC has redefined who should receive any available vaccine. There are some options such as a Flu Mist (a live virus nasal spray). Mr. O'Keefe said he was not sure how any remaining vaccine will be distributed.

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Under the consent agenda, Councilmember Fecanin moved approval of the minutes of the meeting of Sept. 28, 2004, seconded by Councilmember Frazier 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 Frazier with all members present voting aye.

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10/19 Under the Consent Agenda, Councilmember Frazier 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 the amount of \$50. payable to Ingri Cespedes for Recreation refund.
2. In the amount of \$30. payable to Ingri Cespedes for Recreation refund.
3. In the amount of \$40. payable to Joseph Ciani for Recreation refund.
4. In the amount of \$100. payable to Margaret Scott for Recreation refund.

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5. In the amount of \$25. payable to Loretta Daleda for Recreation refund.
6. In the amount of \$85. payable to Victoria DiGioia for PreK3 refund.
7. In the amount of \$3,538.85. payable to NJRPA for tickets
8. In the amount of \$130. payable to Camryn Mendonca for recreation refund.
9. In the amount of \$65.00 payable to Katerina Rodriguez for recreation refund.
10. In the amount of \$65 payable to Lara Licata for recreation refund.
11. In the amount of \$60. payable to AnnMarie Landrigan as recreation refund.
12. In the amount of \$105. payable Yvette Feliciano for recreation refund.
13. In the amount of \$15. payable to Matt Dagistanli for recreation refund.

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10/19 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye:

RESOLVED: That Current Account Bills in the amount of \$8,384,059.59, Capital Fund Bills in the amount of \$398,199.59, Trust Account Find bills in the amount of \$48,302.02 and Grant Fund bills in the amount of \$67,522.13, 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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10/19 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye:

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WHEREAS, a Lien on the property known as Block 137, Lot 5-99 Sylvan Street and assessed to Mary Lynch was purchased by R. U. DelVecchio Pension Trust on October 10, 2002; 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 \$4,100.00 was deposited in the Premium Trust Account on the day of the sale and a check in the amount of \$24,694.82 has been deposited in the Tax Lien Suspense Account;

NOW, THEREFORE, BE IT RESOLVED that the Financial Officer be and she is hereby authorized to issue a warrant in the amount of \$28,794.82 to R.U. DelVecchio Pension Trust in settlement of Lien #001667.

Principal.....	\$20,894.39
Penalty & Interest.....	\$ 3,775.43
Fees.....	\$ 25.00
Premium.....	\$ 4,100.00
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Total	\$28,794.82

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

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

1. In the amount of \$25.00 payable to Walter Mayorga for recreation refund.
2. In the amount of \$25. payable to Rocco Fiume for Recreation refund..
3. In the amount of \$85. payable to Caroline Sundell for Recreation refund.
4. In the amount of \$40. payable to Carol Lemaire as recreation refund.
5. In the amount of \$125. payable to Edwin A. Claro as Pre K3 refund.
6. In the amount of \$20. payable to S. Vaswani for uniform refund.
7. In the amount of \$100. Payable to Boiling Springs Savings for prizes.

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

RESOLVED: That Current Account bills in the amount of \$3,439,648.95, Capital fund bills in the amount of \$15,443.52, Trust Account Fund bills in the amount of \$8,871.57 and Grant Fund bills in the amount of \$71,679.47, 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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10/19 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye:

WHEREAS, Kathy Laudicina has requested permission to attend the N.J. State League of Municipalities Convention; and

WHEREAS, this convention to be held in Atlantic City, New Jersey from November 16 through November 19, 2004, provides a discussion of programs which will be of benefit to 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 Court Administrator and the Borough.

NOW, THEREFORE, BE IT RESOLVED, that Kathleen Laudicina is authorized to attend said convention and the Treasurer is hereby authorized to issue a warrant in the amount of \$350 to Kathy Laudicina to cover the cost of expenses, and is directed to charge same to educational Program for Employees (Account No. 6200); and

BE IT FURTHER RESOLVED, that upon her return, a written report shall be submitted 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 her employment with the Borough.

