

**MINUTES OF 2nd MEETING OF THE
MAYOR& COUNCIL
HELD TUESDAY, FEBRUARY 23, 2010**

The meeting was called to order by Mayor Hipp at 7:10p.m. with the following Councilmembers present:

Councilwoman Inguanti
Councilman Sasso
Councilwoman Birdsall
Councilman DeSalvo – arrived 7:35 p.m.
Councilman Genovesi

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

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

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PRESENTATIONS

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HEARING OF CITIZENS

Mayor Hipp opened the hearing of citizens.

As no other citizens wished to be heard, Mayor Hipp closed the hearing.

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PRESIDENT OF THE COUNCIL

Councilman DeSalvo made a motion to approve the Regular Meeting Minutes of November 23, seconded by Councilwoman Birdsall. The Borough Clerk read the roll call:

MINUTES OF REGULAR MEETING HELD JANUARY 26, 2010

Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall, Councilman DeSalvo voted aye; Councilman Genovesi abstained.

RESOLVED: That bills in the amount of \$1,121,462.80, from the Current Account, 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.

WHEREAS, the Borough of Rutherford had received a bill from the firm of Nowell Amoroso Klein Bierman PA in the amount of \$408.50 from 7/31/06 and

WHEREAS, the attorney for the Board of Adjustment has requested payment of this item,

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized and directed to issue a check payable to Nowell Amoroso Klein Bierman PA in the amount of \$408.50 in payment of the above charge.

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FINANCE

Councilwoman Inguanti spoke

WHEREAS, the Borough of Rutherford desires to retain the services of 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 may exceed \$21,000.00; and

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

WHEREAS, William T. Smith, Esq. of Hook, Smith & Meyer of Franklin Lakes, New Jersey has submitted the attached proposal for legal services as Borough Attorney; and

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

WHEREAS, William T. Smith, Esq. 851 Franklin Lake Road, New Jersey 07417 has completed and submitted a Business Entity Disclosure Certification which certifies that the firm 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 them from making any reportable contributions through the term of the contract.

MINUTES OF REGULAR MEETING HELD JANUARY 26, 2010

NOW, THEREFORE, BE IT RESOLVED that William T. Smith, Esq. is hereby retained as Attorney for the Borough of Rutherford under the terms described in the agreement attached hereto and incorporated herein and the Mayor and Clerk are hereby authorized to execute said agreement; and

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

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WHEREAS, the Borough of Rutherford desires to retain 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 may exceed \$21,000.00; and

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

WHEREAS, Garbarini & Company, Inc. of Carlstadt, New Jersey has agreed to provide these services for \$27,500.00; and

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

WHEREAS, Garbarini & Company, Inc., of Carlstadt, New Jersey has completed and submitted a Business Entity Disclosure Certification which certifies that the firm 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 them 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 Garbarini & 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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WHEREAS, the Borough of Rutherford desires to retain 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

MINUTES OF REGULAR MEETING HELD JANUARY 26, 2010

WHEREAS, the Mayor and Council of the Borough of Rutherford have determined that the value of the contract may exceed \$21,000.00; and

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

WHEREAS, Boswell, McClave of South Hackensack, New Jersey has agreed 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 the firm 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 them 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 in an amount not to exceed \$200,000 for Engineering services, \$7,500 for Borough Planning services without further prior approval of the Governing Body; 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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WHEREAS, the Borough of Rutherford has a need for the services of a **Risk Management 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 \$21,000.00; and

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

WHEREAS, Professional Insurance Associates, 429 Hackensack Street, Carlstadt, New Jersey 07072 has submitted the attached proposal for services as Risk Management Consultant; and

MINUTES OF REGULAR MEETING HELD JANUARY 26, 2010

WHEREAS, Professional Insurance Associates has completed and submitted a Business Entity Disclosure Certification which certifies that the firm 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 them 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 Professional Insurance Associates as described herein; and

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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WHEREAS, the Borough of Rutherford has a need for the services of a **Producer 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 \$21,000.00; and

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

WHEREAS, Professional Insurance Associates, 429 Hackensack Street, Carlstadt, New Jersey 07072 has submitted the attached proposal for services as Producer Consultant; and

WHEREAS, Professional Insurance Associates has completed and submitted a Business Entity Disclosure Certification which certifies that the firm 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 them 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 Professional Insurance Associates as described herein; and

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

MINUTES OF REGULAR MEETING HELD JANUARY 26, 2010

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

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For, **POLICE**, Councilman Genovesi stated that the monthly report will be on file in the Borough Clerk's Office.

