

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, JANUARY 22, 2008**

The meeting was called to order by Mayor Hipp at 8:44 p.m. with the following Councilmembers present:

Councilman Sommer
Councilwoman Keyes
Councilman Genovesi
Councilwoman Inguanti
Councilman Sasso

Councilman Fecanin - Absent

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

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Council Vice President Sommer read the provisions of the Open Public Meetings Law.

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Mayor Hipp and Council President Genovesi made the following presentations:

- ◇ P.O. William Sommers – a commendation for his actions at the Ayer Place house fire.
- ◇ Rutherford First Aid Ambulance Corp in support of their services and their fund drive. On behalf of the Corp, Brian O’Keefe thanked the Mayor and Council.

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The following resolution was adopted in the work session prior to the opening of this meeting, moved by Councilman Genovesi, seconded by Councilwoman Keyes with all members present voting aye:

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

WHEREAS, the Open Public Meetings Act requires that a public body adopt a Resolution at an open meeting before going into closed session to discuss a matter which excludes the public as permitted under the Act;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on January 22, 2008 at 7:46 p.m. in the Committee of the Whole Room to discuss the following matter:

- ◇ Borough Administrator Position

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1/15 The following Resolution was adopted at the January 15, 2008 work session, moved by Councilman Genovesi, seconded by Councilwoman Keyes and unanimously approved on roll call:

WHEREAS, the Open Public Meetings Act requires that a public body adopt a Resolution at an open meeting before going into closed session to discuss a matter which excludes the public as permitted under the Act;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on January 15, 2008 at 10:52 p.m. in the Committee of the Whole Room to discuss the following matters:

- ◇ Litigation
- ◇ Disciplinary Matters
- ◇ Interest Arbitration in lieu of prerogative writ

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Mayor Hipp opened the hearing of citizens and stated that it is open to any matter that the public believes to be of concern, it is not limited to agenda items. Mayor Hipp did ask that they limit the comments to five minutes as stated in the bylaws.

Peter Parisi – 128 Daniel Avenue said he would like to talk about the proposed wall on Route 3 that still is on the books. Mr. Parisi said the newspapers said three weeks ago that it is not scheduled to get started until 2010. He said to the new Councilmembers and the Mayor, his group formed when they first heard about the wall three years ago on Daniel Avenue, which consisted of two neighbors and himself. Mr. Parisi said Beatrice Cassidy from Barrows Avenue and he were elected co-chairpersons of the committee of 12 and the motto is basically just tear down the wall for the one reason it is not needed. He said jumping ahead they received no cooperation, even with phone calls or special calls to talk to someone in Trenton and the Department of Transportation or even the Governor's Office. Mr. Parisi said they were a non-partisan group of Independents, Republicans and Democrats and whatever. He said their goal was not to stop the traffic flow, the pattern

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

that is proposed in the plans because they are excellent, they are going to eliminate the bottleneck that occurs in morning and night by Preble Place and on the other side Rutherford Avenue, those three lanes are going to be clear, that is not going to be there anymore, according to the traffic pattern that is on the books. Mr. Parisi said his group is not against that, they are against the wall.

He said they started off with one page with one name which was ridiculous so the little group went to 20 a page and they went to the retired Mayor and told her they had 450 signatures of homeowners that are against the wall and they live basically south of Woodland Avenue, south of Pierrepont Avenue. He said if they look at the way the highway is at Barrows Avenue it is almost 3 ½ stories and the highway is below the level of the land as it comes up to Ridge Road, it's at least two stories. The only area that you need sound abatement or acoustical block is between Wilson Avenue and Delafield Avenue, because each side of that is one story above the highway. Mr. Parisi said on Park Avenue it is 2 ½ stories, the point he is making is 35% of the highway is actually on ground level. He said he lives in the middle of it, Daniel Avenue which he calls ground zero, he lives 10 houses off Marginal Road, the sound means nothing to him, he didn't want to go into the jets overhead, but he is asking the Mayor and Council to draft a resolution directed to the Governor, the Director of the Dept. of Transportation and Mr. Sarlo. Mr. Parisi asked to do this resolution to get the point across that this is not needed, the wall is not needed. He said when you come from Route 3 West and look up at Arthur Drive it looks like a you are on a mountain peak, what is a wall going to do going around there, what is a wall going to do on Barrows Avenue.

Mr. Parisi said one of the visionaries at one of the pre-meetings reported that everyone he spoke to was for the wall, he didn't know how many people and they tried to find out and got no answer, the thing he didn't mention was that if there is 30 homes on Barrows Avenue and that is where that man lived but he didn't remember the persons name, only that it was the second house in. Mr. Parisi said out of the 30 homes, 28 were against the wall so what did he envision, that is what he wanted to know, nothing, he didn't do a true sample. He said the retired Mayor said at the second meeting the homeowners attended that her reason for staying with the wall was that she received 62 postcards from whoever in the Borough; he said they had 400 and she took no precedent to that, two members of their 10 person board attended meetings before they even were setting up the group. Mr. Parisi said one member on their board on the little homeowners group said they attended the meeting with the retired Mayor where 19 of 20 people in attendance raised their hands in favor of trees; she ignored it and went onto the next thing. Mr. Parisi said they have to stop this, the people who live on his corner of this block on Marginal, that is where the wall is going to be from Ridge Road all the way down to Park Avenue. He said it will clear up the bottlenecks that occur, they are not against that, he is not talking about Rutherford Avenue because they are a duplicate of their side so whatever he is saying about this side will also include Lyndhurst. Mr. Parisi said to the Mayor that whatever he could do, this is their last shot trying to convince everybody that they don't want the wall.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Councilwoman Keyes responded that she is also a resident on Daniel Avenue and respectfully to Mr. Parisi, the former Mayor and Council asked for the list of the 465 petitions and they never received it. Mr. Parisi asked if he could reply. Mayor Hipp stated that he would like be able to do is, allow the citizens to be able to speak which is their part of the meeting and what he could do for Mr. Parisi to the extent that there was a failure to distribute the petition signatures, he would take care of that.

Denise Ross – 205 Wheaton Place said she respectfully said that she lives at ground zero because she is two houses away from where Mr. Parisi spoke about. Ms. Ross said she did sit on a committee and she is not going to say that the wall was her first choice. She said that there was a lot of work done towards this and she respectfully asks that they look at all of it and come up with a good solution but she wouldn't throw the plan away because she invites all of them to come sit on her deck and see why they need something.

Ms. Ross spoke regarding an agenda item. She said being on the RDP for seven years and had been the head of streetscape for a number of those years, she wanted to talk about the sandwich board request. Ms. Ross said she asks the Mayor and Council to walk down Park Avenue and see exactly how wide Park Avenue is where these sandwich boards are going to be requested to be put. She said to remember that there are people who are visually impaired in town, a young man who is confined to a wheelchair; there are many reasons such as baby strollers and walking with a couple of kids down Park Avenue is quite difficult. Ms. Ross said if they should, she does hope they won't, if they should decide to go with the sandwich boards she asks that they put some type of restriction because if the whole idea is to draw people into the store they are only going to get bigger as they go down from store to store. She said to please take a good look at that and thanked the Mayor and Council. Mayor Hipp thanked Ms. Ross.

Charles DiNoto – 103 West Passaic Avenue said he wished to bring up snow removal. Mr. DiNoto said the DPW has been setting their plows very low and on West Passaic Avenue all he can hear is bang, boom and he looks out and he sees the plow going down the street with nothing but sparks flying from it. He said that they all know that the roads are being tore up and he mentioned this to Councilman Fecanin before, why do they take the skids off the plows and the response was that they want to see blacktop. Mr. DiNoto said they know where they are running in expense as far as the street go, he thinks they should look into this and find out why the plows are down when there is a ½" or 1" of snow, they could use the new ice melter that they have which will probably do far better than the plows and he thanked them.

Mike Fencik – 60 Park Avenue Co-Owner of Varrelman's Bakery said he is addressing the issue of Borough Administrator candidate Robin Reenstra-Bryant, he is the founding and current President of the Rutherford Downtown Partnership. Mr. Fencik said he had a seven year working relationship with her and feels that she is more than capable of doing the job. He said she definitely has the educational credentials, the where-with-all and the knowledge, she has had a working relationship with the Borough through the Partnership knowing the Borough as well as she does being from the Borough, personally he can't see a better choice and that is his opinion.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Mildred Dyson – 55 Wilson Avenue thanked Mayor Hipp for meeting with her on Thursday with the Construction Official. Ms. Dyson asked why does John Uhl hold three different titles, the Zoning Official, Construction Official and Sub-Fire Official? She said this is why jobs are not being done properly and issues like hers are happening. Ms. Dyson said she met with the Mayor and there was some paperwork she went page for page with Charlie and there were 19 pages missing that was not copied, a file of complaints and another file with the permit that is still missing because they originally had a permit for a retaining wall for 5' and that is the only permit still there. She said there is none saying they had opportunity to build a 9' wall with a 6' fence on top of it. Ms. Dyson said she knows Susan Moeller was there from the Newsleader and she said her article is done and she would like for her to hold off because she has a lot more information. She said there was so much paperwork missing and she has learned so much from the missing papers that she received this morning.

Ms. Dyson said she asked at the last meeting how many applications did they get, resumes or interview for the Borough Administrator's job and the answer was four. Mayor Hipp said that is correct. Ms. Dyson said did he interview those four candidates. Mayor Hipp responded no. Ms. Dyson asked why. Mayor Hipp said what he'll do is answer her questions after everyone has spoken and he will then give a full explanation as to the process for the Borough Administrator. Ms. Dyson responded that her problem is that Robin Reenstra-Bryant, it is nothing personal, but how long has she been doing the Downtown Partnership Committee. Mayor Hipp responded seven years. Ms. Dyson said seven years and they still don't have Union Avenue and the rest of Park Avenue involved in the Partnership, how they put confidence in a woman to run the town of Rutherford when they are \$19 million in the hole. Ms. Dyson said it was her understanding there was a resume that came to him with a man who had no tax increase in that town, been with the Mayor for 12 years and his resume was flushed down the toilet and now he took a job in another district, why? Ms. Dyson said she would like to know when she is going to find out her answers regarding the wall at 124 Woodland Avenue. Mayor Hipp said the letter has been drafted and will be typed up and it will go out to her memorializing their discussions of Thursday.