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10/19 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye:

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WHEREAS, Paul Dansbach has requested permission to attend the N.J. State League of Municipalities Convention; and

WHEREAS, this convention to be held in Atlantic City, New Jersey from November 16 through November 19, 2004, provides a discussion of programs which will be of benefit to 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 Official and the Borough.

NOW, THEREFORE, BE IT RESOLVED, that Paul Dansbach is authorized to attend said convention and the Treasurer is hereby authorized to issue a warrant in the amount of \$350 to Paul Dansbach to cover the cost of expenses, and is directed to charge same to educational Program for Employees (Account No. 6200); and

BE IT FURTHER RESOLVED, that upon his return, a written report shall be submitted 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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10/19 Under the Consent Agenda, Councilmember Frazier moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye:

WHEREAS, Frank Bucino has requested permission to attend the N.J. State League of Municipalities Convention; and

WHEREAS, this convention to be held in Atlantic City, New Jersey from November 16 through November 19, 2004, provides a discussion of programs which will be of benefit to 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 Assessor and the Borough.

NOW, THEREFORE, BE IT RESOLVED, that Frank Bucino is authorized to attend said convention and the Treasurer is hereby authorized to issue a warrant in the amount of \$350 to Frank Bucino to cover the cost of expenses, and is directed to charge same to educational Program for Employees (Account No. 6200); and

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BE IT FURTHER RESOLVED, that upon his return, a written report shall be submitted 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 her employment with the Borough.

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

WHEREAS, there exists a need to provide for an alternate Disciplinary Hearing Officer for the Borough of Rutherford; and

WHEREAS, the maximum amount of the contract for the year 2004 is \$2,000, 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 David Lafferty, Esquire, 2071 Lemoine Ave., Fort Lee, NJ 07024 for services as Alternate disciplinary Hearing Officer 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 Frazier moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

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WHEREAS, there exists a need to provide Special Counsel for the Borough of Rutherford; and

WHEREAS, the Law Offices of Ortiz & Paster has been appointed for this service for 2004; and

WHEREAS, the necessity exists, due to an increase in caseload, to amend in an upwardly manner the maximum amount of the contract by \$2,615.81 to a total not to exceed \$17,615.81 without prior approval of the Mayor and Council 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 the Law Offices of Ortiz & Paster, 37A Park Street, Demarest, NJ 07626 for special 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 Frazier with all members present voting aye:

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

The Board has voted to approve a decision to close the public schools in the district on Election Day for security purposes. There have been no direct threats in any way to our community, but given that it is a presidential election and the added fact that there is construction going on at every school in the district, which means additional people moving about in the schools already, the Superintendent has decided to close. It has been discussed in other communities that schools should be closed for all “political” elections and only stay open for school board/budget elections. I am sure we will see more on that topic.

The Rutherford Educational Foundation has sponsored 6 grants so far this year, the largest grant being a Freshman Orientation Program that the high school is thrilled about. And, with their second annual raffle that was just completed, they will be able to sponsor additional grants that have already been submitted before the end of the school year. They are busy working on the details of their second annual Wine Tasting, the event will be in the spring and it will be held at the Williams Center.

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For the **Williams Center**, Councilmember Keyes gave the following report:

The various committees are working hard to establish their individual procedures and projects. The marketing group has had the pleasure of working with a local marketing company in town known as Crane & Company and they have drafted for us a new logo image that takes into account the famous chandelier from the previous establishment, the Rivoli Theatre. The board has approved the new image and now the same marketing firm, Crane & Company has also agreed to look at the website to enhance it. The county, and I preface this with thanks to our Mayor and Freeholder, Bernadette McPherson for her influence; the county has hired an engineering firm to look at the structure of the center for possible and probable enhancements. We do want the Williams Center to be the best it can be, and we need all of the help and funding that we can get to accomplish that.

