

**MINUTES OF A REGULAR MEETING OF THE  
MAYOR & COUNCIL  
HELD TUESDAY, FEBRUARY 26, 2008**

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The meeting was called to order by Mayor Hipp at 8:25 p.m. with the following Councilmembers present:

Councilman Sommer  
Councilwoman Keyes  
Councilman Genovesi  
Councilwoman Inguanti  
Councilman Sasso  
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Councilman Fecanin - Absent

Mayor Hipp asked those present to join him in a salute to the flag and a moment of silence.

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Council President Genovesi read the provisions of the Open Public Meetings Law.

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Mayor Hipp made the following presentations:

- Firefighter Justin Mahajer-certification as a member of the Rutherford Fire Department Co. #3
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- Historic Homes Preservation Awards to Carol Calamari-199 West Newell Avenue; Shawn and Laura Giangeruso-52 West Newell Avenue; James & Mazzion Schnackenberg-82 Woodward Avenue
- 2007 Holiday Decoration Contest presented by the Rutherford Lion's Club

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## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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Mayor Hipp opened the hearing of citizens.

Michael Paskas – 123 Washington Avenue thanked the Mayor for attending the Jr. Football Brunch. Mr. Paskas said the reason he was looking for an answer to his e-mail as they are making their budget shortly and they want to start construction soon.

Councilman Sasso replied that he got the email and he immediately typed up a response which he sent to Borough Attorney Lane Biviano. Councilman Sasso said there were a couple of things that concerned him about the letter and he went on to read a portion of the letter concerning the Jr. Football changing the locks.

Councilman Sasso said that was the concerning item for him and he didn't respond because he wanted to go to the Borough Attorney because he did not see a copy of the lease until recently and he asked the Attorney to give him some type of answers so he could respond to his letter. Councilman Sasso said he would also let people know that the Rec. Dept. is charged electricity for the entire building for the summer months and the telephone bill for the summer months for the use of the building to open up the kitchen to serve food for the residents and the recreation softball and asked if that was correct? Mr. Paskas replied yes, and said they still haven't paid it. Councilman Sasso said he also had a copy because he asked Barbara for payments made, RJF for PSE&G on 1/17/06 \$774.58 for public service; on 4/26/05 \$202.62 for public service; and for last year it was his understanding that the kitchen was unusable because of the construction work that was done on the second floor. Mr. Paskas said that was wrong because the construction was two years ago. Councilman Sasso said the kitchen was unusable because the Board of Health wouldn't approve it, that was his understanding. Mr. Paskas said that is wrong and the Rec has used his kitchen for the last three years for their daycare, softball and the high school electricity for Diamond 5 has been running out of his kitchen, so the information he had was 100% wrong. He continued to say they were in it all of last year from June through August. Mr. Paskas said he is going to read the entire letter because Councilman Sasso picked out one paragraph and tried to label it as a negative letter and it is not negative at all, so he went on to read the rest of the letter.

Councilman Sasso asked Mr. Paskas to stop so that after each question he could respond.

Mayor Hipp interrupted saying he appreciates the give and take and he thinks it is important but this is a hearing of citizens not a debate, he suggested that Councilman Sasso, the Borough Attorney, Mr. Paskas and he sit down to discuss this. Mr. Paskas continued saying "in closing the last paragraph, he would like to clear these issues up and be willing to meet with them as soon as possible. Mayor Hipp asked the Borough Clerk to contact everyone to schedule a meeting in his office.

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

---

George Hughes – 191 Wheaton Place said on January 31, his daughter brought a flyer home from school advertising the new softball clinic offered by the Rec Department. He then went on to re-count his various communications with Councilman Sasso regarding his displeasure with the change.

Mr. Hughes said it was very apparent to him at the Council Meeting on February 19 that none of the Council Members were aware of the flyers that were handed out to the children on January 31, let alone the group that is running these new clinics, he got the same reaction from Mayor Hipp at the meeting on Tuesday, February 12. He said he is truly disappointed as a parent, as are 70 plus parents on the petition that he presented last week to find out that there will be no reasonable or affordable alternative to the wonderful clinics that All Pro ran for their softball program and still runs for the boys in the Little League. Mr. Hughes said he doesn't know if Mayor Hipp found out anything since conducting his own investigation but he wanted to ask the Mayor and Council Members if there knew who this new group of women was, what is their company? Are they bonded and insured with the proper tax ID number? How did they get approved to hand out flyers to the schools and to run the clinics in this town? Mr. Hughes thanked the Mayor and Council.

