

**REVISED: 1/28/09**

**MINUTES OF ORGANIZATION MEETING OF THE  
MAYOR & COUNCIL  
HELD TUESDAY, JANUARY 1, 2009**

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Mayor Hipp called the meeting to order at 12:10 p.m. The Mayor asked Councilwoman Keyes and Councilman Genovesi to escort Councilwoman-Elect Kimberly Birdsall and Councilman-Elect Joseph DeSalvo to the rostrum.

Councilwoman Keyes administered the Oath of Office to Councilwoman Birdsall.

Councilwoman Inguanti administered the Oath of Office to Councilman DeSalvo.

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**Councilwoman Birdsall Remarks:**

"Good afternoon Mayor, Council, distinguished guests, Fr. Mike, Monsignor Huye, family, friends and citizens of Rutherford, Happy New Year to all of you. 2009 will undoubtedly be a year of challenges but I have great faith that the Mayor, Council and the community of Rutherford will rise to meet those challenges and work together for the benefit of this community. Our energy and focus must be on steering Rutherford into a stable and prosperous future.

I am honored to serve as a member of this governing body. I look forward to facing the challenges that lie ahead. My congratulations to Councilman DeSalvo, I look forward to working with you. My sincere thanks to Councilman Fecanin and Councilman Sommer for their example, dedication and service to Rutherford, I wish them the best of luck. Finally all my love and thanks to my family for their love, patience, encouragement and inspiration and I sure hope there is more of where that came from. Thanks again and have a Happy New Year."

**Councilman DeSalvo's Remarks:**

"Good afternoon everyone. I know most of us had a late night and I would like to thank everybody for attending this afternoon. I would especially like to thank my family, Marie, my three daughters, my parents, my sisters, my cousin Jack for helping me along the way and to all my good friends who supported me.

Throughout my campaign I was very fortunate to meet a lot of good people and make some new friends, and with their help and the help of Rutherford residents I reached a goal that was set out earlier for this year. I am very pleased and excited about serving the residents of Rutherford. I know that there are many challenges coming our way for the future of Rutherford, but I am confident that the previous members along with newly elected Councilwoman Birdsall, congratulations and myself will work together to tackle

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anything that comes along and work hard to make the right decisions for the residents of Rutherford. Thank you all and I wish you all a Happy New Year."

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Mayor Hipp invited former Mayors and Councilmembers to sit the rostrum. The Mayor thanked the prior members of the Governing Body for their years of service.

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Councilwoman Keyes read the provisions of the Open Public Meetings Act.

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The invocation was given by Rev. Michael J. Kreder Saint Mary Church.

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The following Councilmembers were present:

Mayor Hipp  
Councilwoman Keyes  
Councilman Genovesi  
Councilwoman Inguanti  
Councilman Sasso  
Councilwoman Birdsall  
Councilman DeSalvo

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Mayor Hipp asked those present to join him in a salute to the flag.

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Mayor Hipp acknowledged Senator Paul Sarlo, District 36 and Councilman Michael Nelson from the 48<sup>th</sup> District in New York.

Sen. Sarlo asked Councilman DeSalvo and Councilwoman Birdsall to join him. The Senator presented them with a citation from the NJ Senate and General Assembly recognizing them for their election to the Borough's Governing Body and offered his assistance to Rutherford.

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Mayor Hipp asked for nominations for Council President.

Councilwoman Inguanti wished to make a nomination. The Councilwoman said she was going to break with tradition as it was customary for the majority party to nominate a Councilmember from their ranks to serve as Council President and certainly any of them would be able and ready to serve. She said that however there was a member of the Council who served for a number of years and she believes that her length of service should bare consideration for the Council appointment. Councilwoman Inguanti said the Council will continue to grapple with issues from the past, in 2009; most notably the financial difficulties created by Encap; they will also face new challenges. She said she believes that Councilwoman Keyes' time on the Council, the preparedness she demonstrates at meetings and the institutional memory she brings will serve them as Council President. Councilwoman Inguanti nominated Councilwoman Maura Keyes as Council President for 2009.

Councilwoman Inguanti made a motion to put forward Councilwoman Keyes, seconded by Councilman Sasso and unanimously approved on roll call.

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Mayor Hipp asked for nominations for Council Vice-President. Councilwoman Keyes made a motion to put forward Councilwoman Inguanti as Vice-President of the Council, seconded by Councilman Sasso and unanimously approved on roll call.

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Councilwoman Keyes made a motion for the amended by-laws dated January 1, 2009 adding that the by-laws are able to be amended from time-to-time.