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

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The Public Library recently had a concert in their main reading room on a Sunday afternoon. It was well attended and refreshments were served. The Friends of the Library sponsored the event and plan to do more of the same in the future. This Friday evening there will be a Family Fun and Concert night at the Library, again in the main reading room and I am pleased to announce that the event has been sold out. This will be the first event that our new director has planned and I am sure it will be a success. We have met once again with our engineer as well as fire official to go over the fire related requirements necessary for the installation of the HVAC system. There will be a lot of discussion around this topic as we go further in the planning stage to ensure that we are doing this project at the best possible time of the year with the least amount of inconvenience to the community. I will keep the Council posted.

On November 6th the Library is offering a defensive driving course. People who have library cards can also access the BC Cooperative library system. You can do this from home or from the library. I want to acknowledge the great write-up about our library which appeared in the recent publication of the Newsleader newspaper.

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10/19 For **POLICE** and under the consent agenda, Councilmember Frazier moved approval to prepare a lane reservation ordinance for Union and Jackson Ave., seconded by Councilmember Bartlett, with all members present voting aye:

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10/19 Under the consent agenda, Councilmember Frazier moved to approve the drafting of a lane reservation ordinance for Union and Jackson Ave., seconded by Councilmember Bartlett with all members present voting aye.

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10/19 Under the consent agenda, Councilmember Frazier moved acceptance of resignation of school guard Eileen Chooljian, seconded by Councilmember Bartlett with all members present voting aye.

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10/19 Under the consent agenda, Councilmember Fecanin 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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NOW, THEREFORE, BE IT RESOLVED that License be issued to:

St. Marys' HS PTA

Off-Premise

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

WHEREAS, 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:

Junior Woman's Club

Off-Premise Draw Raffle

Union School PTA

Off-Premise 50/50

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Under the consent agenda, Councilmember Fecanin moved approval to close Park Ave. on Nov. 11 for the Veteran Alliance, seconded by Councilmember Frazier with all members present voting aye.

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For **PUBLIC WORKS**, Councilmember Fecanin gave the following report:

The Borough Administrator has met the new Acting Superintendent Tom Verdino and Supervisors and some new manpower to devise a plan to utilize the equipment and manpower better. He said that they have been going curbside and following the alternate side route for the leaf pickup.

Borough Administrator Stafford thanked the Chief and the Police Dept. for their input into these meetings with the DPW.

Councilmember Fecanin said the DPW has been working very hard and are moving into the new building and they should be totally in by the end of the week. He commended them on all the work entailed in the move.

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10/19 Under the consent agenda, Councilmember Fecanin moved to terminate all services for curbside recycling pickup with First Occupational Center of New Jersey, seconded by Councilmember Bartlett with all members present voting aye.

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10/19 Under the consent agenda , Councilmember Fecanin moved the following resolution, seconded by Councilmember Bartlett with all members present voting aye:

WHEREAS, the Mayor and Council of the Borough of Rutherford have prepared an emergency bid solicitation for CURBSIDE RECYCLING SERVICES and advertised for same; and

WHEREAS, bids have been received.

NOW, THEREFORE, BE IT RESOLVED, that the bid submitted by WASTE MANAGEMENT OF NJ, INC. at a price of \$55,000 for a two month contract (November and December, 2004) in accordance with the specifications for the same on file in the Clerk's office be and is hereby accepted; and

WHEREAS, the Treasurer has certified in writing to the Governing Body that there are adequate funds in the amount of \$58,674.97 that are specifically designated in the Operating budget to complete the contract:

WHEREAS, said certificate is attached to this resolution and shall be filed together with the resolution in 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 the rules and regulations and order promulgated by the State Treasurer pursuant to P.L. 1975, C.127 and with all provisions of N.J.S.A. 10:2-1 through 10:2-4 and all rules and regulations promulgated thereunder.

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In the event of the contractor's noncompliance with this specification or of any rules, regulations or orders promulgated thereunder, this contract may be canceled, 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 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 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 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 Fecanin moved authorization be granted for the Borough Engineer, Attorney and Administrator to investigate combining road improvement bids, seconded by Councilmember Frazier with all members present voting aye.