Councilman Sasso then re-counted his contact with Mr. Hughes regarding this issue and explained the decision that was reached within the Recreation Department to use another group for this clinic.

Councilman Sasso said the Rec Dept changes programs all the time. He said that they are changing the tennis program from a vendor they used previously; last year they had an issue with a vendor and went to a new vendor but they are going back to the old vendor because of complaints and because of other issues. He explained that these types of decisions do not go to the Mayor and Council.

Mayor Hipp said that Mr. Hughes was entitled, as is every citizen, to receive some type of an answer to a complaint, even if they don't like the answer but he felt they were getting into another debate over issues and he doesn't think it is appropriate in this forum where there are citizens who want to talk and raise issues to get into one-on-one. He said he does appreciate his comments.

Robin Reenstra-Bryant – 450 Riverside Terrace said she was there as Manager of the Rutherford Downtown Partnership to fill them in on a couple of things that the Partnership is working on and planning for 2008. Ms. Reenstra-Bryant said they have had a number of meetings already this year with the marketing committee and the maintenance committee and plans are underway for a number of interesting and exciting activities for the year. She said in cooperation with the Town's Board of Aesthetic Review on April 26 they are planning "Keep Rutherford Clean Day" as an effort to help improve the winter debris of the Downtown Area; the week of April 26-May 3 plans are underway in cooperation with a business downtown, Olympic Karate Studio to put on a Rutherford "Random Acts of Kindness Week" that they will work with the schools as well; the month of May will be identified as "Art on Park Week" with the Rutherford Art Association and their works of art on display for sale in Downtown Businesses. June 4-October 29 Farmer's

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

---

Market for the 11<sup>th</sup> year in Williams Plaza on Wednesday from 11 to 6; June 25 Taste of Rutherford; July 26<sup>th</sup> the Hambletonian Parade and Festival; September 1<sup>st</sup> they will work with the Borough on the Labor Day Street Fair; October 17<sup>th</sup> plans to initiate a new event this year being an Oktoberfest celebration in the Williams Plaza; November 28 & 29<sup>th</sup> they will work again on the Holiday Festival; December 22 & 23<sup>rd</sup> the Holiday Late Night shopping with free gift wrapping and retailers that are open until 9:00 those evenings for the public.

Joe Mauro – 273 Washington Avenue, Lyndhurst of All Pro Academy He said that he was called by some residents to come to this meeting in regards to the remarks made about his business concerning the softball clinic which was spoken about earlier. He said he appreciated the people who defended him and he said the statements made by Councilman Sasso in the newspaper were lies about the payments and complaints and felt that if the Recreation Department was going to change vendors they should have told him. He felt that someone should have talked to him and not the newspaper.

Councilman Sasso responded that these were the facts that were given to him and he will check with the CFO tomorrow to confirm his facts. Mayor Hipp said he is trying to give everybody a chance to talk but the problem is that it will be back and forth and again the suggestion he will make is that Councilman Sasso and Councilman Sommer will meet with the Rec Dept and try to straighten this out but he is not promising any change in the program.

Adam Szura – 94 Vreeland Avenue said he wanted to shine the light on some of the false charges that were hoisted on him by the previous administration. Mr. Szura described in detail the events of the case that was brought against him several years ago in regards to a property maintenance issue. He felt the Borough wasted taxpayer dollars defending their case and certain employees should be fired for filing false claims and shouldn't be able to make decisions about what happens in our town.