Mayor Hipp asked which set of by-laws was she proposing. Councilwoman Keyes responded the one labeled "draft for 1/1/09". Mayor Hipp asked if everyone knew what they were voting on. Councilwoman Keyes asked if everyone read the amendment to the by-laws. Council responded yes. Councilwoman Birdsall asked in regards to the meeting length, could it be clarified which is in the amended version. Councilman Genovesi stated point of order, he hasn't opened it up for discussion. Mayor Hipp stated he agreed and asked for a second.

Seconded by Councilwoman Inguanti.

Mayor Hipp opened the matter for discussion.

Councilwoman Birdsall stated she just wanted clarity. Councilwoman Keyes responded that the timeframe for the meetings, there was a proposal for a curfew of 11:00 p.m. to be observed for all Committee of the Whole Work Session Meetings, as well as, Regular Meetings or they could limit it to not exceed four hours in duration. She opened that up for the Councilmembers for discussion to see if they had any preference. Mayor Hipp said the way of procedure if she wishes to provide an option is to propose one version

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and if that passes then that would be the motion. Councilwoman Keyes then proposed to the Council that they put a curfew of 11:00 p.m. on the meeting time.

Councilman Genovesi said he would make stipulation on the presentation of the by-laws that the article which talks about the second hearing of citizens; that to accept those by-laws with the complete understanding of the Council that that issue could be revisited at any time during the year should the general public feel the meeting structure warrants a second discussion, he thinks therefore they should afford the public that option. He supports the by-laws with that stipulation that they can revisit that if it becomes a problem. Councilwoman Inguanti responded yes, they can always be amended. Mayor Hipp asked Councilwoman Keyes if she would address the question. Councilwoman Keyes said to Councilman Genovesi that she agrees with him that she would like to pass the by-laws as they were but with the understanding they could be amended. Councilman Genovesi thanked Councilwoman Keyes.

No further discussion among the Council was requested.

Mayor Hipp stated that he had the opportunity to review the proposed amendments to the by-laws and as a matter of record, he had serious concerns about several of the amendments in that several of them are in violation of the Open Public Meetings Act (OPMA) as well as 40A:60-1. The Mayor said by way of example, the amended by-laws remove the hearing of citizens for work session meetings; under the OPMA a municipal governing body is required at every meeting to set aside a portion of time to allow the public to be heard and one of the amendments that was proposed to eliminate the hearing of citizens at the work session meetings. Mayor Hipp said other proposals in his judgment likewise violate what he called the separation of powers between the Office of the Mayor and the Office of the Council; there are statutes in effect that require appointments to be made by the Mayor not by the Mayor or the Council and some of the proposed amendments clearly violate the statute. Mayor Hipp continued the Council has the ability to organize itself, it has the right to do that and it is not the intent of his Office to interfere with that right but it is the intent and the obligation of the Office to make sure that the laws of the State are faithfully executed, that is the sole responsibility of the Mayor. The Mayor stated that as a result of some of the amendments he urged that the Council, instead of voting on them then, sit down at a Special Meeting to be called within the next two weeks to go over each and every clause so that they could decide what is lawful and what is not, otherwise many of the by-law changes will be void. Mayor Hipp called upon the Borough Attorney at that time to render a legal opinion as to some of the changes.

The Borough Attorney stated he had two points, starting with Robert's Rules of Order; he knows there are a couple of provisions; one was actually from last year and it is a good opportunity as someone pointed out to look at everything and see as to what they should do. He said generally with Robert's Rules of Order they don't suspend the Rules, the by-laws, they can suspend a specific rule and there maybe, for example the agenda, usually the Chair, the Mayor ask that the rules be suspended as far as the order of business. The Borough Attorney said that is a specific wrong that should be mentioned; one of the concerns that Robert's Rules mentions is that someone may not be present that evening and even if it is unanimous those who are not, would be unduly prejudice, for lack

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of a better word, because they didn't have the opportunity to discuss that. He said he knows it was in last year and maybe it was in for years; the other is the language as far as appointment for different committees and the like, as far as liaisons to DPW or finance, he has seen it go both ways. The Borough Attorney said as far as appointments for the Boards and Committees, that is generally ruled by statute for the most part so at least if some language to indicate that is not the intent of the by-laws to infringe upon the duties of the Mayor or Council so that way it is in compliance. He said the other thing that wasn't mentioned that he knows came up during the year, was there was a question as to work sessions, the statutes does say the Mayor rules all meetings in this form of government, again it is the Mayor's call in this form of government if the Mayor wants to allow someone else to run other meetings, say the executive, work sessions and he figures since it was brought up before he might as well mention it in reviewing it last night he took down notes of what was discussed during the year. The Borough Attorney said those were his general comments and to review it is just to make sure that neither the Council or the Mayor over step their boundaries, the language it a little broad, a little vague and it is understood that the Mayor makes appointments to the Planning Board there is certain statutory requirements that the Mayor only makes the appointments some say with the approval of the Council so it is not done either or. He said so it's clear, the liaisons can be done either way so to put it on colloquial terms, so no one steps on anyone else's toes that is what I am trying for here.