WHEREAS, certain organizations have applied for a Raffle/Bingo License and

have been approved by the Police Director and paid the required fees;

NOW, THEREFORE, BE IT RESOLVED that License be issued

to: **Rutherford Education Foundation** **On Premise 50/50**
PTA St. Mary High School **On Premise 50/50**

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For, **PUBLIC WORKS**, Councilman DeSalvo provided a report for the Department which is on file with the Borough Clerk.

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For, **FIRE**, Councilman Sasso stated that the stats for the Fire Department wouldn't be available until the first meeting in February.

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MINUTES OF REGULAR MEETING HELD JANUARY 26, 2010

For, **BUILDINGS AND PUBLIC UTILITIES**, Councilwoman Birdsall provided her monthly report which is on file in the Borough Clerk's Office.

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As Liaison to the WILLIAMS CENTER, Councilwoman Birdsall

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For, **RECREATION**, Councilman Sasso

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MAYOR'S AGENDA

Committee Report

Mayor Hipp stated

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HEARING OF CITIZENS

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

The Council responded they would check the microphone system.

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CONSENT AGENDA ITEMS

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

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NEW BUSINESS

Councilwoman Inguanti spoke regarding Borough Event's cost; scheduling of such; what events did they want and the need to determine them.

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OLD BUSINESS

Councilwoman Inguanti spoke regarding fundraising for events conducted by Borough Committees. The Borough Attorney stated that any Borough Committee must get permission from the Mayor and Council to fundraise and those monies must be controlled by the Council. Discussion took place.

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ORDINANCES ON 1ST READING

The Borough Clerk read the title: **AN ORDINANCE TO AMEND AND SUPPLEMENT S73 OF THE CODE OF THE BOROUGH OF RUTHERFORD ENTITLED "PLAYGROUNDS, PARKS, OPEN SPACES AND RECREATION AREAS" SUBSECTION 8 ENTITLED "SCHEDULE OF FEES"**

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ORDINANCES ON 2ND READING

Councilwoman Inguanti introduced the Ordinance for part-time tax assessor salary.

The Borough Clerk read the title: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD, UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE 11, N.J. REV. STAT.) OF NEW JERSEY, NO. 3173-08 ADOPTED December 16, 2008.**

Councilwoman Inguanti made a motion to approve the Ordinance being passed on 1st Reading and advertised according to law, seconded by Councilwoman Birdsall.

Mayor Hipp opened the Ordinance for discussion; no discussion was requested.

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

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Councilwoman Inguanti introduced the Ordinance amending the by-laws pertaining to Purchasing.

The Borough Clerk read the title: **AN ORDINANCE AMENDING ORDINANCE NO. 3191-09 IN §5-10 OF THE BY-LAWS OF THE MAYOR AND COUNCIL ENTITLED "PURCHASES".**

MINUTES OF REGULAR MEETING HELD JANUARY 26, 2010

Councilwoman Inguanti made a motion to approve the Ordinance being passed on 1st Reading and advertised according to law, seconded by Councilman DeSalvo.

Mayor Hipp opened the Ordinance for discussion; no discussion was requested.

The Borough Clerk read the roll call: unanimously approved on roll call.

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Councilwoman Inguanti introduced the Capital Bond Ordinance transferring unexpended funds.

The Borough Clerk read the title: **CAPITAL BOND ORDINANCE TO AMEND SEVERAL CAPITAL ORDINANCES AND APPROPRIATE THE SUM OF \$65,875.00 FOR IMPROVEMENTS TO MEMORIAL FIELD FENCING, AN IMPROVEMENT IN, BY AND FOR THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION.**

Councilwoman Inguanti made a motion to approve the Ordinance being passed on 1st Reading and advertised according to law, seconded by Councilman DeSalvo.

Mayor Hipp opened the Ordinance for discussion; no discussion was requested.

The Borough Clerk read the roll call: unanimously approved on roll call.

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Councilman DeSalvo moved the following resolution for a closed session, seconded by Councilwoman Inguanti with all members present voting aye, except Councilman Genovesi who abstained:

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 Tuesday, January 26, 2010 at 11:20 p.m. in the Committee of the Whole Room to discuss the following matter:

- White Collar Negotiations

The meeting re-convened to open session 11:45 p.m. There being no further business, Councilwoman Inguanti moved to adjourn at 11:46 p.m., seconded by Councilwoman Birdsall and unanimously approved on roll call.

MINUTES OF REGULAR MEETING HELD JANUARY 26, 2010

Borough Clerk