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10/19 Under the consent agenda, Councilmember Frazier moved the Borough Attorney be authorized to draft an ordinance for new leaf removal regulations, seconded by Councilmember Bartlett with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved approval for the old Guard to use the Borough bus to go to the Viet Nam Memorial in Paramus on November 3rd, seconded by Councilmember Frazier with all members present voting aye.

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

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WHEREAS, the Mayor and Council of the Borough of Rutherford previously awarded the bid to purchase the DPW site as of July 6, 2004; and

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WHEREAS, the bid documents and award of bid set forth a date for closing of the transaction; and

WHEREAS, the Borough and the successful bidder, PMP Enterprises, LLC, continue to prepare and move towards closing of this transaction;

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

The date for closing of the transaction is hereby extended to November 30, 2004.

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For **President of the Council** and under the consent agenda, Councilmember Fecanin moved approval of a change to the November and December Mayor and Council meeting schedule as well as approval of the 2005 meeting schedule, seconded by Councilmember Bartlett with all member present voting aye.

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Under the consent agenda, Councilmember Fecanin moved approval to draft an ordinance for municipal court fees regarding Municipal Court Discovery OPRA Class Action settlement, seconded by Councilmember Frazier with all members present voting aye.

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

WHEREAS, the Mayor and Council of the Borough of Rutherford duly considered the request of the State Department of Transportation for endorsement of the proposed Utility Engineering and Construction Agreement;

WHEREAS, Schoor DePalma, the Borough Engineer, duly reviewed same;

WHEREAS, Anne Marie Rizzuto, Esq., Borough Attorney, duly reviewed the same, and has requested changes to same to more accurately reflect the agreement between the parties.

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WHEREAS, the Mayor and Council of the Borough of Rutherford approve the Agreement with changes, as set forth in this Resolution:

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

1. The Mayor is authorized to execute the Utility and Construction Agreement, subject to the following changes and understandings between the Borough of Rutherford and the State of New Jersey

A. The State of New Jersey shall be solely responsible for any and all engineering review, surveys, drafting, designs, and plans to effect the purposes of the Utility Agreement, and shall retain and supervise the engineering firm to prepare the designs and plans necessary to accomplish those purposes;

B. The State's plans and designs shall be submitted to the Borough Engineer for prior review and approval (with changes where necessary);

C. The Borough Engineer's fees for review and approval will be submitted directly to and paid by the State of New Jersey, as set forth in the Utility Agreement and the State's letter dated February 13, 2004 (see attached), said fees having been capped at \$5,000.00;

D. The State of New Jersey shall be solely responsible for any and all actual construction and engineering, to affect the purposes of the Utility Agreement, and shall retain and supervise the engineering firm and the construction firm to accomplish those purposes;

E. The State's engineering activities and construction activities shall be subject to the prior review and approval (with changes where necessary) of the Borough Engineer;

F. The Borough Engineer's fees for review and approval will be submitted directly to and paid by the State of New Jersey, as set forth in the Utility Agreement and such further document as may be requested;

2. The execution of the Utility Agreement shall be interpreted as having incorporated the above changes into the Agreement itself;

3. The Mayor and Council expressly authorize this Utility Agreement with the express understanding that the Governing Body of the Borough of Rutherford has not approved any construction or design of changes to the Route 3 roadway or ancillary structures or real property in any manner, other than investigation regarding underlying

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sanitary sewer lines. The Mayor and Council expressly reserve the right to continue their official and public review of the proposals for roadway construction, sound barriers, and ancillary construction that may be submitted by the State of New Jersey. Nothing herein or in the Utility Agreement shall be interpreted as giving tacit or explicit or implicit approval of any larger plans for Route 3 that the State of New Jersey may have or propose.

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For **FIRE**, Councilmember Frazier gave the following report:
57 fire incidents, 29 false alarms, 12 other alarms - 2 structure fires, 2 vehicle fires, 5 other- 7 mutual aid. Estimated loss \$2,000. Man hour response is again higher during the afternoon, evening hours. 355 man hours were put in.

