

**MINUTES OF A REGULAR MEETING OF THE  
MAYOR & COUNCIL  
HELD TUESDAY, JANUARY 12, 2010**

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The meeting was called to order by Mayor Hipp at 7:11p.m. with the following Councilmembers present:

Councilwoman Inguanti  
Councilman Sasso  
Councilwoman Birdsall  
Councilman DeSalvo  
Councilman Genovesi

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

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Borough Clerk Kriston read the provisions of the Open Public Meetings Law.

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**BOROUGH ENGINEER'S REPORT**

Borough Engineer Berge Tombalakian provided a report highlighting that bids were received for the Police Department improvements; bids are scheduled to be received on January 14 for Memorial Field and Williams Plaza. The Engineer asked for consent from the Council to initiate discussion regarding transfer of the sewer line in Rutherford Avenue to Lyndhurst.

Councilman DeSalvo made a motion authorizing the Borough Engineer to enter into discussions with the Borough of Lyndhurst regarding the Rutherford Avenue sewer line, seconded by Councilman Genovesi unanimously approved on roll call.

The Engineer continued to speak about the WWI Monument and Leisure Lane; the Council Liaison's will meet with the Engineer to discuss the issue in more detail.

Councilwoman Birdsall asked for the status on the improvements to Ridge Road and Tryon Field Concession Stand. The Engineer responded the Borough was waiting for PSE&G to complete their restoration and the Borough was waiting to hear back to their request for Aid from NJDOT; discussions were still taking place for the planning of the Concession Stand.

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Councilwoman Birdsall asked the location of the Utility Agreements for the Route 3 Project. The Engineer responded he would contact the Project Managers at DOT to obtain. A discussion took place regarding the monopole.

The Borough Engineer provided the status of various outstanding grants followed by Council discussion.

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### **REVIEW OF CHANGES OF PROPOSED AGENDA**

Councilman DeSalvo made a motion to have a discussion of unemployment benefits for L. Shenkler added to the President of the Council's Agenda seconded by Councilman Sasso and unanimously approved.

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### **PRESENTATIONS**

- New Jersey Meadowlands Commission Director **Robert Ceberio** regarding Encap.

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### **HEARING OF CITIZENS**

Mayor Hipp opened the hearing of citizens.

Richard Lynch, 99 Sylvan Street asked for the Council's assistance with issues he was having with the Meadowlands Football League and the Rutherford Junior Football League asking the Borough to suspend the RJF permits to use the fields due to possible litigation. Mr. Lynch spoke about issues currently with the Recreation wrestling program.

Michael Paskas, 123 Washington Avenue spoke in response to Mr. Lynch's comments stating that Mr. Lynch was not in proper standing so they could not participate in any RJF festivities.

Anthony Finelli, 53 Morse Avenue spoke in response to Mr. Lynch's comments regarding the RJF and wrestling program.

Phil Laporta, 393 Orient Way spoke in regards to the wrestling program and an incident that took place with Mr. Lynch.

Chuck Burrhus, 267 Mortimer Avenue spoke to the Council about the budget shortfall and asked the Council to not make decisions in the middle of the night; to put a time limit on meetings.

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Matt Medina, 29 Sylvan Street spoke in regards to the situation at RJF and Mr. Lynch.

Arthur DiJianne, 296 Montross Avenue spoke in reference to his petition forwarded to the Council regarding the parking and garbage problem around Felician College.

Xing Hu, 504 Edgewood Place asked questions regarding the loans that the Borough had taken and were not used. Mr. Hu suggested outside auditors to review the Borough.

Richard Lynch, 99 Sylvan Street responded to comments made previously.

As no further citizens wished to speak, Mayor Hipp closed the hearing of citizens.

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Mayor Hipp opened the hearing to the Council.

Councilman Genovesi confirmed to Mr. DiJianne that he would be reviewing the issue and responded to Mr. Hu's comments.

Councilwoman Inguanti responded to Mr. Hu stating that the Borough does have an outside Auditor and the issue was an item on her agenda and she continued to explain the process.

Councilman DeSalvo told Mr. Lynch that they will be reviewing the issues and responded to Mr. Burrhus regarding the Administrator and Council decisions.

Councilwoman Birdsall commented that the Council is working diligently on the budget.