Mr. Szura said his primary interest today is to ask the Council to do whatever is necessary to remove the false conviction that is hanging over his head and to reimburse him for all the fines that are associated with this particular outrage. Mayor Hipp said they do not have the legal authority to do that, if he wants that expunged or challenge the conviction he will have to hire an attorney and he will have to deal with the criminal justice system. He said that the Governing Body has no power to reverse a conviction and they have no authority to interfere with the criminal system. Mr. Szura asked if they can do anything about the false reports. Mayor Hipp said in terms of reversing a conviction the answer is no, they don't have that authority, he would have to go to the County Prosecutor and he strongly recommended he seek legal counsel to do that and that person would be able to advise him on the procedure to follow.

Mr. Szura asked about the misconduct in office that he is alleging. Mayor Hipp said he appreciates that he has the right to make the statements but in terms of firing, obviously they can't sit there and agree to those terms and if it turns out that any public official engaged in criminal conduct of the nature he spoke about, he said he believed it would be in the hands of the County Prosecutor's office for an investigation.

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

---

Mary Hughes – 193 Wheaton Place spoke in regards to the issue with the Recreation softball clinic regarding the petition, the newspaper, statements made against All Pro and the communications with the Recreation Department. She voiced her concerns as to how the residents get answers to their questions about the programs that are run.

Mrs. Hughes and Councilman Sasso then discussed the complaints from last year's clinic and what the issues were, the newspaper article and the petition.

Mildred Dyson – 55 Wilson Avenue said that the Council Members are not full time employees of the Rec Dept. Ms. Dyson said the Rec Dept has been struggling for the past 7-8 months without a Superintendent and felt Barbara Bennett and Maureen Bigley deserve a standing ovation.

Mrs. Dyson said she sent a certified letter to Mr. Michael Schilare, Chairman of the Board of Adjustment and she would like to know the protocol on how that works, she sent Mr. Genovesi a carbon copy and Mr. Fecanin, the next day she had an email from Mr. Genovesi and that is all she has heard. Mayor Hipp said the protocol is that the Board of Adjustment would probably take up that matter as a full Board and there would be a response, hopefully a written response. Ms. Dyson asked if she would be notified as to when they will be talking about it and Mayor Hipp responded that would be appropriate.

Ms. Dyson said a month or two ago she asked about a \$8,000 check cashed for health benefits that was given to Tim Stafford and she would like to know how he got paid that \$8,000 without it being passed by this Council, who issued this check and how can they get this money back.

Councilman Genovesi said that this is an issue that is on-going, it was discussed in closed, it is a matter which has been made known to the public and at some point we will have an answer after the investigation. Ms. Dyson said it has been months now, he put his resignation in December 19. Councilman Genovesi said it is because it is not a settled situation, it is on-going and something that was discussed in closed session so they are not able to discuss it at this time. Ms. Dyson asked if there was a time frame. Councilman Genovesi said he does not have a time frame. Ms. Dyson said then they have to attend every meeting until then or maybe he could give her a call before hand to let her know when it is on the agenda. Councilman Genovesi said he would do that.

Ms. Dyson suggested that maybe they should have Department Heads sit at every Council Meeting so the liaisons don't take a beating like they did tonight; this way the Department Heads can answer their own questions.

Cliff Schaffer – Wireless Communications Consultants, Harrisburg PA said he was present to represent Verizon Wireless and the purpose of the visit was to hopefully get some feedback or perhaps guidance. Mr. Schaffer said his client is interested in installing additional sets of antennas to better serve the Borough and they're presently interested in accessing whether the communications tower at the police station would be a suitable

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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location for them and for the owner of the tower which they understand to be T-Mobile. He said there is an obvious involvement to their understanding for ground space through the Borough so they were told by T-Mobile when they inquired with them. Mr. Schaffer said he didn't expect to get into this in detail but he is simply trying to initiate the inquiries which were made last summer. He said he wanted to leave his business card and hopefully get some guidance on who they could have as a liaison on this matter. Mayor Hipp asked him to leave his card with the Clerk.

Councilman Genovesi said last year as the Building and Public Utilities liaison, he was made aware of the interest in putting the device up. He asked where he left off with Borough Administrator Stafford and Mr. Schaffer replied that he was waiting for Police review and structural review. He said that they were throwing out conceptual ideas of how, from their experience, they might approach the installation of Verizon at that facility. He said they would need to apply to T-Mobile to attach to the tower itself but they told him that all ground space and equipment space at ground level is administered through the Borough and ultimately through a public bid for that space. He said that they have been unsuccessful in getting something going in the way of dialogue with the Borough to identify whether that is acceptable to them and if so what the steps might be to get to that point of a public bid so they can then advise their client that it is a tangible opportunity. Mr. Schaffer said without the ground space it's not functional for them.