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Under the consent agenda, Councilmember Fecanin moved approval of membership in Co. #2 for Frank Novak, seconded by Councilmember Bartlett with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved approval for exempt status of Co.#2 S. Villareale, seconded by Councilmember Frazier with all members present voting aye.

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10/19 Under the consent agenda, Councilmember Fecanin moved authorization to advertise for bids for new fire vehicles, seconded by Councilmember Bartlett with all members present voting aye.

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Councilmember Frazier advised of a notice to property owners regarding a variance request for 96 Meadow Rd.

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Councilmember Frazier noted the Preliminary State Plan & Cross Acceptance documents were presented to the Council from the Borough Planner Ryan Rapp.

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Councilmember Frazier asked that the Rent Control Ordinance be considered for renewal (expires 12/31/04).

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For **BUILDINGS AND PUBLIC UTILITIES,**

10/19 Councilmember Fecanin asked the Mayor to appoint Y. Feroz to the position of Clerk Typist in the construction Dept. effective 10/25/02.

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Councilmember Fecanin asked the Mayor to appoint George Sassoun to the permanent position of Electrical Subcode Official from the Certification of Eligibles.

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For **HUMAN RESOURCES,** Councilmember Matthews gave the following report:

Fall Soccer started on 9/25 with 650 children, fall programs will begin the week of Sept. 27 and are using the Williams Center for the theater group. Registration is being accepted for Wrestling, Basketball & Indoor Soccer. Pumpkin decorating will be held on Oct. 27 and the Halloween parade will be Saturday, October 30.

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Under the consent agenda, Councilmember Fecanin moved approval for the 2nd annual Halloween Dog Costume Party Contest for Oct. 30th in the Borough Hall parking lot, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved the Borough Attorney be authorized to draft an ordinance regarding Tryon Field regulations, seconded by Councilmember Frazier with all members present voting aye.

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

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WHEREAS, a Bergen County Open Trust Fund application in the amount of \$182,984.75 has been proposed by the Borough of Rutherford for proposed Wall Field Park improvements in the municipality of Rutherford; and

WHEREAS, pursuant to the State Interlocal Services Act, such funds may not be spent in a municipality without authorization by the Governing Body; and

Whereas, the aforesaid project is in the best interest of the people of the Borough of Rutherford.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Rutherford hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that the Governing body is committed to providing a dollar for dollar cash match for the project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development so that implementation of the aforesaid project may be expedited.

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

WHEREAS, the Borough of Rutherford has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. To participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust fund; and

WHEREAS, said Agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2004 through June 30, 2005;

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby appoints Matthew Neuls, Borough Engineer, as its representative to participate on the Open Space Trust Municipal Program Regional Committee.

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Under the consent agenda, Councilmember Fecanin moved to authorize the Borough Engineer to work with the Little League to pour cement on visitor's side, seconded by Councilmember Frazier with all members present.

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For 55 Kip Center, Councilmember Matthews gave the following report: An informational table was set up in the park for Labor Day. Newcomers Day, Sept. 9th welcomed 47 to lunch. Lifeline provided screening on Sept. 20. There is now a volunteer trip coordinator so the number of trips to the Mall, restaurants and shows will be increased. Fall session began on Sept. 14. Computer classes were eliminated during the construction. Bridge players met at the Elks Club and Current Events discussion met at the Senior Manor. All other classes are running on schedule. 186 meals served on Saturday during September. Volunteer hours - Home Friends 325 hours, 250 one hours on site - total 575. The construction project is going along quite well.

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

WHEREAS, a Bergen County Community Development grant of \$21,776 has been proposed by 55 Kip Center for the Kip Kafe for Older Adults in the municipality of Rutherford; and

WHEREAS, pursuant to the State Interlocal Services Act, Community development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of Rutherford; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the governing body of Rutherford hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of aforesaid project may be expedited.

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MINUTES OF A REGULAR MEETING HELD TUESDAY, OCT. 26, 2004

For the **HEALTH DEPARTMENT** Councilmember Matthews, in regard to the resignation of Marion Smith said that she was a fantastic human being who worked as a volunteer in the Health Dept. for 25 years, most recently as President.