Mayor Hipp commented that the Recreation Dept. will be looking into Mr. Lynch's situation, responded that it wouldn't be appropriate to pull the permits and asked for a meeting with Mr. Paskas. The Mayor spoke in response to Mr. Burrhus' comments and explained the process of how the Borough borrowed money. Mayor Hipp spoke in reference to Mr. Shenkler's performance.

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### **PRESIDENT OF THE COUNCIL**

Councilman DeSalvo made a motion to approve the Regular Meeting Minutes of October 27, 2009 with the amendment, seconded by Councilwoman Inguanti. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilwoman Birdsall and Councilman DeSalvo voted aye and Councilman Sasso and Councilman Genovesi abstained.

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Councilwoman Inguanti made a motion to approve the Closed Meeting Minutes of May 19, seconded by Councilwoman Birdsall. The Borough Clerk read the roll call: Councilwoman Inguanti and Councilwoman Birdsall voted aye; Councilman Sasso, Councilman DeSalvo and Councilman Genovesi abstained.

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Councilman DeSalvo made a motion to approve the Closed Meeting Minutes of May 26(a), 26(b), seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Councilman DeSalvo made a motion to approve the Closed Meeting Minutes June 3, seconded by Councilwoman Inguanti. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman Sasso, and Councilman DeSalvo voted aye; Councilwoman Birdsall and Councilman Genovesi abstained.

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Councilman DeSalvo made a motion to approve the Closed Meeting Minutes June 23(a), seconded by Councilwoman Birdsall. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilwoman Birdsall, Councilman DeSalvo and Councilman Genovesi voted aye; Councilman Sasso abstained.

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Councilman DeSalvo made a motion to approve the Closed Meeting Minutes June 23(b), seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Closed Meeting Minutes July 7 were held for closed session.

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Councilman DeSalvo made a motion to approve the Closed Meeting Minutes July 14, seconded by Councilwoman Inguanti. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman Sasso, Councilman DeSalvo and Councilman Genovesi voted aye; Councilwoman Birdsall abstained.

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Councilman DeSalvo moved the following resolution, seconded by Councilman Sasso and unanimously approved on roll call:

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**WHEREAS**, the Borough of Rutherford has entered into a Three Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

**WHEREAS**, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2009 through June 30, 2010; and

**WHEREAS**, former Councilwoman Maura Keyes was named as representative in June, 2009 but is no longer a member of the Governing Body,

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body hereby appoints **Councilwoman Kim Birdsall** as its representative to participate on the Community Development Regional Committee; and

**BE IT FURTHER RESOLVED** that **Councilman DeSalvo** be appointed as the alternative representative

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Councilman DeSalvo made a motion authorizing the Borough Attorney William Smith to review unemployment benefits for Leslie Shenkler, seconded by Councilwoman Inguanti. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall and Councilman DeSalvo voted aye; Councilman Genovesi abstained.

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Councilwoman Inguanti moved the following Resolution, seconded by Councilman DeSalvo.

**RESOLVED:** That bills in the amount of \$6,180,670.83 from the Current Account all detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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

**WHEREAS** the Borough of Rutherford has received duplicate payments of 2009 4<sup>th</sup> quarter taxes for the following property; and,

**WHEREAS** the party listed has requested and is entitled to a refund of this overpayment;

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**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is authorized to issue a warrant in the amount \$2270.81 to Bank United as a refund for the following property and charge same to 2009 taxes overpaid.

<b>BLOCK</b>	<b>LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
2	8	Silva, Hamilton & Junia 221 West Newell Avenue	\$2270.18

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

**WHEREAS** the Borough of Rutherford has received an overpayment of 2009 taxes for the following property; and,

**WHEREAS** this overpayment will be credited to 2010 taxes for the same parcel;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is authorized to issue a warrant in the amount \$2367.48 to the Borough of Rutherford and charge same to 2009 taxes overpaid.

<b>BLOCK</b>	<b>LOT</b>	<b>NAME&amp;ADDRESS</b>	<b>AMOUNT</b>
3	19	Bhatt, Janardan & Kirtida 374 Carmita Avenue	\$2367.48

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

**WHEREAS** a lien on the parcel of property referred to as Block 30, Lot 3, more commonly known as 22 Riverview Avenue and assessed in the name of DeCarlo, Peter was sold at the Borough's Tax Lien sale on June 11, 2009 to Royal Tax Lien Service, LLC and;

**WHEREAS** the necessary arrangements have been made with the Tax Collector's office for the redemption of this lien and a check in the amount of \$11,139.40 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$12,500.00 was deposited in the Premium Trust Account on the day of the sale;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to Royal Tax Lien Service, LLC in the amount of \$23,639.40 in settlement of Tax Title Lien # 0200902.