Mayor Hipp said one of the proposals that he would ask the Council to consider, is one that he has been thinking about for some time and that is with respect to Council Liaison assignments. The Mayor said when he made those assignments last year he basically did it largely on the advice of several of the members particularly Councilman Genovesi who was coming in as Council President as he understood it. Mayor Hipp said and under the Borough form of Government the Council really has the right and obligation to form its own Committees and Liaisons and he of course as they all know, he asked all of them to basically give him their preferences because he has no problem making the appointments but its actually more suitable in his judgment for the Council at the Organization Meeting to basically nominate and elect it's own liaisons and that would be one change he would like to see in the by-laws. Mayor Hipp said but with the changes that were proposed and with the changes that weren't included it was his judgment that the by-laws will be basically in violation of several statutes. The Mayor urged the Council to withhold the document so they have a chance to go through each one of them and decide what is lawful and what is not.

Councilman Genovesi said to Mayor Hipp that he raised some very serious concerns and on the surface often times what they read may be appealing or may look like it is the best thing for the Council but if he is under that impression that there is any way shape or form of any violation of any State statute and they could gather an opinion from the paid Borough Attorney that would not be ambivalent but actually to say yes or no. He said he thinks that if that is the case, then he would agree with him and the Council should delay any decisions on the by-laws but the culmination of what he was saying is that he would like the Borough Attorney to actually tell them whether they would be in violation or not?

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The Borough Attorney responded the thing is that it is not clear and so sometimes when they have language that is not clear can be interpreted either way, they want to make it tighter, they could simply say if they want that the Council will select their own liaisons to the different standing Committees-Finance, DPW, Recreation so they could have that as one sentence. He continued to say and perhaps as the other sentence they could say the Mayor will make such nominations or appointments as provided by applicable law so that way they are covered. The Borough Attorney said then they could have a third sentence say the Council may make such appointments as provided by applicable law so that way neither the Council or Mayor step on each others toes and it should be understood that's the case they could actually leave it out but if it insisted that language of that type be in there they pretty much need ferret it out so that it is the understanding and he knows it is the understanding of everyone there, as to be in compliance with the applicable law and not to step on each others toes.

Councilman Genovesi said so the Borough Attorney's recommendation was that in that forum they would be against the State Statute.

The Borough Attorney said if the language is too broad it could be interpreted either way, now they know the Council doesn't make appointments to Boards, but it is not clear from that language or someone may interpret it a different way; he thinks he gave an example that the Mayor makes the appointments to the Planning Board so it is now the intent of the Council he knows to make appointments to the Planning Board okay so the thing is the language should be clear as a suggestion.

Councilwoman Inguanti said she respectfully disagrees with the Borough Attorney and she thinks it is clear as it says a Committee or a Council Liaison to any Borough Board or Body so it does not imply that membership on the Board which is a statutory Mayoral obligation.

Mayor Hipp asked under what authority does the Council for example believe that it can exclude comment from the public at a work session.

Councilwoman Keyes said on page 6, she thinks the Mayor mentioned that they were trying to remove the hearing of citizens from the work session, it is clearly noted on page 6 under Article 6 Order of Business # 6- Hearing Citizens; so it is there, they are not trying to remove the hearing of citizens from the work session they were trying to remove the second hearing of citizens from the regular schedule meeting.

Mayor Hipp said on his copy they have two, they have a hearing of citizens under 6B and removal of the hearing of citizens which is the one he was concerned about and at the work session that is part of it so that was not the intention. Councilwoman Keyes said that he might not have the right copy. Mayor Hipp responded it was the copy he has which was given with the revised version so he ask that the Council hold off and they meet at a public meeting and go through each and every clause that is being proposed so they can all be clear and that they are not running foul of the law and he asked a member of the Council to make that motion.

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Councilman Genovesi made a motion to table the adoption of the by-laws for further review, seconded by Councilwoman Birdsall with Councilman Genovesi, Councilwoman Keyes, Councilman Sasso, Councilwoman Birdsall and Councilman DeSalvo voting aye; Councilwoman Inguanti voted nay.