Russell Snyder – 62 Grand Avenue, representing PBA Local 300 as PBA President. He stated they are opposed to the appointment of a Police Director instead of promoting one of their own to Chief of Police. P.O. Snyder said in the past, the Department had 48 Police Officers now a mere 37 meaning they are down 32% of their current manpower. He continued with the growth of the community and the areas surrounding, the Borough cannot afford to lose another law enforcement officer. Appointing a Director to run the Police Department would hamper the effectiveness of the police agency to protect and serve their citizens. P.O. Snyder said the bottom line is a Director is not a cop, the Director cannot back up Officers on calls nor assist with investigations, cannot perform motor vehicle stops or do look-ups, a Director cannot have access to any law enforcement computers, he cannot review police files or reports, cannot use a police radio or ride in a police vehicle equipped with one, he cannot watch a prisoner, cannot sign a gun permit, cannot assist any Police Officer on a domestic violence dispute or arrest situation, a Director cannot be involved in any internal affairs investigations as a Chief would nor can he give operational orders because he is not a Police Officer. A Director would not be

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

allowed to receive additional training at the Police Academy. Also, as a matter of Federal Law a Director would not be able to participate in any homeland security meetings as a civilian without Federal clearance and in the post 9/11 times can they really afford this? P.O. Snyder asked if the Council is prepared to revise all the departmental plans and procedures, rules and regulations, general orders in the negotiated police contract all of which are very specific as to having the most senior Police Officer being the Chief as the ultimate authority within the Department. He continued saying all the responsibilities once assumed by the Chief will now be distributed to the two Captains who already have a full plate; furthermore he asked if they were aware that by contract the 30 days of working in higher rank that Officer is of the difference between each ranks rate? P.O. Snyder said if their intentions are to save money by creating this position, it will actually cost more than they think. He asked do we really need a political appointee to do only administrative work like payroll or ordering equipment because that is all the law permits the Director to do. He ask them to do the research and really think about it because they need a Chief of Police, this town needs a Chief of Police.

Thomas Reid – 100 Carmita Avenue said he would like to support Robin Reenstra as a choice for Borough Administrator, he has known her from high school and even earlier than that and he thinks she is a wonderful candidate. Lt. Reid said he is not privied to the other candidates or how they stack up but he thinks Robin is an excellent choice.

Lt. Reid said he is really concerned about the backlash against the employees of Rutherford and what it is bringing; everyone is talking about stripping our benefits and other things. He said that over the years, they gave up a lot to get those benefits. Lt. Reid said they had a bunch of retirees go out the door in 2001, they gave up an entire raise for a year to give them those benefits so they are in a sense paid for by them. He said they don't get into their job to make money, he was making \$11,000 to start his friends were making \$20,000; when he was making \$30,000 his friends were making \$45 and \$50,000; it is not a job to make money, they are there to do a job and serve the public. Lt. Reid said the previous administration, they had a Chief that ran or assisted in a political campaign which bordered the lines between the separation with parts of Government; it is important to understand why those lines are there. He said both on a national and local level, because they get what occurs and what he believes occurred was almost like a collusion and they ended up with a Chief of Police getting a 37% in one year, they got a 3% raise actually about 3.5%. Lt. Reid said they dropped from the top 10% of Bergen County to the middle of the pack, they are not highly paid in terms of Bergen County. He said they are the middle of the road, they are always considered one of the top ten Departments and part of the reason they dropped to the middle of the pack was because they gave up money in order to assist those Officers going out the door. Lt. Reid said they are willing and have always worked with the Council and looking forward to that in the future but he thinks a lot of consideration has to be in the separation to keep it clean to not have the kind of situation that led to the tremendous debt this town is in. He wanted to remind the Council that the employees had nothing to say, he had no recourse having a Mayor and then his nephew as a Borough Administrator, where could he go to file a complaint, he had no where to go. He said he had things done to him over there that would curl their hair and that part he won't get into. Lt. Reid said the normal employees here are short on manpower and they need those four men back, the DPW is short 16-18

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

guys, it is not the employees who created this problem, please don't take it out on them when they are making their decisions.

Councilman Genovesi asked Lt. Reid if he could clarify his statement that he and other employees were under the assumption that their benefits were going to be stripped, who said that. Lt. Reid responded that he thinks that is a general trend, he does a lot of reading and he sees the League of Municipalities always putting Directors in and trying to get as much benefits back from the employees as possible, the trend is now to turn pension systems over to private sources and he thinks for public employees it is really a bad trend. Lt. Reid said with the exception of the politically connected Chief, he thinks that public employees aren't paid all that much and they have had a lot of heat on them over the years and they lost the Good Samaritan act, they became liable, that means they have to become more professional about everything. He said they stepped up and did that and they are a professional department, they have skills never imagined they would learn from when they first came on the job. Lt. Reid said he is there almost 30 years, the guys coming out now are full blown paramedics, they carry heart machines, they have lifesaving training, there are all sorts of areas that they are responsible for. Councilman Genovesi said in regards to the statement though it is something that he said is flowing around and he has no documentation on that, he has had no discussion and he doesn't know where that came from. Lt. Reid said he is just saying that in general and there has been a general attack, he means in public there has been attacks on their benefits and especially as part of a union they negotiate these things and everything has a price so if they give him a benefit he gets less money and that is the way it worked over the years. Councilman Genovesi said he appreciates that and he wanted to clarify if that was something he heard from a person in the government or not and he does appreciate his service.

Russ Snyder – 82 Grand Avenue said he wanted to address an item from last week when Ms. Corcoran pointed out that Bayonne Police Dept. pay into their benefits; he has their current contract and the city pays 100% and he wanted to point out that information was not accurate.

Michael Garner – 72 Plymouth Rd. Nutley. He said he is currently assigned to the Rutherford Police Department Detective Bureau and PBA State Delegate for the Borough Police Department and his reason for addressing the Council and the residents of Rutherford is to point out some concerns that he has with the adoption of the ordinance to create a Civilian Police Director. Det. Garner said he is a father of two and has been a Police Officer for 14 years, his father worked in law enforcement as a postal inspector; growing up he watched his father move up through the ranks as a Federal Agent finally retiring as the Assistant Inspector in charge of the New York Division, the largest Division in the Country. He said he went to Seton Hall University and studied criminal justice with a goal of following in his father's footsteps and seeking a career in law enforcement; once he became a Police Officer he worked hard to obtain a position as Detective and now continues to educate himself by taking the Sergeant exam preparation courses in hopes to one day get promoted to Sergeant. He said his reason for making Sergeant is not to stay at that level but to continue to advance his career to one day with years of hard work and diligence in studying to move up further through the ranks to Lieutenant, Captain and one

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

day Chief. Det. Garner said this mirrors the goals of other Officers in the Department, hopefully all of them. These promotions are the natural course in a civil service police department that a hard working educated Police Officer wishes to follow; to take away the highest law enforcement position in the police department away under minds the entire career path and goals of a career Police Officer. He said Police Officers within the Department are already talking about not bothering to study for the upcoming Sergeant's exam and this is because of the atmosphere that is being created and it is telling the young and enthusiastic Police Officers that it is a waste of time, the positions and promotions are not going to be there when the exam test results come out. Det. Garner said these promotional exams are very expensive but they are the best training that a Police Officer can put himself through; it is a continuing education for the Police Officer.

He said he knows the town has financial problems and as Mayor and Council they have a responsibility to maintain to lower the taxes for the residents of this town but the Police Department cannot be the only answer. Det. Garner said they are currently working with 37 Police Officers down from 48 as recently as 2003 as Officer Snyder pointed out. He said in creating a Police Director, the Police Department loses a clear chain of command if the two Captains do not see eye to eye on a conflict, what will occur, will that send a ripple down through the ranks. Det. Garner said currently Councilman Genovesi is the liaison to the Police Department and he spoke to him over the past year and was actually hoping he would be appointed as the liaison because he believes he has a genuine interest and enthusiasm for the police work and the Police Department. He said the responsibility that a Civilian Police Director would have are the things that Councilman Genovesi is perfectly capable of dealing with through a meeting with the Chief of Police to discuss any issue that the Mayor and Council may have.

Det. Garner said he did not want to only point out things that are bad about a Police Director but also to point out another option and that would be to explain to the Council how it would be more cost effective for the Borough to promote a Chief as opposed to creating a new \$82,000 Civilian Director. He said before the Council went to closed session he gave a copy to Councilman Genovesi to distribute the following information to show that promoting Police Officers to the position of Chief is a more responsible and cheaper solution to the Council's responsibility to lower the taxes within the Borough. The total cost to the Borough to promote a Chief within the Police Department and keep a sworn law enforcement Officer in charge of the Rutherford Police Department, professional Officers and services would be keeping all salaries in tack and that is not to say that the Chief's salary can't be lowered because that is negotiable, that cost would be \$80,361 as opposed to \$82,000 to create a new Civilian Police Director position. Det. Garner said that total comes from the cost of promoting a Captain to Chief; a Lieutenant to Captain, a Sergeant to Lieutenant; a Patrolman to Sergeant; those promotional costs come out to at the current salaries \$80,361, less than the cost of a Civilian Director. He said they currently have 37 Police Officers in the RPD, the Borough currently pays all of their medical insurance and pension contributions by making a Police Chief the head of this Department that does not change any of that, they still need to pay for 37 Police Officers and their medical, none of that changes. Det. Garner said he asks the Council to really investigate this and look at other options to ease the taxpayer burden in this town and he doesn't think that a Police Director is the appropriate solution and he ask they think and speak

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

with a him or any member of the Police Department, it affects their career, he loves what he does and he thinks all the Officers do. He said it is a professional career and he does hope to move up as well as all the other Officers. Det. Garner then thanked in advance Chief O'Dea, Chief Kugler and Chief Gunari from the Bergen County Chief's Association and also from the New Jersey State Chief's Association for being present and for speaking and he hopes that they slow down and think about this decision before moving forward.

Tim Stanton – 456 Montross Avenue said that his grandfather was Assistant Chief of Police in Union City and then went onto become the Commissioner of Public Safety which was probably a cut in pay, probably similar to the job being discussed and so he is not anti or pro and asked to look at the math. Mr. Stanton said the way he sees it the difference of paying a Police Chief \$182,000 as opposed to paying a Director \$82,000 that is a savings of \$100,000, ten years a million bucks and say \$15,000 for just basic medical that is \$1.15 million dollars, now say considering he doesn't get pension, if a young Police Chief retires at the age of 55 and manages to live for 30 years and gets \$10,000 a month what is that like \$2.4 million added together that's \$3.55 million that the taxpayers have to reach in their pockets and pay so it is a fiscal consideration and a very important one, one worthy of discussion and in his opinion being patient. He said listen to the news today, talk to neighbors, some cases reflect on their own individual situations, all are on a down turn and the citizens of Rutherford are going to experience some duress as a result. Our property tax burden is not only going to remain, but due to the previous administration's actions, will continue to rise rapidly in spite of the efforts of this Mayor and Council to reverse the escalation. He encourages this Mayor and Council to continue their endeavor and they have the full support of himself and the backing of the majority of the community. Mr. Stanton said he was trying not to upset anybody, but he sees people stepping forward to protect their interest and he can respect that but they appreciate it in respect to perspectives, from sitting on the other side of the fence that they sit back and see what appears to be the fourth highest paid Police Chief in the country and he doesn't see to what extent it is necessary for this compensation especially in light of the fact that many of them don't have that. Mr. Stanton said everybody in the room thinks about what they pay in taxes and what they get out of it, so it sounds to him like a wonderful suggestion when he heard it and he is all ears to it and it makes senses to him.