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Principal.....\$ 10,368.99  
Interest & Penalty.....\$ 718.41  
Fees.....\$ 52.00  
Premium.....\$12,500.00  
  
TOTAL.....\$23,639.40

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

**WHEREAS** the following resident has applied for and is entitled to a Veteran's Property Tax Deduction for 2009, and;

**WHEREAS** the 2009 property taxes have been paid in full for this property, the taxpayer is now entitled to a refund of this deduction;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer issue a warrant in the amount \$250.00 as the follows and charge same to 2009 taxes;

<u>BLOCK</u>	<u>LOT</u>	<u>NAME&amp;ADDRESS</u>
89	10	Robert Michael Hansen 75 Carmita Avenue

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**FINANCE**

Councilwoman Inguanti spoke regarding the municipal budget and explained that they will be working together to achieve the best for the Borough.

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Councilwoman Inguanti moved the following Resolution, seconded by Councilman DeSalvo and unanimously approved on roll call:

**WHEREAS** the following property have applied for a State Tax Court Judgment to reduce their assessed valuation for 2009, and;

**WHEREAS** their assessment has been reduced for the year indicated, and the judgment stipulates that the overpayment will not be refunded, but will be credited against future taxes;

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**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$421.40 made payable to the Borough of Rutherford and charge same to Reserve for Tax Appeals.

<b>BLOCK</b>	<b>LOT</b>	<b>NAME &amp; PROPERTY ADDRESS</b>
34	16	Zaza, Denise 78 Donaldson Avenue

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Councilwoman Inguanti moved the following Resolution, seconded by Councilwoman Birdsall and unanimously approved on roll call:

**WHEREAS** the following property have applied for a State Tax Court Judgment to reduce their assessed valuation, and;

**WHEREAS** their assessment has been reduced for 2008, and;

**WHEREAS** the Judgment stipulates that the overpayment be credited to future taxes;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant totaling \$530.66 made payable to the Borough of Rutherford and charge same to Reserve for Tax Appeals.

<b>BLOCK</b>	<b>LOT</b>	<b>NAME &amp; PROPERTY ADDRESS</b>
155	15.04 C0508	Mark Dumoff Re: 1 Orient Way- #508

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Councilwoman Inguanti introduced Frank Covelli PIA Insurance. Mr. Covelli advised that they were presenting a re-write of the health benefits plan documents which were out of date and asked for approval of the resolution for same.

Councilwoman Inguanti moved the following Resolution accepting the updated Benefit Program, seconded by Councilman DeSalvo with all members present voting aye: (Councilman Sasso was not in room for vote)

**WHEREAS**, the Borough of Rutherford, hereinafter the Borough, provides an Employee Benefits Program consisting of medical, prescription and dental benefits for eligible employees, dependents and retirees; and

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**WHEREAS**, said Benefit Program is administered through the Bergen Municipal Employee Benefits Fund (hereinafter, the BMED); a public entity consisting of municipalities and school boards that partially self-insures employee benefit programs; and

**WHEREAS**, the BMED's Executive Committee, recognizing that many plan documents had not be re-written in over fifteen (15) years, directed its Benefits Consultant to reform and rewrite Plan Documents for all member entities to reflect changes in federal and state mandates, as well as ever emerging medical treatments that become accepted medical practice; and

**WHEREAS**, the Borough's Health Benefits Consultant has reviewed the recommended Plan Document and informed the Fund to make the necessary changes to ensure the intent and scope of the Plan Document remains true to the existing level of benefit, thereby ensuring compliance with the moral and contractual obligations of the Borough to all contractual as well as non-contractual employees, covered dependents and retirees.

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Rutherford, County of Bergen, State of New Jersey, the Plan Document presented by the BMED and reviewed by the Borough's Benefits Consultant and annexed hereto, is hereby accepted by the Borough and recognized as the current Plan Document, until such time as a successor document shall be named; and

**BE IT FURTHER RESOLVED**, the Mayor and Clerk are hereby authorized to execute this document and file the original signature page(s) with the BMED, in accordance with the procedures set forth by the Fund and as directed by the Borough's Health Benefits Consultant; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to the Borough CFO, Borough Auditor and PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Health Benefits Consultant to the Borough.