Mayor Hipp asked the Council to consider a Special Meeting to discuss the by-laws and he asked the Clerk to get their time schedules; and for the Council to consider whether or not they want to take the responsibility of coming up with their own Liaison assignments, he was perfectly willing to work with the Council to allow them their statutory right to do that themselves. The Mayor said he supposes the matter of practice for the town is that it saves time by having the Mayor do it but he thinks it is important that the Council exercise the right to organize itself so if it was okay with everyone he did not make the Council Liaison assignments at that meeting and asked if that was fine.

Councilman Genovesi said he objects to that, because that leaves the Councilmembers in limbo in trying to prepare for the year where they are not sure what department they are working with and who they are work with. Mayor Hipp said then is there any objection to the following:

Councilwoman Keyes continue with the Fire Department  
Councilwoman Inguanti continue as Liaison for Finance  
Councilman Genovesi continue as Liaison for Police Dept.  
Councilman Sasso continue as Liaison for the Recreation Dept.  
Councilman DeSalvo as Liaison to the DPW  
Councilwoman Birdsall as Liaison to Buildings and Public Utilities

No objections.

Mayor Hipp asked that the Council consider amending the by-laws so that the in the future they are able to organize themselves.

### **MAYOR HIPPI'S ANNUAL ADDRESS**

"Good afternoon, everybody and Happy New Year. I am happy you all took the time today to attend. Obviously I want to congratulate our newly elected and seated members Councilwoman Birdsall and Councilman DeSalvo. Welcome to the dais. It is a privilege for all of us to sit here. We all asked for this job, we ran and we won. But it carries a heavy burden and a responsibility. One which sadly sometimes is very difficult and very, I suppose confusing would be the word I would look at. There are a lot of issues that confront this town.

When we began in January of 2008, the largest issues looming, were basically the Encap project and the budget. We came off a year of a double digit tax increase and of course Encap had not paid its taxes, was refusing to pay its pilot fees and of course had defaulted on all of its agreements with the Meadowlands Commission, with the DEP, with Wachovia Bank on its mortgage and several other entities. In addition, Rutherford was operating under what was called pilot agreement which required Rutherford to provide

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42.5% of tax revenues for pilot payments back to the Encap entity so that it could pay down its bond debt. We also, as I said, faced a large problem with our deficit when we took office; the anticipated property tax increase for 2008 was over 13%. So we had our work cut out for us. At the end of this year, we find that Encap is in bankruptcy, that the development that was originally planned is probably not going to take place, that they still have the responsibility and I mean we, collectively as a people of the State of New Jersey to clean up the garbage dumps and the landfills that occupy Rutherford, Lyndhurst and North Arlington. I would like to say that recent efforts to resolve the Encap bankruptcy were successful but according to correspondence I receive just yesterday, settlement efforts which were being spearheaded by Judge Michael Chaplain, US Bankruptcy Judge, do not appear to be going well. As so with that we face 2009 in somewhat better shape. The pilot agreements that Rutherford signed are no longer enforce and effect; the bankruptcy will be winding down one way or the other and the landfills will be cleaned as well as the monies, especially the taxes owed by Encap will be paid to the Borough of Rutherford; so that is the good news.

The bad news of course is that during this year we also had a significant downturn in our economy. We are in the midst of perhaps the largest economic downturn since the great depression. Governmental entities especially the Borough of Rutherford, we have a fiduciary obligation to our taxpayers to be fiscally responsible especially in a time when our tax basis being lowered, our property taxes are already too high and we are not receiving revenues from entities such as Encap. Every Department in this Borough during this year has cooperated in good faith to hold the line on spending and in fact in my judgment they did a very good job. Nevertheless, this Borough, Governing Body was forced to accept a tax increase of a little over 4%. I don't think anybody who is on this Governing Body during 2008 was happy with that and to say that it was better than an 18% increase in my judgment really misses the point. Taxpayer relief is absolutely essential in what will turn out to be in my opinion, one of the worse economic situations that we have faced for generations. And for 2009 our priority has got to be fiscal responsibility in a way that maybe none of us have ever seen before. We need to be able to do a lot more with a lot less. And that I believe is going to be the task of this Governing Body starting today. The problem is complicated as Senator Paul Sarlo alluded to earlier, we have now an affordable housing obligation and we are preparing for a battle that proportions of which are hard to describe let alone appreciate. We have a problem with an obligation that is going to increase the burden in our services while effectively decreasing our ability to collect taxes to pay for those services. We do not know as we sit here how and where this is all going to end up but we have been forced to take actions that none of us sitting here and I think in the town generally, have enthusiastically embraced. We are a mature community, we are built out, we are the oldest Borough in the County of Bergen. Before there was zoning, we provided for housing of all types for people of all income levels and we are being saddled with an obligation as we speak, which is so burdensome and draconian it actually is going to create tensions on our budget process that we have never before experienced. We are fighting these regulations along with 250 other municipalities and we are doing everything we can to influence our legislatures in Trenton to make changes so that the burdens placed on towns like Rutherford will not be realized in 2009 but if they are we are going to have to deal with it as a community. We are going to have to come together and figure out how best to deal with these kinds of issues.