Mayor Hipp said if he would give the information to the Clerk, we will begin to familiarize ourselves with the status of the situation and get back to him as soon as possible.

Councilman Sommer asked should the Borough decide to go in conjunction with T-Mobile to grant Verizon or maybe another wireless carrier to place on the tower, would this transaction bring revenues to this town and Mr. Schaffer replied yes.

Dennis Holmann – 311 Montross Avenue said he understands that in November/December in retirement contracts for town employees there was a special clause put in that is quite unusual for indemnification of any personal acts they may have done that they could be liable for in the execution of their duties. He said he knows a lot of them weren't there, but he would like to ask those Councilpersons who were there why was that clause was put in the retirement contracts and isn't that quite unusual?

Councilwoman Keyes responded that she would have to review the contract to actually answer that question, she didn't remember off-hand. Mr. Holmann asked if she voted on the contract. Councilwoman Keyes responded that she is sure she did. Mr. Holmann asked if she read the contract. Councilwoman Keyes responded she is sure she did in November or December as he stated. Mr. Holmann said and that clause didn't seem unusual to her? Councilman Genovesi asked if he could be specific on the contract. Mr. Holmann said obviously it was the retirement contract for the police chief, police captain and maybe one additional and in checking around Bergen County, all public officials and especially police officers are indemnified in performing their duty from any liability unless, as he understands it, there is some wrong doing. He said just like in his job he is indemnified but if he commits a crime such as stamp on somebody's civil rights,

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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discriminate against somebody, sexual harassment, do something to a customer that is incorrect, then the indemnification goes away. Mr. Holmann said he wonders why they saw fit that they had to have this indemnification in these agreements. Councilman Genovesi said in fairness to Councilwoman Keyes he just wanted to be specific about which contract he was referring to. Councilwoman Keyes asked Councilman Genovesi if he recalled. Councilman Genovesi responded that he voted no to both those terminal packages, he did not vote yes to Chief Nienstedt's terminal package and he did not vote yes to Captain Farrell's. Councilwoman Keyes said that wasn't her question. Councilman Genovesi said he doesn't recall that there was a reason.

Mr. Holmann said there was a wonderful project, being independent he can say this, prior Republican and prior Democrats championed so much around here, Encap. He said he understands two years ago there was a payment made by Encap to the Borough to portray potential expenses that they might incur for the infrastructure that was needed for the Encap development, such as schools, police sub-stations, fire station, he believed that amount to be \$6.5 million. Mr. Holmann asked if anybody could tell him where that money is right now? Councilwoman Keyes responded that any monies that are received from any entity, particularly Encap, goes directly to the budget. Mr. Holmann asked if she thought that was a good policy? Inaudible. Mr. Holmann said he thinks that was a very bad decision by the Council and he wants to make sure everybody understands what is going on with Encap. He said talking about Encap, all the monies that come in, that they apply to the budget, can anybody tell him what the status of Encap's payment of tax is and the pilot is now. Inaudible.

Mayor Hipp said he won't get into the legal issues but the status is there was due and owing a \$200,000 payment under the existing financial agreement and that was not made at the end of December. He said they received a letter from their attorney DeCotis which claimed that they were holding it in escrow pending a letter from the Borough reaffirming the legality of the financial agreement. Mayor Hipp said so far they declined to do that and basically they are in the process of finding special litigation counsel on a wide variety of areas and that process takes a little bit of time because of changes in the law but the Council will be appointing an attorney, a special litigation counsel for these and other matters over the course of the next several weeks. Mr. Holmann asked if there were any other tax arrearages from Encap? Mayor Hipp said there are tax arrearages from Encap in connection with a pending tax appeal and that is over a \$.5 million now and all he can tell him without going into detail is that they are vigorously pursuing that money. Mr. Holmann said that he pays his own taxes and if he wants to appeal his taxes he can file it and not pay. Mayor Hipp said actually, they have counsel in contact. Inaudible. Mayor Hipp said the answer is no. Mr. Holmann said if he appeals his taxes and wins he would somehow be adjusted with his taxes, he wouldn't just stop paying them and saying that is too much. Inaudible.