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For the **Local Assistance Board**, Councilmember Matthews gave the following report, an excerpt from the minutes:

The group enthusiastically welcomed Mrs. Hildebrand back following a lengthy medical leave. Mary Melfa spoke as to how well the office coverage went. Bergen County Board of Social Services took all emergency calls, Hackensack Human Services took all new cases, the Rutherford Community Pantry Board handled all of the pantry concerns and most importantly Karyn Urtnowski, Secaucus Social Worker and Rutherford resident took extraordinary care of all social service cases as well as maintaining all of the current public assistance customers....A mammoth task... Mrs. Hildebrand thanked Mary Melfa and told the group that the Borough Clerk's office and the Purchasing office worked very hard to handle situations that arose when Karyn was not available. She said it was a pleasure to work with the CFO and looks forward to getting everything back in line and as usual will do a great job.

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For Historic Preservation Councilmember Matthews said that some of the things they are working on is working closer with the Planning Board and Board of Adjustments on Master Plan review. Another historic House of Worship lecture, Baptist Church . Work closer with Borough Historian and Meadowlands Museum, work toward certified local government status, develop an audio walking tour or trolley tour of historic downtown Rutherford and another fund raiser.

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MINUTES OF A REGULAR MEETING HELD TUESDAY, OCT. 26, 2004

Mayor McPherson gave the following committee reports:

There have been a number of special events that have taken place in the Borough and that number continually increases. She thanked the Administrator and the various department heads for their assistance with the Recreation Dept. and other organizations who would like to hold special events in the Borough. She said this is something they applaud and look forward to.

Saturday will be Safe Night Out which will take place on Ames Ave.

The Mayor reminded all that Veteran's Day will be taking place on the eleventh day of the eleventh month at the eleventh hour and we will be calling upon the Police Dept. for that time to close off Park Ave. to lend respect to the ceremony.

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Mayor McPherson made the following appointments:

- 10/19 Matt Ziemkiewicz to the NJ Meadowlands Commission Flood Management Task force.
- 10/19 George Sassoun to the permanent position of Electrical subcode Official. Confirmation moved by Councilman Bartlett, seconded by Councilman Fecanin with all members present voting aye.
- 10/19 Yadera Feroz to the full-time position of Clerk Typist in the Building Dept. Confirmation moved by Councilwoman Keyes, seconded by Councilman Fecanin with all members present voting aye.

Mayor McPherson accepted the resignation of Marion Smith from the Board of Health. She said that Ms. Smith served the Board of Health long and well. The Mayor asked that any recommendations be forwarded to her for an appointment to fill the position.

Mayor McPherson proclaimed the following:

Resolution in Memory of Carolyn Smallwood

Recognition of Sgt. Patrick Feliciano - Honoree at the 12th Proclamation & Celebration of the Hispanic Heritage Month in Bergen County

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MINUTES OF A REGULAR MEETING HELD TUESDAY, OCT. 26, 2004

For **Ordinance on First Reading**, Councilmember Keyes moved CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$65,000 FOR 55 KIP CENTER SPRINKLER/FIRE SAFETY, AN IMPROVEMENT IN, BY AND FOR THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION be read by title only by the Clerk, seconded by Councilmember Frazier with all members present voting aye.

The Clerk read the ordinance by title only.

Councilmember Keyes moved CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$65,000 FOR 55 KIP CENTER SPRINKLER/FIRE SAFETY, AN IMPROVEMENT IN, BY AND FOR THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION be passed on first reading and advertised according to law, seconded by Councilmember Frazier with all members present voting aye.

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For **Ordinance on First Reading**, Councilmember Fecanin moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, ORDINANCE NO. 2140-74, REGARDING LANE USE RESERVATION AND HANDICAP SPACES be read by title only by the Clerk, seconded by Councilmember Keyes with all members present voting aye.

The Clerk read the ordinance by title only.