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So we have a battle ahead of us, but what we do is one thing, how we do it as a Governing Body is just as important. I made illusions to this earlier. We are as elected officials subject to certain laws such as the Open Public Meetings Act, as well as our form of government. I think it is important to take a moment to talk about what that means, under the Open Public Meetings Act the right of the public to be present at all meetings of public bodies and to witness in full detail all phases of the deliberation, policy formulation, and decision making of those public bodies is vital to the enhancement and proper functioning of the Democratic process. That secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society is inimical to the existence of democracy and the ability of governing bodies and the public to work together. So we have to operate and I will call it in a fish bowl, it is our obligation as elected officials and we have freely undertaken this obligation so that everything we do are deliberations in detail, are before you and you have a right to come up here and speak your mind about it. So you cannot have secret meetings, you can not have if you will, backroom decisions to settle these matters and then come out in front of the public and have a vote. As well you, a Council and a Mayor are Government; we have employed capable people to manage. Government is not in the management business, it's in the policy making business. So sadly in my judgment, governing bodies throughout the State including Rutherford unfortunately engage in these sorts of things. This year whenever two people, members of the Council meet to discuss matters of public concern, even though it is less than an effective majority they can violate the Open Public Meetings Act. They can violate it because if they fail to invite other members of the Governing Body to these meetings then that in itself is a violation. These things need to stop everywhere in the State of New Jersey including Rutherford and it is my goal as Mayor to make changes this year to see to it that those sorts of secret meetings cannot take place. That is my hope for this Governing Body because we need to do this in the open; if we disagree we need to be able to do it in front of the public, we need to debate, we need to deliberate and you have the right to see, you have a right to read about it. The secret meetings destroy the very faith of our society that it has in our system of government. As Mayor, because it is my specific obligation under the statute to see to it that the laws are faithfully executed, this year we will see to it that there are no secret meetings. 2009 will bring change, I believe it is for the benefit of the community and I believe in working with this Council will provide us with the opportunity and the ability to deal with these daunting challenges but we will do so in front of your eyes and within your range of hearing. Thank you."

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### **PRESENTATION OF AWARDS**

- George Fecanin as former Councilman for 2000-2008
- Joseph Sommer as former Councilman for 2006-2008

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- Borough Employees Years of Service
  - Maureen Bigley – 15 years
  - Barbara Bennett – 20 years
  - Kathlyn Hildebrand – 20 years
  - Richard O’Boyle – 20 years
  - Frank Orlando – 20 years
  - Louis Arnold – 25 years
  - Robert Kriston – 25 years
  - Steven Mazzaro – 25 years
  - Joanne Wilczynski – 25 years
  - Thomas Reid – 30 years
  - Michael Schmeding – 30 years
  - Edward Cortright – 30 years
  - Brian O’Keefe – 30 years
  - Susan Misiewicz – 35 years

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### **Mayor’s Appointments:**

Mayor Hipp said in light of the status of the by-laws the Mayor will not be making any appointments that day.

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President of the Council, Councilwoman Keyes made a motion to move that all the items on the Consent Agenda be passed, seconded by Councilwoman Inguanti and unanimously approved on roll call.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, R.S. 40A:-19 provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2009 budget, temporary appropriations shall be made for the purpose and amounts required in the manner and time therein provided; and,

**WHEREAS**, the date of this Resolution is within the first thirty (30) days of January 2009; and

**WHEREAS**, the total of these temporary appropriations does not exceed 25% of the total of the appropriations of the preceding fiscal year, after excluding in both instances

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appropriations for interest and debt redemption charges, capital improvement fund and public assistance.