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Councilwoman Inguanti made a motion to approve the agreed-upon procedures engagement letter for examining the BCIA lease agreement with the Borough Auditor and conversion to bond anticipation notes, seconded by Councilwoman Birdsall.

Councilwoman Birdsall asked if there was an estimate for cost for Part I and the Mayor responded that Part I would be under \$5,000, maybe even \$1,500. Councilwoman Birdsall responded that she spoke to Mr. Garbarini who indicated it wouldn't be more than \$1,500 which was an estimate. Councilwoman Birdsall mentioned that perhaps an estimate could be included in the agreement.

The motion was unanimously approved.

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Councilwoman Inguanti reported that they met regarding the purchasing procedures and guidelines that were adopted in the new Council Bylaws. She stated that they wanted to change the procedures for purchases of less than a \$1,000 because it was slowing the process. The change would be to not wait for the email approval from the Council member, instead the email would be to alert the Council person to what purchases were occurring under the \$1,000 threshold.

Councilman Sasso suggested that the Departments could explore "P-Cards".

Councilwoman Inguanti stated that the CFO monitors the accounts and alerts them when they are getting close to exceeding the budget and she asked the CFO to provide quarterly reports instead of monthly.

Mayor Hipp stated that it wasn't the Council's role to participate in day-to-day management though the Council did have responsibility over the finance of the Borough; the CFO and Management have the responsibility through the budget process and it is the Council's responsibility to watch that. The Mayor said the bylaws state that any Council member could object to any requisition which make it difficult in day-to-day management and it is a poor process and the Council needs to let management manage.

Councilwoman Inguanti explained the reason behind the update regarding purchasing in the bylaws.

Discussion took place. Department Heads will include an expenditure sheet in the monthly report to their Council Liaison.

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Councilwoman Inguanti suggested setting up budget workshop meetings to discuss the only budget issues. Mayor Hipp responded that the Council submit to the Clerk their availability for budget meetings. Councilman Sasso asked that each Councilmember bring to the budget meeting suggestions for generating revenue.

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As Liaison to the **Local Assistance Board**, Councilwoman Inguanti noted the outstanding work accomplished by the Food Pantry volunteers and the people of Rutherford for donating towards a great cause.

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For, **POLICE** and under the Consent Agenda, Councilman DeSalvo moved the following Resolution, seconded by Councilwoman Birdsall and unanimously approved on roll call:

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**WHEREAS**, certain organizations have applied for a Raffle/Bingo License and have been approved by the Police Director and paid the required fees;

**NOW, THEREFORE, BE IT RESOLVED** that Licenses be issued to:

**Women's Club of Rutherford  
PTA Pierrepont**

**Off-Premise 50/50  
Off-Premise 50/50**

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Councilman Genovesi made a motion to accept the request for retro-active unpaid leave of absence for Officer Michael Merli, seconded by Councilman DeSalvo and unanimously approved on roll call.

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Councilman Genovesi requested the hold the request to terminate the position of part-time clerk typist.

Mayor Hipp asked the Borough Attorney to issue a RICE Notice to Debra Winters.

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Councilman Genovesi spoke about the recommendation from the Police Department for promotion of Sergeant Russo to Lieutenant and Officer Sean Farrell to Sergeant to fill the open positions.

Councilman Genovesi made a motion for Sgt. John Russo to be promoted to Lieutenant, seconded by Councilwoman Birdsall.

Councilwoman Inguanti asked if they could demote a Captain to Lieutenant and fill the position in that way. Councilman Genovesi responded yes but that would depend on one of the Captains retiring. Mayor Hipp stopped the conversation due to a possible violation of the Open Public Meetings Act and a RICE Notice would have to be issued to discuss further.

Council discussion took place.

The Borough Clerk read the roll call: Councilman Sasso, Councilwoman Birdsall, Councilman DeSalvo and Councilman Genovesi voted aye; Councilwoman Inguanti voted nay.

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Councilman Genovesi made a motion for Officer Sean Farrell be promoted to Sergeant, seconded by Councilwoman Birdsall.

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Discussion took place.

The Borough Clerk read the roll call: Councilwoman Birdsall, and Councilman Genovesi voted aye; Councilwoman Inguanti, Councilman Sasso and Councilman DeSalvo voted nay.

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Councilman Genovesi excused himself from the meeting at 10:20 p.m.

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For, **PUBLIC WORKS**, Councilman DeSalvo provided brief recap of the DPW activities which was on file at the Borough Clerk's Office.