Frank Gunari, Chief of Police from the Borough of Bogota and President of the Bergen County Police Chief's Association said the concern of the PCA's is to maintain the position of Chief of Police as a professional law enforcement officer. Chief Gunari said this is presumably an officer who has devoted his career to the police department, who has worked his way up through the ranks and would take over the reigns of the police

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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department as a professional up-to-date trained officer to oversee the day-to-day operations. He said they feel that instituting a public safety director would not only cause an issue with morale within the police department but would also be a fairly highly paid administrator with no police powers and limited abilities to oversee the operation of the department. Chief Gunari said they took some numbers based on the 2007 budget and figured out what the \$100,000 savings would be, the difference between the police chief's salary assuming that would be maintained and the salary of the director. He said based on the numbers they had available as public records it appears that a home in the Borough would save approximately less than \$20 per year, less than \$1.60 a month for that \$100,000. Chief Gunari said that is assuming that the numbers they were provided through OPRA were accurate and that doesn't take into account the commercial properties in the town which would be presumably lower that number. He said in closing he mentioned that in the Record newspaper there was an editorial written by Mayor George Fosdick of Ridgefield Park which dealt with consolidation and shared services, coincidental he took the \$100,000 figure in his Borough based on his numbers and in the village of Ridgefield Park a \$100,000 reduction in the budget would save approximately \$22 so those figures are pretty much in line. Chief Gunari thanked them for the opportunity to speak.

Mitchell Sklar Executive Director of the New Jersey State Association of Chief of Police said he contacted members of the Council via correspondence and he would like to highlight a few issues from such. Mr. Sklar said members of the Borough Police Department can talk eloquently about what it means to them to have a civilian placed down on top of them capping their careers and what it means to morale. Mr. Sklar said the Chief mentioned some of the other issues regarding professionalism in law enforcement leadership. He said he wanted to talk about two matters, one is the legal issues regarding the ordinance and the second is the fiscal matter. Mr. Sklar said in the letter he went through an analysis of the ordinance in comparison with State law, statutes, court cases, and Attorney General opinions, as he mentioned there are several places that the ordinance as drafted now violates the law. He said it is not really a choice or opinion it is a matter of law, he sighted all of the binding legal authorities on that, Attorney Generals' opinions and State statute as well as an arbitration case. Mr. Sklar said the ordinance as drafted would be violating the law and that reflects a misunderstanding of what this position of civilian administrator is. He said regardless of the titled, police director, superintendent whatever they want to call it, it is a civilian with very limited and circumscribed authority to expand that authority is contrary to law and this is not a new law, other jurisdictions have been through this, other towns have litigated this at great expense to their taxpayers only to find that the Attorney General and the court cases were right all along.

Mr. Sklar said this is a limited civilian position, he went through section by section of what the amended ordinance would look like if past under the proposal that was before them and where it would violate the law. He asked them to rethink passing an ordinance that is clearly volatile of State law, statutory and court opinions and he doesn't think there is anything mafairyus about these violations it just reflects a misunderstanding of what they are getting, bargains are not always what they seem. Mr. Sklar said this is a civilian who will clearly for the court cases has some authority and he mentioned a few of those like secure good relations with the neighbors and the businesses in town, provide advice