**NOW, THEREFORE, BE IT RESOLVED** that the following temporary appropriations for January, February and March be made and that a certified copy of this Resolution be transmitted to the Chief Financial Officer for his records:

	<u>Salaries &amp; Wages</u>	<u>Other Expenses</u>
Mayor & Council	5,500	1,000
General Administration	39,000	1,000
Financial Administration	43,000	1,000
Borough Clerk	41,000	15,000
Computer Maintenance		2,500
Assessment of Taxes	25,000	2,000
Collection of Taxes	23,000	2,000
Legal Services & costs		45,000
Municipal Court	40,000	2,000
Engineering Services		4,000
Public Buildings & Grounds	100,000	20,000
Planning Board	600	2,000
Board of Adjustment	600	2,000
Shade Tree	100,000	8,000
Finance/Administration		1,000
Insurance:		
Workers Compensation		163,000
Group Insurance Plans		300,000
Other Insurance Premiums		10,000
Liability Insurance		216,000
Fire Safety Code	45,000	1,500
Fire Department		40,000
Prosecutor	3,000	
Public Defender	600	
Police	1,200,000	40,000
Construction Department	50,000	1,000
Office of Emergency Management		500
Roads	145,000	20,000
Garbage	130,000	15,000
Recycling	100,000	
Sewers	5,000	1,000
BCUA Sewer		200,000
Passaic Valley Sewer		80,000
Dumping Fees		223,000
Rutherford Senior Citizens Center		12,500
Board of Health	75,000	2,000
Administration of Public Assistance	20,000	500

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Recreation	50,000	5,000
Education Plan for Employees		2,000
Library	150,000	15,000
Utilities:		
Gasoline		15,000
Fuel Oil		10,000
Electricity & Gas		60,000
Telephone		12,000
Street Lighting		32,000
Water		2,500
Debt Service:		
Interest on Bonds		53,034
Green Trust Loan (Principal and Interest)		2,799
Bergen County Improvement Authority:		
Principal		91,006
Interest		9,624
FICA		120,000
Fire Widow's Pension		6,000
Capital Improvement Fund		50,000
Tax Appeals		40,000
<b>TOTALS</b>	<b>\$2,391,300</b>	<b>\$1,940,463</b>

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, N.J.S.A. 40A:5-14 provides that the Governing Body shall designate as a depository for its moneys a bank or trust company having its place of business in this State;

**NOW, THEREFORE, BE IT RESOLVED**, that the Bank of America shall be the depository for the funds of the Borough of Rutherford held in the accounts named below; and,

**BE IT FURTHER RESOLVED**, that all withdrawals shall be made as indicated herein:

Borough of Rutherford  
 Payroll Acct. #409-00009-4  
 Checks signed by Mayor, Clerk,  
 CFO, Administrator or  
 Payroll Supervisor (any two)

Borough of Rutherford  
 Capital Account  
 #409-00008-6  
 Checks signed by Mayor, Clerk,  
 CFO or Administrator (any two)

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Borough of Rutherford  
Trust Acct. #409-00042-6  
Checks signed by Mayor, Clerk,  
CFO or Administrator (any two)

Rutherford Civil Rights/  
Multicultural Account  
Acct #0095-2311-4171  
Checks signed by CFO or Clerk

Borough of Rutherford  
Dog Fund Acct.  
Acct. #409-00013-2  
Checks signed by Eleanor Molan  
Police Director, or CFO (any one)

Borough of Rutherford  
Mary P. Kriston,  
Borough Clerk Account  
#409-00007-8, Checks  
signed by Clerk

Borough of Rutherford  
Municipal Court Account-Fine Account  
Acct # 4009-011913  
Checks signed by Court Administrator,  
Deputy Court Administrator or Judge  
(any two)

Borough of Rutherford  
Current Account  
#4009-01190-5  
Checks signed by Mayor, Clerk,  
Administrator & CFO (any two)

Borough of Rutherford  
Rutherford Business Improvement District  
Acct. #4009-020629  
Checks signed by CFO & Borough Clerk

Rutherford Grant Fund Account  
Account #109-067045  
Checks signed by Borough  
Admin, Clerk or CFO (any two)

Borough of Rutherford  
Green Trust Account  
Account #0038-1513-6412  
Checks signed by CFO, Clerk,  
or Administrator (any two)

Borough of Rutherford  
Unemployment Trust Fund  
Acct. #4009-011913,  
withdrawals by CFO, Clerk or  
Administrator (any two)

Borough of Rutherford  
Community Development Trust Acct.  
Acct. 4009-011921. Checks signed  
by CFO, Administrator & Clerk  
(Any two)

Borough of Rutherford  
Public Assistance Trust Fund #1  
Acct. #4009-01194  
Checks signed by Welfare  
Director or CFO

Borough of Rutherford  
Public Assistance Trust Fund #2  
Acct #4009-011956  
Checks signed by Welfare Director  
or CFO

Borough of Rutherford  
Escrow Account  
Acct. #95014-21488  
Checks signed by Administrator,  
Clerk or CFO (any two)