Mr. Stanton said another point regarding the wall, there are some advocates that don't seem to think it is a wonderful idea to have a wall. He said he has a lot of experience working in people's backyards and dealing with properties proximal to the sound walls, they are incredibly effective. He said if you sit in the backyard that used to be drown out by the noise of a highway, it is peaceful, they are unbelievably effective and being a resident and within two blocks of Route 3 he understands that this wall will probably extend across the river on the bridge they need to replace and it will dampen the drown of the roads and improve the overall quality of life. Mr. Stanton said ideologically, he has traditionally been opposed to these because it is kind of like taxpayers take money and they shell out large to provide a wall that increases the value of the proximal properties and he figures his taxes are high enough but in light of the fact that they are doing this all over New Jersey and he is going to be taxed for it anyway, and most communities are going benefit from it, why not Rutherford enjoy this amenity so to speak, he believes it will improve the overall sound quality.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Chief Frank Gunari – Bogota Police Department and President of Bergen County Police Chief Association said that he believed that the Council received letters from the County Chief's Association addressing the issue of the proposed ordinances regarding the Director's position. Chief Gunari said he is not going to go over the entire letter but hoped they all had the opportunity to review that and consider their offer. He said the Chief of Police is a career professional, he has full police powers, full law enforcement powers where a civilian will not, he commands respect from his subordinates and provides a strong chain of command within the police department, he provides leadership and direction based on his experience and education acquired through typically many years of his experience within the law enforcement community, he has the opportunity to build upon that experience through education and through his connections with association such as the County and the State Chief's of Police Association. Chief Gunari said they conduct many training sessions and have very close ties with members of the FBI and the drug enforcement administration and this all benefits all the Chief's within the communities that are members of the Associations. He said as stated in the letter the Chief's position as leader of the Department is free from interference with the day-to-day operation of the Police Department but the Mayor and Council, Governing Body in the respected community still maintains control through their ability to set policies for the operation of the Police Department, nothing is lost with responsibility or power by having a Chief of Police. Chief Gunari said as stated in the letter from the County and he believes they also received a letter from the State Chief's of Police Association, they are available to discuss this matter with them and they are willing to sit down and address any concerns they may have, their major purpose and concern as a Bergen County Police Chief's are to maintain a professional law enforcement community that benefits not only the people of Rutherford for the people of Bergen County as a whole again, the Chief's Association does work together and they all benefit each others Departments. He said what the Chief in Rutherford does, his ideas, his input into the Association has far reaching effects throughout the County whether they realize that or not. Chief Gunari said he understands and can fully appreciate that appointing a Chief of Police could be a daunting task, they are putting a man in the responsibility of running a fairly good size law enforcement agency and it is certainly a decision they are all going to have to live with for some time to come possibly and other people that follow them. He said they are not asking them to rush into a decision whichever way they do decide to go, they just ask that they fully consider what they are going to do and again he offered their services and he hopes that they take advantage because they are more than willing to sit down and discuss and answer their questions.

Chief Robert Kugler he is Chief of Police Saddle Brook said he is Chief of Police in his 14th year, said he wanted to congratulate Mayor Hipp and his colleagues that are new on the Council, he believes there are a number of new Councilmembers and wishes them the best success. Chief Kugler said his father is a two-term Mayor from 1969 to 1977 and he has been on the Council ever since and the message they need to send if you are doing a good job and you owe your allegiance to the public, they are going to put you back in office for many years, so God Bless and he wished them the best in their careers there. He said the others that are here, the community sent a message too they want you to stay here and do what is right. Chief Kugler said he was there because he is also the President

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

of New Jersey Police Chief's Association and also past President of the Bergen County Police Chief's Association in 2005, obviously their position is to maintain the office of the Chief of Police throughout the State. He said to Mayor Hipp that he knows that his Executive Director Mitchell Scar who is also an attorney had sent a letter and basically that letter is asking for the consideration of the Mayor and Council in the Borough of Rutherford to hold a meeting with them and allow them to come through with their representatives and give information to what they believe they need to have before they make a decision to introduce an ordinance to create the position of Police Director. Chief Kugler said standing there he will give two different thoughts; they basically don't want a Police Director but they obviously know that is their decision and at the end of the day if it is their decision to make a Police Director in this Borough for whatever time period they have in mind then that is their decision and they the Governing Body, their community and their Police Department has to live with it and that is the bottom line. He said they want to send a message and they should send a message to them and to their community that they will listen to what information is going to be given to them to at least consider it before they introduce the ordinance and what they are saying is do not introduce the ordinance and he asks they consider to not introduce until they meet with them and they give them the proper information because he is going to give some of the best information tonight and that is to do nothing tonight and don't pay someone \$82,000 to come in and do something they could probably do in a short term period that lies ahead. Chief Kugler said he thinks their attorney is next to them, this municipality probably the appropriate authority over the Police Department is Mayor Hipp, meaning that when there is a civil service list, he as the appointing authority, the one to make that decision based upon recommendations wherever it comes from. He said their Police Department is responsible to him through whatever representative they put in place and he believes now there are two Captains, one should be senior then the other; Mayor Hipp has the authority to invest in that Police Department to allow that Department to report to him, why put an \$82,000 employee in between him and the Department. Chief Kugler said after Mayor Hipp receives all the information that they have to give to him and he stills wants to put some one there, he could do that as it is his decision, they would love the opportunity to come there and stand in front of this community or an informal setting to give information and share with them success stories and disasters that are around the State, some communities have success and some have disasters and before they enter into a situation they need proper information, they have a host of information and cases throughout the State that there have been the implementation of Police Director's and the Director has lived a life within that Department, did what they had to do and moved on. He said he would also like to offer the State Association, they have retired Chief of Police that maintain their certification through the Chief's Association and this is what they do but their goal is to come in short term and give them something that they are going to know what happened in that Department such as who is good, who is bad maybe the prior Chief was or was not doing a great job, maybe there are Officers who are too good and should be somewhere else or maybe they need more training, certifications they will give them that and if they don't choose that they have the option to do the ordinance introduction and take public opinion and do what they need to do by putting in the Police Director. He said please on behalf of their Police Department and community don't rush into this, since just taking office January 1st with a couple of Councilmembers how on earth can they study, and he doesn't believe he knew the Police Chief was leaving, he thinks he left because the former

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Mayor didn't get in office, he can understand that, but from some time in November to sometime when they had the idea to introduce this ordinance something took place or there must have been some type of discussion, they are saying stand down and get the proper information that you need to make valid decisions that are going to impact their Police Department. He said they can bring up a whole host of things about the ordinance, some deficiencies that are there or not there, please give them the opportunity to meet in an informal way before the introduction of the ordinance.

Marietta Marquart - 408 Lincoln Avenue said she wanted to make a comment about Peter Parisi and the wall. Ms. Marquart said she is not 100% and is not familiar with the group he had that the gentlemen who lives across the street was also rallying people in the area about the wall and she had gone to a couple of meetings and he also had petitions. She said personally she thinks that the town should send letters out to both people in that area that would be affected within a certain radius as she lives between Marginal and Woodland on Lincoln Avenue. Personally, she said she doesn't hear any traffic so she is not bothered by noise, as far as the wall goes she thinks it will have graffiti on it and she doesn't know if it is the best choice, trees would be better if people are concerned about the wall. Ms. Marquart said she really doesn't want to live in a box because when she walks out her front door in the morning she doesn't want to see a cement wall, see what the people in that particular area would like to be done because as they all know, nobody comes to these meetings. She said they have 18,000 plus residents and they have maybe 100 people attending.

Ms. Marquart said regarding Robin Reenstra, she still feels that they need to follow the process, they claim there are other resumes, she doesn't know who they are, they were not introduced to anybody else, her name is the only name they heard and she doesn't think it is right. She said they need to follow a process like any other job position, she may be the person for the job but they need to look at other resumes, track records, experience and get the best person, they need choices, they are not being given choices.

Ms. Marquart said the next thing, the DPW one day, and she is not against anyone's position in the town and she doesn't mean to make any comments that are offensive to anyone but one day she was coming up Lincoln Avenue and in the middle street the DPW was picking up garbage at the top of the hill, she saw the truck, she raced to get to her driveway not to get in front of them, it took them, this is no lie because she is an honest person who probably talks too much, 40 minutes to go one block. Ms. Marquart said she looked outside and they were still at the top of the hill, she went inside and came back outside and they still hadn't reached her street. She said she went inside, did a load of laundry, went outside and they just passed her house again she swears 40 minutes on one block. Ms. Marquart said she doesn't have any problem with people making money, they all want to make money, they need it to live; however, she thinks that they deserve a good day of work if they want to receive their salaries, she could have done it within 15 minutes with one person because there was not much garbage on the street. She said they were pretty much playing on the street, it was disgraceful and she thinks a lot of people know about it because she e-mailed various friends that morning because she was so upset about that.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Ms. Marquart said as far as the Police Department , yes it is an excellent service and she believes that all the men in uniform are worthy of their positions however the salaries in this town, the Chief of Police is out of control. She said that in the newspaper they printed the salaries that the Police Departments make in Bergen County, there is no reason why a Chief of Police in Rutherford should be making the salary that Mr. Nienstedt made and she doesn't think anyone in the town has a problem paying Police Officers. However, it needs to be fair. Ms. Marquart said as the gentlemen who got up before spoke about his grandfather, she agrees with him, they are loosing jobs, loosing benefits lots of people in this town can't afford to live here anymore and she doesn't think they should have people that are making outrageous dollars when they are paying their salaries, thank you. She said this is not personal against anybody, she has friends who are Police Officers, friends who work for DPW she is just saying let's be fair, they have a problem in this town, please lets make a change that is why they are here.

Barbara Obiedzinski - 50 Orient Way said she has learned a lot at this meeting and a lot at last week's meeting and she appreciated all Mrs. Keyes comments on what a Director can and cannot do. She is a little concerned that they are worried about the Police Chief being able to arrest someone. Ms. Obiedzinski said if they are in that tight of a position where we need the Police Chief to go out and arrest someone she thinks they have four capable Police Officers who they need to re-hire. She said she knows it is a legal matter and she has sat through a lot of legal matters through that whole situation, she knows the situation that is going on. She said let's get them back to work and she will be there every time to remind them that those four Officers are still unemployed.

As no further citizens wished to speak Mayor Hipp closed the hearing to the citizens and asked the Council if they had any comments regarding the public hearing.