Councilmember Fecanin moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, ORDINANCE NO. 2140-74, REGARDING LANE USE RESERVATION AND HANDICAP SPACES be passed on first reading and advertised according to law, seconded by Councilmember Keyes with all members present voting aye.

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MINUTES OF A REGULAR MEETING HELD TUESDAY, OCT. 26, 2004

For **Ordinance on First Reading**, Councilmember Fecanin moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 60, ENTITLED MUNICIPAL COURT, ORDINANCE NO. 1544 be read by title only by the Clerk, seconded by Councilmember Keyes with all members present voting aye.

The Clerk read the ordinance by title only.

Councilmember Fecanin moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 60, ENTITLED MUNICIPAL COURT, ORDINANCE NO. 1544 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 First Reading**, Councilmember Matthews moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 73, ENTITLED PLAYGROUNDS AND RECREATION AREAS, be read by title only by the Clerk, seconded by Councilmember Frazier with all members present voting aye.

The Clerk read the ordinance by title only.

Councilmember Matthews moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 73, ENTITLED PLAYGROUNDS AND RECREATION AREAS 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 First Reading**, Councilmember Frazier moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 83A, ENTITLED "RENT CONTROL", ORDINANCE NO 2150-74 be read by title only by the Clerk, seconded by Councilmember Keyes with all members present voting aye.

The Clerk read the ordinance by title only.

Councilmember Frazier moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 83A, ENTITLED "RENT CONTROL", ORDINANCE NO 2150-74 be passed on first

MINUTES OF A REGULAR MEETING HELD TUESDAY, OCT. 26, 2004

reading and advertised according to law, seconded by Councilmember Keyes with all members present voting aye.

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For **Ordinance on First Reading**, Councilmember Fecanin moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 82A, ENTITLED RECYCLING, ORDINANCE NO. 2489-87 be read by title only by the Clerk, seconded by Councilmember Frazier with all members present voting aye.

The Clerk read the ordinance by title only.

Councilmember Fecanin moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 82A, ENTITLED RECYCLING, ORDINANCE NO. 2489-87 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 moved AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED “AN 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. 3045-04 ADOPTED JULY 27, 2004 be read by title only by the Clerk, seconded by Councilmember Frazier with all members present voting aye.

The Clerk read the ordinance by title only.

Councilmember 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 AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED “AN 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. 3045-04 ADOPTED JULY 27, 2004 be passed on second and final reading and

MINUTES OF A REGULAR MEETING HELD TUESDAY, OCT. 26, 2004

advertised according to law, seconded by Councilmember Frazier with all members present voting aye.

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For **Ordinance on second reading**, Councilmember Keyes moved AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED “AN 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. 3045-04 ADOPTED JULY 27, 2004 be read by title only by the Clerk, seconded by Councilmember Frazier with all members present voting aye.

The Clerk read the ordinance by title only. Councilmember 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 AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED “AN 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. 3045-04 ADOPTED JULY 27, 2004 be passed on second and final reading and advertised according to law, seconded by Councilmember Frazier with all members present voting aye.

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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 ordinances (3053-04 & 3054-04, salaries for the years 2004 be paid to the employees named in the attached list, which is made a part thereof in the amounts and under the titles set after their respective names; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby directed to report any 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 this purpose by said agencies; and

MINUTES OF A REGULAR MEETING HELD TUESDAY, OCT. 26, 2004

BE IT FURTHER RESOLVED, that the Chief financial Officer be and he is hereby directed to prepare payrolls for the Borough of Rutherford employees to reflect the salaries and titles detailed below:

Changes in Rate of Pay and Titles

Effective July 22, 2004

Thomas Verdino	Recycling Coordinator	\$ 5,000
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Effective September, 2004

Maria Incremona	Chief Financial Officer	\$80,000
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Chris Seidler	Supervisor, Sanitation	\$48,407
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Donald Tomko	Supervisor, Roads & Sewers	\$48,407
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As there was no further business, Councilmember Frazier moved to adjourn at 8:50 p.m., seconded by Councilmember Keyes with all members present voting aye.

Borough Clerk