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

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**WHEREAS**, N.J.S.A. 40A:5-14 provides that the Governing Body shall designate as a depository for its moneys a bank or trust company having its place of business in this State;

**NOW, THEREFORE, BE IT RESOLVED** that Bank of America shall be the depository for funds of the Borough of Rutherford held in the accounts named below; and,

**BE IT FURTHER RESOLVED** that all withdrawals shall be made as indicated herein:

Borough of Rutherford  
Municipal Court Acct.-Bail Account  
Checks signed by Court Administrator,  
Deputy Court Administrator, Judge (any two)  
Acct.#61-00000 1103

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, Title 40A of the New Jersey Statutes requires remittance of all petty cash funds be returned to the office of the Treasurer at the end of each year; and

**WHEREAS**, Title 40A:5-21 established petty cash funds upon approval by the Director of Local Government; and

**WHEREAS**, the Borough of Rutherford has such written approval and desires to reinstate the petty cash funds;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Treasurer be and he is hereby directed and authorized to issue warrants to the following to establish the 2009 Petty Cash Funds:

Borough Clerk - Mary P. Kriston	200.00
Public Works Dept.- Christopher Seidler	200.00
Recreation Dept. – Denise Brennan	100.00
Health Dept. - Brian O’Keefe	<u>100.00</u>
	<b>\$600.00</b>

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, the Senate and General Assembly of the State of New Jersey have amended R.S. 54:4-67 to permit municipalities to increase the interest charged on delinquent taxes; and

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**WHEREAS**, pursuant to R.S. 54:4-66 taxes are due and payable on the first days of February, May, August and November of each year and become delinquent if not paid on or before said dates;

**NOW, THEREFORE, BE IT RESOLVED** that a grace period of (10) days is hereby established within which any installment of taxes or assessments may be received after the due date thereof without an additional charge for interest; and

**BE IT FURTHER RESOLVED**, that interest on delinquent installments of taxes or assessments shall be charged at the rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, NJSA 54:4-67 has been amended to permit an additional penalty of 6% to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year;

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

1. The Tax Collector is hereby authorized and directed to charge an additional penalty of 6% on a tax delinquency in excess of \$10,000.00 if it remains in arrears beyond December 31<sup>st</sup> .

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, pursuant to the authority contained in N.J.S.A. 17:9A-25 (4), the Borough of Rutherford may lawfully deposit public funds in interest bearing time deposits in a banking institution authorized to do business in the State of New Jersey and designated as a depository of its funds pursuant to N.J.S.A. 40A:4-14; and

**WHEREAS**, the Borough of Rutherford will have surplus current cash on hand at various times during the current year of 2009; and

**WHEREAS**, Bank of America has heretofore been designated by the Borough of Rutherford as depositories of its funds;

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Financial Officer, Edward Cortright, is hereby authorized during the year 2009 to pay and sign for the receipt and delivery of and to sell and receive payment for, at his discretion, the following type of securities for the Borough of Rutherford;

- A. Market U.S. Treasury Bills

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- B. Bank Certificates of Deposit
- C. County and State Bonds;

**BE IT FURTHER RESOLVED**, that said Bonds or other obligations suitable for registry shall be registered in the name of the Borough of Rutherford;

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is authorized to borrow funds through the sale of bond anticipation notes and tax anticipation notes during the year 2009 on an as needed basis;

**BE IT FURTHER RESOLVED**, that:

Section 1. The Chief Financial Officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution and his signature upon said notes shall be conclusive as to such determinations.

Section 2. The Chief Financial Officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as she may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 3. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local units faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, and amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer of the local unit is authorized and directed to report in writing to the governing body of the local unit at the meeting next succeeding the date when any sale or delivery of the note pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 5. This resolution shall take effect immediately.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, it is sometimes necessary in the course of the year to amend the Tax Duplicate by a Tax Collector's Appeal; and

**WHEREAS**, said Collector's Appeal must be signed before being submitted to the County for approval;

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the Tax Collector of the Borough of Rutherford shall be authorized to sign such appeals.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, the Borough of Rutherford receives from time to time checks which are returned by the depository for insufficient funds or other reason; and

**WHEREAS**, the Borough is charged a returned check charge of \$40.00 per item returned; and

**WHEREAS**, the Borough incurs administrative costs in the adjustment and handling of these items.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rutherford that a fee of \$40 be charged for each item returned for insufficient funds or other reasons.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS, N.J.S.A. 40A:5-14** mandates that the governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

**WHEREAS**, the Borough of Rutherford desires to participate in the State of New Jersey Cash Management Fund established by N.J.S.A. 52:18A-90.4,