Mayor Hipp said regarding the wall issue, they are at a learning curve and he will be meeting with NJDOT tomorrow to look at the plans for the bridge and wall to talk about how that is going to play out and what is going to happen. The Mayor said he would like to invite Mr. Parisi to submit the petition to the Mayor and Council through the Clerk's Office at his convenience so that they have copies. Mayor Hipp said he doesn't believe this is a matter of immediate concern but he does think they need to investigate it and they will be having more discussions about the wall versus alternatives at a future meeting and they will try to keep the public involved and as informed as they can.

Mayor Hipp said with respect to the Police Department he wanted to thank the Chief's from Bogota and Saddle Brook for attending as a matter of courtesy he normally would limit the comments to residents but he thinks this is a matter of appropriate concern. The Mayor wanted to report that he has drafted the letter from the Bergen County Police Chief's Association requesting a sit down, it has to be typed, this is Government gentlemen he does apologize but they received it last week and he received the State Police Chief's letter and actually read it on Friday evening and his response will be coming out. Mayor Hipp said as he mentioned at the last meeting, they would certainly be happy to sit down with representatives from both the Bergen County and State Police along with Police Liaison Councilman Genovesi and the Assistant Liaison Councilman

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Fecanin at a mutually convenient time, but that letter will be going out to them formally inviting them. He said the process is an ordinance so it is not going to happen tonight, it is not going to happen in the next couple of days it usually takes two meetings and two readings to have a pass or fail and he believes they have time to hear their concerns and discuss them and he would certainly like the input. Mayor Hipp said this is a matter of major concern and he thinks the citizens have spoken tonight on both sides of the issue and have brought out some important points.

Mayor Hipp said Mr. DiNoto had mentioned a question about snow removal and if that is okay he would like to refer that to Councilman Sommer for further investigation as well as the concern that was raised by Ms. Marquart about the length of time. Mayor Hipp asked Councilman Sommer to reach out to those people and discuss the matter with Superintendent Seidler and report back either individually or at a public meeting depending on their matters. Councilman Sommer acknowledged.

Mayor Hipp said to Ms. Dyson in respect to the Borough Administrator position it was not until December 31 that they were actually certain that there would be a resignation by Administrator Stafford. The Mayor said prior to that time, as Mayor-elect he had the responsibility of beginning the process of determining what appointments had to be made for all subordinate offices of the Borough. Mayor Hipp said that is an obligation charged to the Mayor's Office by statute and in the case of the Borough Administrator they didn't know if they were going to have one on January 1 or not since they did not receive a formal letter of resignation, actually as of New Year's Eve he thought they had a Borough Administrator on January 1st to continue until such time as he left. The Mayor said under statute and ordinance the Borough Administrator may only be removed by a four-two vote of the Council otherwise that Borough Administrator serves at the pleasure of the Mayor and Council. Mayor Hipp said once there is a vacancy the Mayor has a mere 30 days to replace and that is it, they don't have six months and it is difficult to perform the kind of in-depth analysis interviews, resume searching, advertisements in the newspaper in order to have a Borough Administrator in place within that 30 day period. The Mayor said because he believes there was a chance that there would be a Borough Administrator, he asked the Transition Team to basically collect resumes. Mayor Hipp said there is a slight dispute as to how many were actually submitted with respect to that position but he reviewed all of them, as of January 1 when it was clear that Mr. Stafford had resigned he wanted to make it clear that based upon his own review and the informal consideration of members of the Transition Team that Dr. Bryant would be an ideal candidate. The Mayor said Dr. Bryant's resume in his judgment is impressive, she has the degree requirements that are set forth and those requirements, although broadly, deal with particular emphasis on Government Affairs. Mayor Hipp continued that she has that, she has experience in many of the areas, in fact most of the areas, with respect to the requirements that are set forth in the ordinance governing the appointment. The Mayor said there are other qualified candidates out there and he doesn't dispute that, the question is what do they do in the thirty day period and so he has asked the Council to look at the qualifications, it is an appointment of the Mayor with the advice and consent of the Governing Body and that there are other qualified candidates out there is not a matter that he considers to be in dispute, yes there are. Mayor Hipp said he believes sincerely that based upon the information he has received and his general knowledge of Bergen County Administrators in

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

general that she is highly qualified and he believes it is his obligation as Mayor to submit a highly qualified candidate to the Council and if the Council refuses to confirm that then the Council gets to decide and they could be in that for months. Mayor Hipp said it is important to fill the position, they have many issues that confront them of an immediate nature, they have a lot of work to do and they don't have a lot of time to do it. The Mayor said having that position filled is important and he would ask that if there are any questions or concerns about the qualifications of a candidate, that he wants to put forward that they be asked, that the Council and the public be satisfied that this is a qualified candidate, not the only qualified candidate but certainly one who will do the job for the Borough going forward.

Mayor Hipp said in response to Ms. Dyson's concerns he looked at a total of four resumes, one came in last week, that he reviewed and that is still his judgment, but it is a matter of judgment, it is not rocket science and it is not hard and fast it is the best that he can do under the circumstances and he believes that this is a highly qualified person. Mayor Hipp said he has not been favored with any questions or any concerns about the qualifications of the candidate, what he has heard is that there may be other people out there and that is certainly true, but as he looks at his role and the Office of Mayor it is a matter that he has to submit only one candidate and the Council will devise or consent, other people who are Mayor or wish to be Mayor may have chosen a different person but this is the person that he as Mayor has chosen. Mayor Hipp said he ask for a full and fair hearing on whether or not this person is qualified and he hopes that addresses some of Ms. Dyson's concerns as to what the process was. Mayor Hipp said he wished they had more time but he is basically stuck with a wall that gives him a 30 day window to make the appointment.

Mayor Hipp said he hopes he addressed at least in general terms most of the concerns and questions raised by the people there.

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Councilman Genovesi made a motion to move that all the items on the Consent Agenda be passed, seconded by Councilwoman Keyes with all members present voting aye.

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Councilman Genovesi moved approval of the Minutes of the Regular Meeting of December 18, 2007, seconded by Councilwoman Keyes with Councilman Sommer, Councilman Genovesi and Councilwoman Keyes voting aye.

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MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Councilman Genovesi moved approval of the Minutes of the Adjourned Meeting of January 1, 2008, seconded by Councilwoman Keyes with Councilmembers Sommer, Genovesi and Keyes voting aye.

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Under the Consent Agenda, Councilman Genovesi moved approval of the Minutes of the Organization Meeting of January 1, 2008, seconded by Councilwoman Keyes with all members present voting aye.

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1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

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

1. In the amount of \$1,750.00 payable to Soccer Dome – payment for Indoor Travel Soccer teams.
2. In the amount of \$25.00 payable to Guido Salandra – refund on indoor soccer.
3. In the amount of \$1,000.00 payable to Carmine's – deposit for trip 3/4/08.
4. In the amount of \$4,358.00 payable to Theater Direct – payment for 50 Jersey Boy theater tickets.
5. In the amount of \$100.00 payable to Connie Isola – refund for travel basketball.
6. In the amount of \$25.00 payable to Rania Sadek-Hagag – refund for Indoor Travel Soccer.
7. In the amount of \$680.00 payable to Friends of Rutherford Soccer – payment for Travel Soccer Referees.
8. In the amount of \$5,000.00 payable to Reserve Account for postage for all departments.

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1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

RESOLVED: That bills in the amount of \$1,524,018.13 payable from the Rutherford Current Account all as 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.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

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1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

WHEREAS a lien on the parcel of property referred to as Block 108.01, Lot 6, known as 44 East Pierrepont Avenue and assessed in the name of Eva Lane was sold at the Borough's Tax Lien sale on June 7, 2007 to R.U. Del Vecchio Pension Trust and;

WHEREAS the necessary arrangements have been made with the Tax Collector's Office for the redemption of this lien and a check in the amount of \$17,477.29 has been deposited in the Tax Sale Suspense Account;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to R.U. Del Vecchio Pension Trust in the amount of \$17,477.29 in settlement of Tax Title Lien # 0200708.

Principal.....	\$ 15,808.47
Interest & Penalty.....	\$ 1,626.82
Recording Fees.....	\$ 42.00
 TOTAL.....	 \$ 17,477.29

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1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

WHEREAS the following property, Block 219, Lot 1, 301 State Highway 17, applied for and was granted a State Tax Court Judgment reducing their assessment and;

WHEREAS it has been determined by virtue of a Mayor & Council Resolution that interest and penalty previously paid should now be credited to principal;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant totaling \$25,066.66 to the Borough of Rutherford for 2007 taxes and charge same as follows; \$ 24,978.22 to 2006 Budget Operations and \$88.44 to 2007 Budget Operations.

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MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

WHEREAS there exists overpayments of 2007 taxes on the following properties, and;

WHEREAS it has been determined that the parties listed are entitled to a refund of these overpayments;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue warrants totaling \$4373.00 as follows and charge same to 2007 Taxes Overpaid:

BLOCK	LOT	NAME & ADDRESS	AMOUNT
10	29.02	Countrywide Tax Services Re: 41 Preble Place	\$2212.00
161	25	Countrywide Tax Services Re: 118 Eastern Way	\$2161.00

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1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

WHEREAS the following property, Block 219.01, Lot 70.04, more commonly known as 750 Edwin L. Ward Memorial Highway, appealed and was granted a State Tax Court Judgment reducing their assessment for 2005, 2006 and 2007 and;

WHEREAS by virtue of this State Tax Court Judgment a refund is due the property owner;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant totaling \$43,426.56 as follows and charge same to 2008 Budget- Tax Appeals:

BLOCK	LOT	NAME & ADDRESS	AMOUNT	YEAR
219.01	70.04	BRE/ESA, Plaintiff & The Davidson Legal Group, LLC	\$16,253.51 \$12,894.45 \$14,278.60	2005 2006 2007

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

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1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

WHEREAS the following property, Block 219.02, Lot 79, Qualifier HM, more commonly known as 299 Thomas E. Dunn Memorial Highway, appealed and was granted a State Tax Court Judgment reducing their assessment for 2006 and 2007 and;

WHEREAS by virtue of this State Tax Court Judgment a refund is due the property owner and it has been stipulated that this refund be credited to future taxes;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant totaling \$148,742.50 made payable to the Borough of Rutherford and charge same to 2008 Budget- Tax Appeals:

BLOCK	LOT	NAME & ADDRESS	AMOUNT	YEAR
219.02	79, Qual. HM	Maurice Weill, Trustee	\$65,932.50	2006
		299 T.E. Dunn Mem. Highway	\$82,810.00	2007

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1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

WHEREAS there exists an overpayment of 2007 taxes and interest and an overpayment of 2008 taxes on the following property, and;

WHEREAS it has been determined that the party listed is entitled to a refund of this overpayment;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue warrants totaling \$3770.00 as follows and charge \$3671.53 to 2007 Taxes Overpaid, \$95.46 to 2007 Interest and \$3.01 to 2008 taxes.