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Councilman DeSalvo made a motion authorizing execution of agreements with NJDOT for traffic signal at Rte. 3 Eastbound, seconded Councilwoman Birdsall and unanimously approved on roll call:

**WHEREAS**, a traffic condition exists at the intersection of **Rt. 3 East Bound and Park Avenue/Rutherford Avenue/Stuyvesant Avenue**, in the Borough of Rutherford, in the County of Bergen, which requires the installation and operation of a semi-automatic traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; **and**

**WHEREAS**, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; **and**

**WHEREAS**, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; **and**

**WHEREAS**, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Clerk of the said Borough of Rutherford, be and are hereby authorized to enter into an Agreement with the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk of the Borough of Rutherford, be and hereby are authorized to execute said agreement.

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Councilman DeSalvo made a motion authorizing execution of agreements with NJDOT for traffic signal at Rte. 3 Westbound, seconded Councilwoman Birdsall and unanimously approved on roll call:

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**WHEREAS**, a traffic condition exists at the intersection of **Rt. 3 West Bound and Park Avenue/Marginal Road**, in the Borough of Rutherford, in the County of Bergen, which requires the installation and operation of a semi-automatic traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

**WHEREAS**, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

**WHEREAS**, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

**WHEREAS**, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Clerk of the said Borough of Rutherford, be and are hereby authorized to enter into an Agreement with the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk of the Borough of Rutherford, be and hereby are authorized to execute said agreement.

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Councilman DeSalvo made a motion to authorize the Borough Engineer to prepare bids for the Kidspot restrooms in Memorial Field, seconded by Councilman Sasso and unanimously approved on roll call.

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As Liaison to the **Green Team**, Under the Consent Agenda, Councilman DeSalvo requested Councilwoman Birdsall be assigned as the additional liaison to the Green Team, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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For, **HUMAN RESOURCES**, Councilman Sasso asked that Recreation Director Denise Brennan speak about the Recreation Advisory Committee.

Ms. Brennan spoke regarding Recreation programs and employees and the need to reinstitute a Recreation Advisory Committee and described the advantages of such a Committee.

Mayor Hipp asked that Ms. Brennan provide a list of names and they will make the appointments.

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Councilman Sasso spoke of the request for batting cages at Memorial Field which will be further reviewed.

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For, **FIRE**, Councilman Sasso provided a report from the Fire Departments.

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As Liaison to the Board of Health, Councilman Sasso made a motion for the following Resolution authorizing the agreement with Bergen County for Bloodborne Compliance Program for 2010, seconded by Councilman DeSalvo. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman Sasso and Councilman DeSalvo voted aye; Councilwoman Birdsall abstained:

**WHEREAS**, the Borough of Rutherford participates in the Bloodborne Pathogen Compliance Program with the Bergen County Department of Health Services acting as the lead agency; and

**WHEREAS**, it is advantageous for the Borough to continue its participation in this program in the calendar year 2010; and

**WHEREAS**, the annual contract cost to the Borough is \$4,525.000 plus \$48.00 for each hepatitis B vaccination provided to a Borough employee,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rutherford that the 2010 Bloodborne Pathogen Compliance Program contract was hereby approved by the Governing Body on January 12, 2010, and the Mayor and Borough Clerk were hereby authorized to execute same.

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For, **BUILDINGS AND PUBLIC UTILITIES**, Councilwoman Birdsall stated the monthly report would be provided at the next meeting.

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Councilwoman Birdsall stated that after the review of the analysis of the Hybrid Vehicle from both the Police and Building Departments it seems that the Police aren't interested so the vehicle could remain in the Bldg. Dept.

Councilman DeSalvo disagreed and suggested the car be used for the Parking Enforcement Officer. Mayor Hipp explained that according to the analysis it appears the vehicle would benefit the Building Dept. more. Councilwoman Inguanti was concerned the

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Ford Escort went to auction without the proper paperwork. Councilman DeSalvo questioned why the Escort went to auction and to New Age Automotive without the proper approval. Mayor Hipp stated that as it currently stands, the vehicle stays in the Building Dept. Councilman DeSalvo responded that he would investigate the issue further and discuss it at a later day.