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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for the Council but none of that is actually supervising law enforcement functions. Mr. Sklar said the ordinance as amended would give direct supervisory authority to a civilian that is contrary to State law on the other hand the ordinance will also allow the civilian to designate his or her authority to a Captain which is also violating the State law because the Captain can not exercise the appropriate authoritative function, that is also a State law. He said the ordinance as it is makes instead of the Commissioner or Mayor the appropriate authority it makes the Police Director the appropriate authority. Mayor Hipp commented that is the appointing authority he is talking about. Mr. Sklar responded the appropriate authority is the legal term under 40A:14-118, the ordinance would designate the Police Director as the appropriate authority and it says the civilian police director can designate which Captain in his absence does the Police Director's function. He said he can't delegate civilian functions of the appropriate authority to a sworn officer just as he or she the Director can not exercise law enforcement functions as the ordinance would do. Mr. Sklar said he thinks it reflects a misunderstanding of what they would get with a civilian director, they have and excuse the term, a pencil pusher with very limited authority that is well documented and outlined in the court cases and the Attorney General opinions that state this is a civilian administrative function, this is the law enforcement function, the two do not intersect and with the civilian public safety director the ordinance the intent would be to intersect them, it's a violation of State law. Mr. Sklar asked they revisit that as well as the entire issue of the wisdom of the director versus a fully operational police chief. He said the fiscal matters one is an arbitration case in one of the twenty towns in the State that had a civilian director and no police chief, where the two ranking lieutenants filed a grievance stating they were entitled to additional pay because they were doing the job of a chief that the civilian director could not do. Mr. Sklar said he went through the case and their grievance was upheld and the court in this case PERC, the Public Employee Relations Commission pointed out, civilian director is a civilian and as that a civilian can not legally delegate law enforcement functions. He said so it is not like the director saying to the lieutenant he will now do this job and he is not entitled to additional compensation; as a civilian he can't delegate law enforcement functions therefore they were entitled to additional compensation. Mr. Sklar said that is one of the fiscal issues to consider in this matter and the second issue is there is a discussion about if they promote a chief they are going to move people up and eventually that gets down a patrol officer to a sergeant and therefore you will need to hire a patrol officer. He said the staffing levels are his domain not his, they will determine what staffing levels are needed but like every police department in every town and state, someday one of the supervisors are going to retire, a Captain, Lieutenant or Sergeant will leave the force and they will be faced with the exact same circumstance, promotions through the ranks, moving leaving that patrol officer's spot open. Mr. Sklar said only they will be faced with that paying a highly paid civilian administrator with limited authority on top of the department, they will be faced with the same situation, they have to hire a patrol officer, maybe, except they will have a civilian director blunked on top of the department drawing a fairly nice salary but with very limited authority. He said he appreciated the opportunity and their consideration of his correspondence and synopsis of this and they urge them to listen to the men and women of the department, to the people who spent their lives serving and perfecting their community and what this would mean to them as well as the legal issues.

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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Sharon DeVecchio – 327 Mortimer Avenue said Joe Sommer had triggered revenue and she was there to say they are \$105 per ton for paper. She said they will beef up proper containers and she has faith that they will meet Bergen County's highest rate out of the state, that is her goal and it should be everyone's goal. M. DeVecchio said because they talk about what type of revenue they can bring in and recycling, especially paper now it is a commodity and all this year it is forecasted to be very good and they have a very good contract. She said is happy to work with everyone and anyone that wants to call her at the DPW.

Dennis Letsche – 228 Prospect Place thanked the Mayor and Council for the acceptance of the Lindsey Meyer Pumpkin Run and those who have been there for the past six they approved. Mr. Letsche said it is a positive thing to do and shows that this town can pull together and do something positive.

Dr. Fred Fiume – 197 Wheaton Place asked in the absence of a Rec Supervisor for about 6-8 months and a Borough Administrator who previously assumed those duties, who exactly made the decision to switch vendors on the clinic?

Councilman Sasso said Barbara asked him in January, that she had a proposal in front of her for a new softball clinic, she hadn't been approached by the vendor used previously, she stated that there were complaints, which they just went through before and he said Barbara there is no Rec Director, if she is saying it is okay he is assuming that the decision was made in the Rec Dept which it has been previously, always so the vendor was changed. Councilman Sasso said it hadn't just been the girl's softball clinic. Dr. Fiume said he just wanted to know who exactly made that decision and secondly when is there going to be a new Rec Supervisor, is there any committee that is actively seeking applications and when can the residents expect Recreation Supervisor so that they have some sort of clear delineation. Councilman Sasso said they are reviewing all of the resumes from when the position was opened up last year to date and will be setting up interviews with qualified candidates. He said they re-advertised and are basically starting from ground zero.