BLOCK	LOT	NAME & ADDRESS
26	7.03	Azeb Shiferaw 5 Dean Court

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MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

WHEREAS the following property, Block 219, Lot 1, more commonly known as 301 State Highway17, applied for and was granted a State Tax Court Judgment reducing their assessment and;

WHEREAS it has been determined by virtue of a Mayor & Council Resolution that interest and penalty previously paid should be forgiven and \$25,066.66 was applied to 2007 by prior resolution and;

WHEREAS the balance of \$4166.46 in interest is to be refunded;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant totaling \$4166.46 to EGDC c/o American Resurgents Management and charge same to 2007 Budget operations.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

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

1. In the amount of \$15.00 payable to Xia Huang – refund for adult open gym.
2. In the amount of \$25.00 payable to Cindy Kinzler – refund for traveling basketball.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

RESOLVED: That bills in the amount of \$1,842,837.56 payable from the Rutherford Current Account, \$585.00 from Public Assistance Trust 1, \$1,001,193.51 from the Grant Account and \$1,000,000 from the Capital Fund all as 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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MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

For, **FINANCE**, Councilwoman Inguanti made the following statement:

"This is my first monthly report as finance chair for the Borough of Rutherford. Since January 1st I have had three meetings with Ed Cortright, our Borough's CFO. He has sent all department heads budget worksheets to help establish the 2008 Municipal Budget. These work sheets should be returned to Mr. Cortright by February 1st. The Department of Community Affairs has extended the date by which municipal budgets must be introduced and approved from February 11 to March 11. This does not affect the February 1st date for department heads to submit their work sheets.

Mr. Cortright and I are examining the unexpended capital project monies as one source to aid the Borough as we formulate this year's budget. These monies are by and large limited in use, to either other capital projects or to help pay down debt. Mr. Cortright has been contacted by County Community Development Block Grant and advised that the application for Community Development Funding for Woodward Avenue was not eligible because it is not in a low-income housing area. They are requesting a new application. Mr. Cortright has contacted the Borough Engineer on this matter.

Of particular interest to taxpayers, and as all department heads were reminded, the Legislature has imposed a 4% tax levy cap on all municipalities for 2008. Exempted from this number is debt service and capital improvements. The legislature apparently forgot to include the libraries in the legislation, so they too are not included in the municipal tax levy cap.

Our Borough Auditor has advised us to consider bundling large one-time expenses and present this expense package to the local finance board for their assistance in spreading out payments over a five-year period.

I have met with our Borough Clerk to begin the process of establishing meeting dates for the Citizens Finance Advisory Committee. In the next few days I will begin scheduling budget work sessions, in conjunction with my second, Councilwoman Maura Keyes.

Citizens should also be aware that I am extremely troubled by the treatment we have received in recent weeks from Encap. They have put their contractually obligated payment of \$200,000 for 2007 into an escrow account. Through their law firm, DeCotiis, Fitzpatrick and Wisler they have written a letter dated Dec. 31, 2007 and instructed us that the trigger for releasing the aforementioned payment is, and I quote "the Borough certifies the validity, effectiveness and enforceability of the PILOT agreement." Taxpayers should also be aware that Encap is delinquent in remitting its taxes for the land in Rutherford in excess of \$500,000.

In essence Encap is asking for us stick to our end of the bargain so they can continue to stick it to the taxpayers of Rutherford. The fact that, our state government seems to be doing absolutely nothing of consequence to protect us from this unscrupulous developer and appears more than willing to give them breaks simply for bringing in a big name developer baffles me."

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

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Under the Consent Agenda, Councilman Genovesi moved to award a contract to Gold Type Business Machines, Inc. for Windows NT/2000 Network Contract, seconded by Councilwoman Keyes with all members present voting aye:

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Councilwoman Inguanti asked the Mayor to appointed Margaret Scanlon to the title of Senior Clerk Typist in accordance with the certification of eligibles received from the New Jersey Department of Personnel.

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Under the Consent Agenda, Councilman Genovesi moved the Resolution regarding former Borough Administrator Timothy Stafford be tabled for further investigation, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, as of January 1, 2006, *N.J.S.A. 19:44A-20.1 et seq.*, commonly known as the "State Pay to Play Law", enacted by the New Jersey State Legislature, became effective; and

WHEREAS, pursuant to *N.J.S.A. 19:44A-20.1 et seq.*, a municipality or municipal agency may not award a contract with a value in excess of \$17,500.00 to a business entity that has made a contribution within one year of the date the contract is to be awarded that is reportable by the recipient under *P.L. 1973. c.83 (19:44A-1 et seq.)* to a municipal political party committee in that municipality if a member of that party is serving in elective public office when such contract is awarded, unless the contract is awarded under a "fair and open process" pursuant to *N.J.S.A. 19:44A-20.1 et seq.*; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications ("RFQ") with ten calendar days notice before the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly-disclosed criteria established, in writing, by the municipality before the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

WHEREAS, it has become necessary for the Borough of Rutherford to engage Special Counsels for Tax Appeals, Litigation, Board of Adjustment Attorney and other legal services and a Risk Management Consultant and a Producer Consultant by a "fair and open process" pursuant to *N.J.S.A. 19-44A-20.1 et seq.*

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford, that the Borough Clerk is hereby authorized to issue an RFQ for the positions of Special Counsel(s) for Tax Appeals, Special Counsel(s) for Litigation and Board of Adjustment Attorney, a Risk Management Consultant and a Producer Consultant in accordance with the State Pay to Play Law.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, the Borough of Rutherford desires to retain a **Borough Attorney** under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Mayor and Council of the Borough of Rutherford have determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, **Lane J. Biviano, Esq.** of Lane J. Biviano, Esq., LLC of Rutherford, New Jersey has submitted a proposal indicating he will provide the legal services as Borough Attorney for the sum of \$95,000.00; and

WHEREAS, the Chief Financial Officer has certified or will certify the availability of funds as the services are rendered;

WHEREAS, the Chief Financial Officer has certified or will certify the availability of funds as the services are rendered;

WHEREAS, Lane J. Biviano, Esq., has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Rutherford in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorizes the Mayor to enter into a contract with Lane J. Biviano, Esq., LLC of Rutherford, New Jersey as described herein; and

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that the Borough Clerk will place public notice of this appointment in accordance with law.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, the Borough of Rutherford desires to retain the services of an **Auditor** under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Mayor and Council of the Borough of Rutherford have determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Gabarini & Company, Inc. of Carlstadt New Jersey has submitted a proposal to provide the services as borough Auditor in the amount of \$27,500.00; and

WHEREAS, the Chief Financial Officer has certified or will certify the availability of funds as the services are rendered;

WHEREAS, Gabarini & Company, Inc has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Rutherford in the previous one year, and that the contract will prohibit it from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorizes the Mayor to enter into a contract with Gabarini & Company, Inc of Carlstadt ,New Jersey as described herein; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that the Borough Clerk will place public notice of this appointment in accordance with law.

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MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, the Borough of Rutherford desires to retain the services of a **Consulting Engineer and Planner** under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Mayor and Council of the Borough of Rutherford have determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, **Boswell McClave** of South Hackensack, New Jersey has submitted a proposal to provide the services as a Consulting Engineer for the Borough including the Planning Board and Board of Adjustment; and

WHEREAS, the Chief Financial Officer has certified or will certify the availability of funds as the services are rendered;

WHEREAS, Boswell McClave of South Hackensack, New Jersey has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Rutherford in the previous one year, and that the contract will prohibit it from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorizes the Mayor to enter into a contract with Boswell McClave of South Hackensack, New Jersey as described herein; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that the Borough Clerk will place public notice of this appointment in accordance with law.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, the Borough of Rutherford desires to retain the services of a **Website Consultant** under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Mayor and Council of the Borough of Rutherford have determined that the value of the contract may exceed \$10,000.00; and

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, DiMann Consulting Services of Hewitt, New Jersey has submitted a proposal to provide the services; and

WHEREAS, the Chief Financial Officer has certified or will certify the availability of funds as the services are rendered;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorizes the Mayor to enter into a contract with DiMann Consulting Services of Hewitt, New Jersey for web consulting services in an amount not to exceed \$10,000.00

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, the Borough of Rutherford desires to retain **Special Counsel Attorney** For Tax Appeal matters under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Mayor and Council of the Borough of Rutherford have determined that the value of the contract may exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Paul S. Barbire, Esq. of Rutherford, New Jersey has submitted a proposal indicating he will provide the legal services as Special Counsel at the rate of \$95.00 per hour; and

WHEREAS, the Chief Financial Officer has certified or will certify the availability of funds as the services are rendered;

WHEREAS, Paul S. Barbire, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Rutherford in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorizes the Mayor to enter into a contract with Paul S. Barbire, of Rutherford, New Jersey as described herein; and

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that the Borough Clerk will place public notice of this appointment in accordance with law.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS the following property, Block 219.04, Lot 2, Qual. HM and more commonly known as 220 Highland Cross , assessed to Linque- H.C. Partners LLC has entered into a Use and Occupancy Agreement with the Borough of Rutherford and;

WHEREAS this agreement stipulates that the Borough of Rutherford will be solely liable for property taxes;

NOW THEREFORE BE IT RESOLVED that the 2007 property taxes for Block 219.04, Lot 2, Qual. HM in the amount of \$47,575.08 be cancelled of record by virtue of this Agreement.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, Meadowlands Office, LLC has offered, by way of settlement of its pending Tax Appeals against the Borough of Rutherford, to withdraw its 2006 and 2007 State Tax Court Appeals as well as any and all appeals of the 2006 Omitted Added Assessment and the 2007 Added Assessment originally filed with the county tax board and affirmed without prejudice in return for an agreement and stipulation that the assessed value of its property located at Tax Block 219 Lot 2, 201 State Highway 17, shall be deemed to be \$83,500,000 for the 2008 tax year, with either party having the right to obtain a judgment to enforce or implement this 2008 value should that be necessary, and

WHEREAS, this settlement has been recommended by the professionals involved in the defense of this matter for the Borough and will prevent exposure to the prospect of continued legal fees and the risk of large refunds.

NOW, THEREFORE, BE IT RESOLVED, that Paul Barbire, Esq. is authorized to enter into a stipulation of settlement in the above matter in accordance with the terms set forth above and is authorized to take such action as may be necessary to implement this resolution and the aforementioned settlement.

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MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Councilwoman Inguanti noted receipt of the 2007 Annual Debt Statement from Edward Cortright, Chief Financial Officer.

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Councilwoman Inguanti, liaison to the Planning Board advised of receipt of the 2007 Master Plan and Community Profile as adopted by the Planning Board. She also advised that the former Borough Planner will be in attendance at the February 19 work session for a review.