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Under the Consent Agenda, Councilman DeSalvo made a motion to approve the following Resolution changing the Primary Contact for Sustainable New Jersey from Les Shenkler to Mary Kriston, seconded by Councilwoman Birdsall and unanimously approved on roll call:

**WHEREAS**, the Borough of Rutherford had named Les Shenkler, the former Borough Administrator, as the contact for Sustainable Jersey; and

**WHEREAS**, Les Shenkler is no longer employed by the Borough; and therefore

**IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Rutherford that Mary Kriston is hereby named as the primary contact for the Borough of Rutherford on all matters relating to Sustainable Jersey.

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**MAYOR'S AGENDA**

**Committee Report**

Mayor Hipp stated he would provide a report on the Library next month.

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**Appointments**

**Borough Attorney – William Smith, Esq.**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Birdsall, unanimously approved on roll call.

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**Borough Engineer/Planner – Boswell Engineering**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Inguanti. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman Sasso, Councilman DeSalvo voted aye and Councilwoman Birdsall voted nay.

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**Borough Auditor –Garbarini & Company**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Inguanti, unanimously approved on roll call.

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**Risk Manager – PIA Victor Gardella**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Birdsall. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilwoman Birdsall, Councilman DeSalvo and Councilman Genovesi voted aye and Councilman Sasso voted nay.

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**Municipal Prosecutor – Rosario Presti, Esq.**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Inguanti, unanimously approved on roll call.

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**Municipal Prosecutor, Alternate – Kenneth Davie, Esq.**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Birdsall, unanimously approved on roll call.

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**Municipal Public Defender - John Bruno, Esq.**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Birdsall, unanimously approved on roll call.

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**Public Defender, Alternate - Marlena Huesman, Esq.**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Birdsall, unanimously approved on roll call.

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**Bond Counsel – Wolff & Samson, PC**

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Councilman DeSalvo moved confirmation, seconded by Councilwoman Inguanti, unanimously approved on roll call.

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**Risk Manager/Producer Consultant – PIA Victor Gardella**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Birdsall. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilwoman Birdsall, and Councilman DeSalvo voted aye; Councilman Sasso voted nay.

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**Affordable Housing Joint Committee**

**Mayor John Hipp  
Councilwoman Kimberly Birdsall  
Dave Porter  
Councilwoman Rose Inguanti**

Councilman DeSalvo moved confirmation, seconded by Councilwoman Inguanti, unanimously approved on roll call.

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**Police and Church Traffic Guards**

<b>Maria Calabria</b>	<b>John Gibney</b>	<b>John Bewighouse</b>
<b>Anthony Cunningham</b>	<b>Kathleen McNeil</b>	
<b>Capt. Egbert</b>		

Councilman DeSalvo moved confirmation, seconded by Councilwoman Birdsall, unanimously approved on roll call.

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Mayor Hipp stated he would have more appointments for the next meeting.

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**NEW BUSINESS**

Councilwoman Birdsall asked for discussion and status of the RFQ for the Borough Administrator position. The Councilwoman proposed the date of March 1, 2010 to fill the position and recommended the hiring on a three-month trial period.

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Councilwoman Birdsall provided a handout showing certain criteria for the department monthly reports and noted that more could be added but that the criteria might help the Council in the interim until the Borough Administrator position is filled. Councilwoman Birdsall asked for comments to the monthly be brought to the next meeting.

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Councilwoman Birdsall made a motion to extend the meeting for five minutes to discuss the RFQ for the Administrator position, seconded by Councilwoman Inguanti, consent given.

The Borough Attorney stated that the RFQ was discussed but not sent out and asked the Council if they wanted it to be published.

Councilwoman Birdsall made a motion authorizing the issuance of an advertisement for the Borough Administrator position, seconded by Councilman DeSalvo and unanimously approved on roll call.

Council discussion took place.

Councilwoman Birdsall proposed a three month trial probationary period, following that period another six months.

The Borough Attorney stated the statute provides the Administrator with 60 days severance and that might have to be built-in. Councilwoman Birdsall asked if there could be a trial period or did it have to be an annual appointment. The Attorney responded he would review the statute. Mayor Hipp stated that the statute is very clear, the Borough Administrator serves at the pleasure of the Council and they could be removed for cause on a 4-2 vote and given 90 days. The Attorney stated it didn't have to be for cause just a 4-2 vote.

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President of the Council DeSalvo made a motion to move consent agenda items, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Councilman DeSalvo moved to adjourn at 11:10 p.m., seconded by Councilwoman Inguanti and unanimously approved on roll call.

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Borough Clerk