**NOW THEREFORE BE IT RESOLVED**, that on the 1st day of January, 2009 by the Mayor and Council of the Borough of Rutherford, State of New Jersey, that;

1. The State of New Jersey Cash Management Fund is hereby designated as a depository for the Borough of Rutherford for the year 2009.
2. Edward Cortright, Chief Financial Officer is authorized to purchase and sell participation in the fund for the account of the Borough.
3. Any sale or distribution from the fund by check, draft wire or otherwise shall be paid by the fund to Bank of America for credit to the account of Borough of Rutherford-Current Fund-Account Number 4009-011905,

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Rutherford Capital Fund Account Number 409-00008-6 or the Borough of Rutherford Trust Fund #409-00042-6

4. The Borough of Rutherford accepts the terms and conditions of the Administration of the fund.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, the governing body of the Borough of Rutherford authorizing the execution and delivery of Exhibit D Certificate of Participation of the Local Governmental Unit Participation agreement among the Borough of Rutherford, Bank of America, as Agent-Custodian and CLASS New Jersey offered through MBIA Municipal Investors Service Corporation, as Program Administrator, regarding the investment of certain funds of the Borough of Rutherford and certain other matters relating thereto; and

**WHEREAS**, the Borough of Rutherford, wishes to invest certain of its available investment funds in cooperation with other local units pursuant to the Participation Agreement dated April 1, 1993.

**NOW, THEREFORE**, it is hereby resolved as follows:

1. The Chief Financial Officer, is hereby authorized to execute and deliver the Certificate of Participation in the name of and on behalf of the Borough of Rutherford.
2. Any sale or distribution from the fund by check, draft wire or otherwise shall be paid by the fund to Bank of America for credit to the following accounts:

Current Fund	4009-01190-5
Capital Fund	409000086
Trust Fund	4090-0042-6
LOSAP	4009-01190-5

3. The Borough of Rutherford accepts the terms and conditions of the Administration of the fund.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, N.J.S.A. 40A:5-14 requires the Borough of Rutherford to adopt a Cash Management Plan; and

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**WHEREAS**, the Borough of Rutherford adopts its Cash Management Plan annually;  
and

**WHEREAS**, this Cash Management Plan shall be designated to assure to the extent practicable the investment of local funds in interest bearing accounts and may be modified from time to time in order to reflect changes in Federal or State law or regulations; and

**NOW, THEREFORE BE IT RESOLVED**, that the Borough of Rutherford Cash Management Plan be continued for 2009.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, N.J.S.A. 54:4-91.1 requires that on or before May 1st of each year, the Tax Collector file with the Mayor and Council a list of delinquent taxes which she believes are not collectible for reasons enumerated in the statute; and

**WHEREAS**, the Mayor and Council on being satisfied that any of the taxes are not collectible, shall by resolution release the Tax Collector has reviewed the tax duplicate and determined that no delinquent taxes fall within the category set forth in the statute.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that action pursuant to N.J.S.A. 54:4-91.2 is not required for the above reason.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, the Tax Collector shall have the duty to impose fees and service charges owing to any account of the Borough of Rutherford; and

**WHEREAS**, it is necessary to establish a fee for redemption statements;

**NOW, THEREFORE, BE IT RESOLVED** that the following fees be established:

1 <sup>st</sup> request for redemption statement	-	No charge
2 <sup>nd</sup> and subsequent requests	-	\$20.00

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, the Tax Collector is contracted with to provide property tax searches by various companies and these companies are conducting these searches electronically; and

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**WHEREAS**, the Borough incurs administrative costs in the preparation of these searches.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rutherford that an annual fee of \$800 be charged to the vendor as compensation for the costs of these property tax searches.

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Councilwoman Keyes made a motion to move the following Resolution, seconded by Councilman Sasso and unanimously approved on roll call.

**WHEREAS**, the Governing Body of the Borough of Rutherford is desirous of designating newspapers for the purpose of publishing notices and business affairs of the Borough that may from time to time require publication; and

**WHEREAS**, the Governing Body of the Borough of Rutherford designates The Record, as the official newspaper of the Borough of Rutherford; and

**NOW, THEREFORE, BE IT RESOLVED** that The Record, 150 River Street, Hackensack, NJ 07601 be designated as the official newspaper to be used for the publication of items of Borough business that may be required or designated to be published.

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Benediction – Rev. Michael J. Kreder, Saint Mary Church

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Councilwoman Keyes moved to adjourn at 1:10 p.m., seconded by Councilman Sasso and unanimously approved.

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Borough Clerk