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For **POLICE**, Councilman Genovesi said regarding the ordinance establishing the position of Civilian Police Director, he appreciates the gentlemen present from various organizations who gave commentary as well as the resident's commentary. Councilman Genovesi said it is very important that they receive input and he thanked Det. Garner for his willingness to speak to him and tell the other side of the coin because obviously he is in support of the Civilian Director position and he appreciates the ability to hear the opposite side, it helps him make future decisions as nothing has been decided at this point. He read the following statement:

"I want to thank you for taking such a concerned approach to this issue. It is without a doubt an issue that causes both residents and employees alike to take an active interest in. With that said, one must first take an objective look at the needs of both residents and employees, one must venture into taking no sides but rather first listening and understanding the arguments being laid out before you. Our job as Councilmembers are to provide what is best for the Borough as a whole. That often does not come with much comfort nor ease. In any situation information is provided to us for review and we are blessed to have the additional comments from interested and concerned residents. We also enjoy the benefit of hearing from our Borough employees who undoubtedly wish to see the Borough progress towards financial stability. It is inherent that everyone will take a vested interest in their combined futures in the Borough. In the matter of Civilian Police Director in his opinion is one that is more of an outcome rather than a predisposed decision on anyone's part. One must sit and ponder upon the various precursors that were laid before the Borough residents prior to arriving at this point. The tremendous tax burden that has been placed upon families and single residents of this Borough in the past two years borders on the unforgivable. Residents who can not afford to keep living in Rutherford have been so unfairly treated in his opinion, why simple, because we had a prior administration that could not curb its ever voluminous spending habits. We as a community are saddled with almost \$20 million in debt due to bonding and over spending. This is a fact not an opinion. One that residents clearly understood and opted for more financial security in the future. They demand it and we are responding to that demand this year.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

With that said, we now find ourselves in a position of negative recovery. What does that mean, simple its my word for you crawl out of a hole that we found ourselves neck deep in. We as a community are grasping at anything we can to help our troubled situation. There is one statement that I often hear but continue to disagree with. That statement is taxes are taxes and nothing is going to change. I want to do something about it. I have fought for an entire year to change that very opinion. I feel there is nothing you can't accomplish unless you have decided you can't do it from word go. We as an administration in the first month alone have found many ways to save money. We have done it and proven to the residents that cuts are apondent and ones that will not affect services or quality of life. We have revamped the professional services in Borough Hall saving taxpayers hundreds of thousands of dollars in a little more than two weeks. Mayor Hipp has been bold enough to step forward and assure the professionals in the Borough are not over paid. He has saved tax dollars and I believe will continue to fight for that same result at every turn.

This evening we have yet another opportunity to continue doing the very same thing. I thought long and hard about this issue. Those that know me as a Councilperson know that I do not agree to something that I do not believe in or support. I support this measure, Civil Police Director, for one main reason. It is a financially intelligent move to make. We as a Borough were hit very hard in my opinion in December with the double retirement of two of the top Police Officers in the Borough. The impact of the lump sum payment to these two Officers is one that is not yet been felt in my opinion. The result of which will be a further strain on this Government to help provide financial stability to our residents. I stated in December as a member of this Council that I was opposed to this payment schedule and that residents would be forced to deal with the payment schedule in the 2008 budget. It is apparent I may be correct and I am saddened by this. We as residents whether it be the general public, employees or elected officials must come to the understanding that unless we start somewhere we will never accomplish anything. So we find ourselves in this position here this evening. The wishes of 18,000 plus residents, 40 plus Police Officers in the Police Department and seven Governing Body Members. This is quite a big task by any stretch of the imagination. The issue at hand is whether to move ahead and create a Civilian Director position in the Borough of Rutherford. This position will allow, as prescribed by the ordinance set in place to create the position a larger array of oversight over the Department. The benefit of having a Police Director will be a benefit to the taxpayers. The individual appointed shall be hired at \$82,000 per year rather than \$182,000 a year our previous Chief was paid. The newly appointed individual will receive no benefits and not be put back into the pension system with our previous Police Chief, taxpayers are paying for both of these services. The savings will exceed \$100,000 per year due to the additional savings of benefits not issued. All told taxpayers could be looking at a savings in the Police budget line of nearly \$130,000 per year if we as a Government and you as residents agree to this position.

You may be wondering what exactly can a Police Director do to benefit the Department. Simple, almost anything of substance that a Police Chief would do for the Borough. The Director shall be qualified by training and experience to the duties set forth in this position, carrying with them a minimum of 12 years experience in law enforcement. Exercise power set forth including the adoption of rules and regulations for the governing

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

of the Police Department (PD) and discipline of its members; supervise the Captains of the PD in order to maintain the efficiency and routine day to day operations of the PD; determine policy and direction for the PD; provide recommendations to the Mayor and Administrator for the establishment of ordinance to assist and govern to manage of the PD; provide monthly reports to the local government concerning the state of the PD; issue special emergency directives as necessary to protect the health safety and welfare of the municipality in an emergency; and receive daily and periodic reports on budget expenses, manpower allocation including overtime, vacation, sick and compensatory time accumulations, accident reports, incident reports and personnel related issues. They like the Chief would report to the Mayor and Council. In essence the Director would have complete oversight over the Department and be able to react and resolve issues. Furthermore, this position nearly encompasses all the duties that a Police Chief would have. However, it comes with a dramatic cost in savings to the taxpayers. However, in order to be objective one must consider the arguments that have been made against this position in public forum by concerned individuals. Some of the areas of conflict were stated as Police Director can't retrieve some files from the PD; carrying a weapon; wear a uniform; make an arrest; be considered an active duty Police Officer; would break the moral of the PD due to the stifling of attrition or moving up the ranks for the Officers to higher ranks and higher pay. I have considered all of the enclosed commentary and review the cases either in favor of a Police Director or against the Police Director. I remain objective and he continues to ask for more information from anyone that was willing to provide it. Mr. Garner thank you very much for providing that information. Now we sit after some discussion faced with the option to move this ordinance on first reading, or table it or remove it. We will so remember that it is our taxpayers that will pay for or reap from the decision reached this evening or the next meeting. It is not secret that my motivation is clearly and solely financial on this matter. Unless an option viable and practical can be presented to this Governing Body that would reduce the salary for oversight of this Department by \$130,000 a year, carry no benefits, not re-enter the individual into the pension system. I would then be inclined to believe that this position with the deletion of moral concerns would provide adequate oversight of the Department and provide mutually beneficial situation for both employee and taxpayer. I state this for the following reasons, this position serves at the pleasure of the Mayor and Council and can be rescinded at a later date when financial circumstances are more conducive to allowing for a Chief's position. This position does not in any way draw from or cause a decrease in any officer's pay or benefits. This position does not take away any needed equipment from the Department nor does this position limit or restrict future capital needs for the Department in regards for example future vehicle purchases, ammunition, radio and telephonic service needs for complete day-to-day operations.

This decision can not be reached easily. However, the final decision comes down to one singularity, does an individual weigh one person or one position over 18,000 residents. Meaning do we hurt or place further burden on the community as a whole to benefit one. I can not in good conscience do anything other than support the community as a whole. Many of our officers are resident taxpayers. We all have the same interest at heart and our officers are in my opinion among the finest that have ever served. We take pride in them. We appreciate them being on call whenever they need them to respond. We appreciate the hard work and dedication that they have given in order to be given the

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

designation of community protectors. This is in no way a measure to restrict, punish or diminish the Department. It is a matter of doing what is best for the community, in this case financially. Despite the popularity of this decision or vice versa the displeasure of this decision, we as a community must progress. Our current financial situation will now allow us to do any less. Our officers have taken the oath which designates they will protect and serve our community. For this we the community should be grateful. The taxpayers also have an oath to protect and serve, however, their oath is to protect and serve the financial viability of their families.

We must look for savings anywhere we can find them and this is one area that we can save without reducing the work force, calling for lay-offs and continue to provide in the invaluable service of protecting and serving the community as a whole. Given all that, today members of the Police Department took the time to share some figures with me. These figures in their opinions would achieve the same result I am looking for, saving taxpayers dollars and retain the command position. So a dilemma presents itself. Do I simply push forward and not exhaust all avenues or do I ask the Council to exercise restraint in this matter for an additional session until we look into this proposal. The answer is simple once again. Despite my personal feelings on this matter, it is my duty as well as the duty of everyone else who sits up here to exhaust every option. We are charged with this task by the residents and we can do nothing less. It is the foolish person that rushes into something without knowing all the valuable information. It is the foolish person that does not look deep into an issue and really come up with the best solution. The result we must arrive at here as a Government is saving tax dollars in which ever form it arrives. With that said and in conclusion, the role of advocate now changes hands and the members of the Police Department presenting this issue must take responsibility for their ideas. The supporters such as me of the Civil Director position have already demonstrated what our cost savings would break down to. We have already clearly defined both role in the police structure and complication. We can conclude that our findings are correct and will result in a decrease in the payroll of the Department. Now I have given you the opponents of this measure obviously I have given you time here, but I am asking my colleagues to give you time. Time to prove me wrong, time to show me that you're way will work better than my way. We need tangible examples with the method you are proposing and what I speaking of right now is, I received this before the meeting and I would like the officers that came up with this to come up with something more concrete as an example of what they consider to be the right move to make here. So I really want to thank you for this. I would recommend that non-concrete items such as overtime be left out of your calculations however, use concrete issues. Show me in the next few weeks that the proposed savings is nearly \$130,000 a year in creating Civilian Director post is far out weighed by the cost cutting measures you're proposing to this Governing Body. Again and with all due respect the burden of proof has now been shifted into your hands. You, after all have requested it to be laid there. I respect each and every person's ideas and thoughts, that is what has led me to this decision. I want to know that my personal support for the Civilian Director position is the correct path to take. Sometimes the only way to know that for certain is allow others to criticize you and demonstrate more efficient ways to arrive at the same end conclusion you're trying arrive to. Thus, this is Government and it belongs to the people so I choose to let the people come to their own decisions. I ask that this Council join me in my desire to have more

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

time with this issue before presenting it for first reading. It is our duty and obligation to the taxpayers to reveal the most beneficial avenue to take in order to save them from further tax burdens and if these offices feel that I have not exhausted every avenue I have not checked under every stone and they want me to review this and the Council to review it, I think we should.

I recommend that the suggested ordinance discussion be held over until the first meeting of the Council in February at which time I will expect to have received the information from those opposing this measure with adequate time for him to review. I ask the Council at this point for their support in tabling this item until the February meeting."

Councilman Genovesi made a motion to table the ordinance, seconded by Councilwoman Keyes. Mayor Hipp stated that the due to the fact that the ordinance was not on the agenda for first reading there is no need to table it. Councilman Genovesi said that he hopes he has proven despite his support for the position he is willing to continue to offer the opportunity for continuing discussion on the matter.

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1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

WHEREAS, certain organizations have applied for a Raffle/Bingo 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:

PTA St. Mary's High School	Off Premises Draw Raffle
PTA St. Mary's High School	Calendar Raffle
Aquinas Club of St. Mary School	Off Premises 50/50

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, Alcoholic Beverage License Number 0256-44-009-005 has received a Special Ruling to permit the filing and consideration of a renewal application for said referenced inactive license for the 2007-2008 license term pursuant to N.J.S.A. 33:1-12.39;

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that the following Alcoholic Beverage License at a fee of \$1,080.00 be issued to:

Scoter Corp.
#0256-44-009-005

AND BE IT FURTHER RESOLVED, that the Borough Clerk be authorized to sign the above license.

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1/15 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

WHEREAS, on November 27, 2007, the Mayor and Council of the Borough of Rutherford by Resolution directed the Borough Clerk to request a promotional exam for the title of police chief from the New Jersey Department of Personnel; and

WHEREAS, Mayor and Council of the Borough of Rutherford has reconsidered and seeks to withdraw its request for a police chief exam.

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

- a. the Resolution of November 27, 2007 is hereby rescinded;
- b. the Borough Clerk is directed to advise the New Jersey Department of Personnel that the Borough of Rutherford has withdrawn its request for a promotional exam for the title of Police Chief.

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Councilman Genovesi advised that the proposed ordinance establishing the position and salary of Civilian Police Director will be held to the next meeting for further review.

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Councilman Genovesi advised of a Girl Scout project from Jenna Bado and Sara Pendelton for their Silver Award. They will be providing care packages to our emergency services for children and he applauded their efforts.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

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For **PUBLIC WORKS**, Councilman Sommer reported he has been working with Chris Seidler reviewing numerous reports submitted by the DPW and will be getting together with Councilwoman Inguanti to discuss.

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Councilman Sommer advised receipt of notification from NJDOT of the denial for funding two projects; Chestnut Street and East Passaic Avenue.

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1/15 Under the Consent Agenda, Councilman Genovesi moved to accept the request from 55 Kip Center for permission to use the mini bus on January 23rd and 24th, February 7th, 12th and March 13th, 2008, seconded by Councilman Sommer and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Genovesi moved to accept the request from Joseph Driscoll to refurbish Borough wooden trash receptacles as part of an Eagle Scout Project, seconded by Councilwoman Keyes with all members present voting aye.

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For **FIRE**, Councilwoman Keyes reported for the year end the Rutherford Fire Department answered 765 calls last year with one firefighter injury. Councilwoman Keyes stated that this is a wonderful experience for her being the Fire Commissioner, the Rutherford Ordinance with the Fire Department calls for 85 members with 17 in each fire house, and they currently have 75 members. She has met with the Chief and as everyone knows the volunteers of the Department are very dedicated. Councilwoman Keyes said she would like to share a letter that was sent to the Fire Chief from Fire Marshal Paul Dansbach regarding the policy on chimanees and the restrictions for them. She said there is one in particular that she would like to share, any recreational fire in an approved device shall be at a minimum of 15' from any structure including outside decks, garages, and sheds; the device shall never be located on top of any deck. Councilwoman Keyes reminded all to be careful when using these.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

As Liaison to the BOARD OF HEALTH, Councilwoman Keyes said that there is an adult foot screening program on Wednesday, February 27 at 10:00 a.m.

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Under the Consent Agenda, Councilman Genovesi moved to accept the request from Justin Mohajer for membership in West End Engine Co. No.3, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved to approve the agreement with the County of Bergen Department of Health for the 2008 Bloodborne Pathogen Program Professional Services, seconded by Councilwoman Keyes with all members present voting aye.

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 2008; and

WHEREAS, the annual contract cost to the Borough is \$4,305 plus \$45.00 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 2008 Bloodborne Pathogen Compliance Program contract was hereby approved by the Governing Body on January 22, 2008, and the Mayor and Borough Clerk were hereby authorized to execute same.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi stated that the municipal cable plan is a plan to connect Borough Buildings and Departments such as DPW with high speed internet and link them with the rest of the Borough. He said Mr. Dansbach is asking for approval to make the connections and pay a service to complete.

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Under the Consent Agenda, Councilman Genovesi moved that the Comcast response to the Borough Municipal Ascertainment Report be forwarded to Leslie London, seconded by Councilwoman Keyes with all members present voting aye.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

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Councilman Genovesi advised of the Comcast effect of new franchise law on dedicated Municipal and educational access channels relating to Verizon.

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For **HUMAN RESOURCES**, Councilman Sasso spoke of the "Tim Finnerty Good Sportsmanship Award" presented to an 8th Grade Boy and Girl who participates in the Rutherford Recreation Basketball Program. He also spoke of the installation of the wind screens at the basketball courts at Tambyln Field donated by the Tim Finnerty Foundation which were installed a couple of weeks ago. Councilman Sasso reported the following recreation sport highlights from the winter: the basketball program started the week of December 8 with almost 600 participants; wrestling program has 48 participants; indoor soccer program has 312 participants in addition the indoor travel soccer program for boys and girls started in January with five traveling teams for each boy and girls. He said some items that are coming up are the girls' softball parade to be held on April 12 which they are currently holding registration until February 29; the track and field is holding registration and the program will begin in early April. Councilman Sasso said that the Recreation Director position is still open, they have requested the resumes of the candidates and the applications that were submitted last year are to be re-reviewed and to restart the process of filling such position.

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Under the Consent Agenda, Councilman Genovesi moved to accept the request from St. Mary Elementary School to hold their annual carnival in Memorial Field from April 8th to April 12, 2008, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved to approve establishing the "Tim Finnerty Good Sportsmanship Award" presented to an 8th Grade Boy and Girl who participates in the Rutherford Recreation Basketball Program, seconded by Councilwoman Keyes with all members present voting aye.

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MAYOR'S COMMITTEE REPORT

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Mayor Hipp asked the Clerk to schedule a meeting with him and the RDP Executive Board to discuss the petition for sandwich boards on the sidewalks.

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MAYOR'S APPOINTMENTS

Planning Board

- ◇ Councilman Genovesi made a motion to confirm the appointment of **David Porter** for a 4 year term, seconded by Councilwoman Inguanti and unanimously approved on roll call with the exception of Councilman Fecanin who voted nay.

- ◇ Councilman Genovesi made a motion to confirm the appointment of **John Daub** for a 4 year term, seconded by Councilwoman Inguanti and unanimously approved on roll call with the exception of Councilwoman Keyes who voted nay.

- ◇ Councilman Genovesi made a motion to confirm the appointment of **John McParland**, Alt. 1 for a 2 year term, seconded by Councilman Sommer and unanimously approved on roll call.

- ◇ **Mayor John Hipp, Class 1**
- ◇ **John Uhl, Class 2**
- ◇ **Kathleen Lovatt, Mayor Alt.**

Board of Health

- ◇ Councilwoman Inguanti made a motion to confirm the appointment of **Alan Talarsky** for a 3 year term, seconded by Councilman Sommer and unanimously approved on roll call.

- ◇ Councilman Genovesi made a motion to confirm the appointment of **Kim Fecanin** for a 3 year term, seconded by Councilwoman Keyes and unanimously approved on roll call with the exception of Councilman Fecanin who abstained.

- ◇ Councilwoman Inguanti made a motion to confirm the appointment of **Andrew Bertone** for a 3 year term, seconded by Councilman Genovesi and unanimously approved on roll call.

- ◇ **Councilwoman Maura Keyes, Liaison**

Rutherford Downtown Partnership

- ◇ Councilwoman Keyes made a motion to confirm the appointment of **Geri Brooks**, seconded by Councilman Genovesi and unanimously approved on roll call.
- ◇ Councilwoman Keyes made a motion to confirm the appointment of **Sophia Vazac**, seconded by Councilman Sommer and unanimously approved on roll call.
- ◇ Councilwoman Keyes made a motion to confirm the appointment of **Councilman Joseph Sommer**, seconded by Councilman Genovesi and unanimously approved on roll call with the exception of Councilman Fecanin.

Economic Development Committee

- ◇ **Peter VanWinkle**
- ◇ **Jack Inglese**
- ◇ **Joe McAllister**
- ◇ **Dr. Thomas Bryant**
- ◇ **Dennis Holman**
- ◇ **James Hadrava**
- ◇ **Councilman Joseph Sommer, Liaison**

Shade Tree Committee

- ◇ **Michael Schmeding**
- ◇ **David Phillips**
- ◇ **John Tagliabue**
- ◇ **Steve Savitsky**
- ◇ **Tim Stanton**
- ◇ **Sharon DeVecchio**
- ◇ **Councilman George Fecanin, Liaison**

Local Assistance Board

- ◇ Councilwoman Keyes made a motion to confirm the appointment of **June Flippin**, seconded by Councilman Sommer and unanimously approved on roll call.
- ◇ **Councilwoman Rose Inguanti**

Civil Rights Commission

- ◇ Councilwoman Keyes made a motion to confirm the appointment of **Bea Goldberg** to a 3 year term seconded by Councilman Sommer and unanimously approved on roll call.
- ◇ Councilman Genovesi made a motion to confirm the appointment of **Trina Poindexter** to a 3 year term seconded by Councilwoman Inguanti and unanimously approved on roll call.
- ◇ **Councilman John Sasso, Liaison**

Office of Emergency Management

- ◇ Councilman Genovesi made a motion to confirm the appointment of OEM Coordinator **Peter Parisi** with a stipend of \$4,500 seconded by Councilman Sommer and unanimously approved on roll call with the exception of Councilman Fecanin.

- ◇ **Mayor John Hipp**
- ◇ **Leslie O'Keefe**
- ◇ **Brian O'Keefe**
- ◇ **Captain Joseph Merli**
- ◇ **Toby Gentile**
- ◇ **William Gumbman**
- ◇ **Kathy Hildebrand**
- ◇ **Paul Dansbach**
- ◇ **John Uhl**
- ◇ **Councilman John Genovesi**
- ◇ **Anthony Serrao**
- ◇ **John Gibney**
- ◇ **Jack Manzo**
- ◇ **John Thompson**
- ◇ **Carl Hasset**
- ◇ **Neil O'Hara**

Board of Aesthetic Review

- ◇ William Gumbman
- ◇ Wilkie DeHaas
- ◇ Sharon DeVecchio
- ◇ Angelo Biviano
- ◇ Tom Lancaster
- ◇ Theresa Gilburn
- ◇ Christine Eustice
- ◇ Marie Fletcher
- ◇ Frank DeVecchio
- ◇ Geraldine Brooks
- ◇ Barbara Bennett
- ◇ Regina DeLuca
- ◇ Maureen Bigley
- ◇ Danielle Letsche
- ◇ Bridget Merli
- ◇ Rosemary Loar
- ◇ Mike Matthews
- ◇ Councilman Joseph Sommer, Liaison

Teterboro Airport Committee

- ◇ Mayor John Hipp
- ◇ Dr. Thomas Bryant, Alt. 1
- ◇ Paul Griffo, Alt. 2

Rent Board

- ◇ Councilman Genovesi made a motion to confirm the appointment as homeowner **Peg Bornemann**, seconded by Councilwoman Inguanti and unanimously approved on roll call.
- ◇ Councilwoman Inguanti made a motion to confirm the appointment as renter **Ryan Tintera**, seconded by Councilman Sommer and unanimously approved on roll call with the exception of Councilman Genovesi who abstained.
- ◇ Councilwoman Keyes made a motion to confirm the appointment as landowner **Barbara Bennett**, seconded by Councilman Sommer and unanimously approved on roll call.
- ◇ Councilman George Fecanin, Liaison

Hackensack Meadowlands Municipal Committee

- ◇ Mayor John Hipp
- ◇ Margaret Schak
- ◇ Councilwoman Rose Inguanti

Recreation Advisory Committee

- ◇ John Wasylyk
- ◇ Robert Finelli
- ◇ Bobbie Weigel
- ◇ Dan Mariano
- ◇ Jock Boyle
- ◇ Karen Sasso
- ◇ Pat Bonner
- ◇ PJ Tully

Pathways to Health Committee

- ◇ Sue Willis
- ◇ David Frazier
- ◇ Peggy Letsche
- ◇ Brian O'Keefe
- ◇ Captain George Egbert
- ◇ Councilwoman Maura Keyes

Citizens Finance Advisory Committee

- ◇ Bonnie Corcoran
- ◇ Chris McCarthy
- ◇ Fred Duduk
- ◇ Pat Kinzler
- ◇ Dennis Holman
- ◇ Michael Scharfman
- ◇ James Hadrava
- ◇ Frank Wilson
- ◇ Frank Marsico
- ◇ Councilwoman Rose Inguanti

Pedestrian Safety Task Force

- ◇ P.O. William Gumbman
- ◇ Tim Way
- ◇ Councilwoman Maura Keyes

Youth Advisory Council

- ◇ Sue Willis
- ◇ Susan Rappaport
- ◇ SRO Al Anderson
- ◇ Det. Tom Lewis
- ◇ Mayor John Hipp
- ◇ Susan Muller

Environmental Impact & Recycling Committee

- ◇ Sharon DeIVecchio
- ◇ Fred Duduk
- ◇ Mary Nakulak
- ◇ Ann Nakulak
- ◇ Frances McCarthy
- ◇ Brian O'Keefe
- ◇ Councilwoman Rose Inguanti

Passaic River Coalition

- ◇ Mayor John Hipp
- ◇ Councilman George Fecanin

Library, Board of Trustees

- ◇ Mayor John Hipp
- ◇ Leslie O'Keefe

Historic Preservation Committee

- ◇ Rod Leith
- ◇ Anne McCormick
- ◇ Dr. Oksana Baczynskyj-Heimur
- ◇ Bill Galloway
- ◇ Edna Huesmann
- ◇ Theresa Gilburn
- ◇ John Uhl, Planning Board Liaison
- ◇ Kathleen Lovatt
- ◇ Jane White
- ◇ Angelo Biviano
- ◇ Jackie Bunker-Lorenz

- ◇ Robert VanWinkle
- ◇ Councilwoman Maura Keyes, Liaison

Board of Adjustment

- ◇ Councilman John Sasso, Liaison

Recycling Coordinator

- ◇ Sharon DeIVecchio

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Councilman Genovesi moved to appoint Sharon DeIVecchio as the Recycling Coordinator for \$8,000 per year, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Councilman Genovesi moved to accept the appointment of Margaret Scanlon to permanent position of Senior Clerk Typist, subject to the rules and regulations and policies and procedures of the Borough of Rutherford and subject to the rules and regulations of the NJ Department of Personnel as well as the applicable New Jersey statutes, seconded by Councilwoman Keyes with all members present voting aye.

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Councilwoman Keyes stated that in regards to her fire report in the work session she requested membership for Justin Mohajer and would like to invite him after the meeting to Council Chambers and they will swear him in. Mayor Hipp suggested that the swearing in be done at the next meeting scheduled.

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Mayor Hipp once again opened the hearing of the citizens.

Mildred Dyson – 55 Wilson Avenue said she heard the Mayor’s answer regarding Robin Reenstra-Bryant saying that he relied on the Transition Team to bring qualified candidates and she wanted to clarify that Robin is the head of the Transition Team. Mayor Hipp confirmed she was. Ms. Dyson said so she was the head of the Transition Team and

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

she brought herself and he took her resume and he wants to promote her to be the Borough Administrator. Mayor Hipp said he doesn't accept Ms. Dyson's characterization what he said was the Transition Team received resumes from four different sources maybe three because there is a question if Mr. Biviano submitted a resume but he thinks he has; the Transition Team submitted the resumes and Mr. Biviano also served on the Transition Team with about eight members. The Mayor said several of them have been appointed to various positions and if she looks at how Transition Teams usually work from the President of the US down to what happened here, which is the first time it has ever happened, it is not unusual for members of the Transition Team to be considered for appointments. Mayor Hipp said in the case of Dr. Bryant, the reason she was selected Chair was because of the fact she worked in the building and had access to information as a matter of convenience. The Mayor said as you can tell by watching what happens up there, Chairpeople don't have a lot of power, they just get to run meetings. Ms. Dyson said what she finds funny is that after all the house parties she had never seen Robin at any one, then after he becomes Mayor and boom she appears. She said at every house party they attending in his honor as he was running with Rose Inguanti and John Sasso people put food and drinks on the table to help bring him into office, she had never seen Robin once at any house and then all of a sudden she is there at his celebration to bring him in as the Mayor on January 1st. Ms. Dyson said she would like to know what she has done that makes him so confident that she can do the job and hold that office. She continued to say she does support the Rutherford Police Department and unfortunately they are taking a beating for what Mayor McPherson and Mr. Nienstedt had done to them and she feels putting in a non-uniformed person who only, she means they might save \$100,000, they don't have to pay Chief of Police \$182,000 they can pay less. Ms. Dyson said maybe the cops to could come to conclusion instead of taking 300 sick days, they get 30 sick days they use them or lose them. She said they should come to some type of agreement like that where they don't have to pay \$500,000 when they leave office.

Peggy Letsche – 228 Prospect Place said as Director of the Kip Center she is wondering if he has made an appointment liaison to the Kip Center. Mayor Hipp responded no. Ms. Letsche said then in that case she announced she has a full board meeting Thursday morning at 8:00 whoever is coming. Councilman Genovesi said he would be happy to show in the interim.

Diane Krause – 134 Orient Way said she has a question on Dr. Reenstra, she is not familiar and she is assuming she has run the Downtown Partnership and she has excellent credentials in Government, has she had any hands-on experience in running a town? Ms. Krause said she feels this is really important at this point, they really need someone with experience and she doesn't know anything about her and would like some information on her resume. Mayor Hipp responded that her resume is available to the public as it is on file with the Clerk.

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Ray Heller – 84 West Newell Avenue said he has known Robin since she was in high school, she was captain of the flag squad and showed leadership qualities at that point. Mr. Heller said she has many skills, a good listener, an organizer and she could be one of the best administrator's the town has ever had, she has a doctorate and she has attended many different colleges and universities all in many ways covering administrative work. He said she would be an asset to the community.

Peter VanWinkle – 60 Sylvan Street said he also echoes that Dr. Reenstra Bryant would be an excellent candidate for their selection and undoubtedly the best Borough Administrator that they have had. Mr. VanWinkle said he was on the Transition Team and at no time during those meetings did Dr. Reenstra Bryant push her name forward harder than any other candidate in fact she stepped out of the discussion when they talked about that. He said it didn't preclude her from putting a resume forward and he is certainly glad that she did because he believes she is the most qualified out of the individuals. Mr. VanWinkle said sorry Lane, he thinks she was as Lane was also one of the candidates that was put forward, the Administrator from Bogota was another and they did look at his resume seriously and certainly he was able to accomplish a lot of benefits for Bogota, also the prior administrator they had, Robert Gorman was looked at very seriously and having weighed that, it wasn't unanimous within the committee there were a lot of people who like Bob Gorman and he liked him as well. He said he thought he was a tremendous administrator, he thinks this town has the potential with Dr. Reenstra Bryant to do so much more, when they look at her resume and if they hadn't they should, she has the potential through her planning experience to do an awful lot that no other administrator has put forward. Mr. VanWinkle said previously they have all been attorneys and he is sorry Mr. Hipp, that doesn't necessarily mean that they are going to be great administrators, he thinks she has the potential to be the best administrator they have ever had in this Borough and he hopes they all stand behind her and give her the support necessary to prove him correct.

Charles DiNoto – 103 West Passaic Avenue said he heard something mentioned about John Uhl, he has been contractor in the town for over 40 years, he has worked with Mr. Uhl and all the inspectors and this town has one of the best Building Departments in the County. Mr. DiNoto said he doesn't know what the problem is but he thinks someone is barking up the wrong tree.

Tim Marquart – 408 Lincoln Avenue said he finds it hard to believe that Pat O'Brien from Bogota was seriously looked at, this man presided over a town who hasn't raised taxes in the 12 years that he was in that position. Mr. Marquart said they also had the opportunity to have Mayor Steve Lonigan come in as a Counsel to help us out of our fiscal problems. He said they are in serious trouble fiscally and he thinks that Pat O'Brien should have been seriously looked at and he doesn't think he was.

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

MINUTES OF REGULAR MEETING HELD JANUARY 22, 2008

Mayor Hipp said it seems that there is a question as to whether he as Mayor have made the right appointment and he doesn't know how to make it plainer, Mr. O'Brien's resume was looked at. The Mayor said he spoke with Mr. Lonagan as he hopes they know and he has invited Mr. Lonagan to talk to them about the budget. Mayor Hipp said there are a lot more things that have to happen in this community than the budget, in fact the Borough Administrator's role in the ordinance, the budget is just one small part in a long number of things that need to be accomplished and it is a skill set that goes far beyond the requirements of being able to look at a budget. The Mayor said Dr. Bryant has had experience in budgets as well in addition to smaller budgets here, she has experience with larger budgets of about 26 million. Mayor Hipp said what he is hearing and maybe he is mishearing it he believes some people are complaining that there are others out there and he disagrees and he will state categorically, he considered Mr. O'Brien's resume as well as Mr. Gorman's, as he did Dr. Bryant's but he has chosen someone he feels has more experience for this role than those two. Mayor Hipp said they may disagree but that is his choice.

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Councilman Genovesi moved to adjourn at 11:00 p.m., seconded by Councilwoman Inguanti with all members present voting aye.

Borough Clerk