Dr. Fiume said he echoes the sentiments of many of the residents, recreation does a fine job, they are over-worked and they do need someone in that position, he knows it is around \$80k maybe they will get someone a little cheaper and who can do a good job for all the residents.

John Carton – 20 Carlton Place asked if the company that has been selected for the clinic, or is being selected, is bonded and insured. Councilman Sommer said as the liaison for the past two years to Recreation, the answer to the question is these programs, these clinics run under the auspices of a Rec Dept and under the insurance plans and their rules and regulations do not have to be bonded. Mr. Carton said okay then they are paid through the Rec Dept? Councilman Sommer said there are a variety of programs that have coaches who are teachers in the high school that run basketball clinics, they raise money and in part they pay back the school board for use of the gyms not unlike the situation they are talking about here. He said this clinic was subsidized with Recreation

**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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budget funds, which happens with other clinics, and this often makes them pause and take note and they will be analyzing it again for next year.

Lori Rogers – 47 Wheaton Place said this has gotten out of hand, nobody is arguing that Recreation is not doing a great job, but they all agree they are short handed and it should have been filled a long time ago. Ms. Rogers said in the absence of a director all they are doing is asking questions. Mr. Sasso has taken that role of making decisions on clinics along with Barbara. Ms. Rogers went over the details of this issue including the newspaper article and petition and the need for a full staff.

Marietta Marquart – 408 Lincoln Avenue said she thinks it is disgraceful the way the meeting this being run, nobody got their five minute limits, it's 10:00 and who wants to be there until 12:00, she knows the Council doesn't. Ms. Marquart said the recreation thing needs to be laid to rest now, it's a personal attack against Councilman Sasso, she doesn't know what the issues are, she doesn't know what there are looking to solve, she has been in this town 28 years with three kids that went through all the Rec programs that were available to them and she doesn't ever remember anything like this. She said if there is personal issues it needs to be taken care of by the people that are involved. Ms. Marquart said she doesn't know what it is they want to solve, she doesn't have the details only what she heard then but for adults to be acting like this is ridiculous and as far as the Borough Administrator she would like to know what is going on with that, it is going to be March soon.

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

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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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Under the Consent Agenda, Councilman Genovesi moved approval of the Minutes of the Regular Meeting of January 22, 2008, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved approval of the Minutes of the Special Meeting of January 29, 2008, seconded by Councilwoman Keyes with all members present voting aye.

MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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**2/19** Under the Consent Agenda, Councilwoman Keyes 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 \$25.00 payable to Sue Forsythe – refund on wrestling deposit.
2. In the amount of \$65.00 payable to Hilda Stead – refund for 1 Radio City Ticket.
3. In the amount of \$75.00 payable to Brenda Haughey – refund for Fun with Music.
4. In the amount of \$25.00 payable to Enrique Blaschke – refund for travel basketball.
5. In the amount of \$25.00 payable to Meena Bhadiyadora – refund for travel basketball uniform.
6. In the amount of \$100.00 payable to Barbara Bennett – dollars to be placed in plastic eggs for Flashlight Egg Hunt.
7. In the amount of \$65.00 payable to Cindy Hastie – refund for 1 Radio City Ticket.
8. In the amount of \$50.00 payable to Michael Miranda – refund for Junior Dance.
9. In the amount of \$300.00 payable to North Eastern Basketball Association – payment for travel basketball tournament.
10. In the amount of \$25.00 payable to In Suk Kim – refund for Indoor Soccer.
11. In the amount of \$375.00 payable to Mountainside Stables – payment for animals at the Annual Egg Hunt.

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**2/19** Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

**RESOLVED:** That bills in the amount of \$16,613,933.64 payable from the Rutherford Current Account, \$250.00 from Public Assistance Trust 1, \$1,000,000 from the Capital Account and \$24,000.00 from the Rutherford Business Improvement 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.

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

**WHEREAS** an overpayment for 1<sup>st</sup> quarter, 2008 property taxes was received for Block 154, Lot 14, Qual. C02C1, 101 Orient Way and;

**WHEREAS** a request has been made for a refund of this overpayment;

**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$1310.00 made payable to Schneider, Horowitz & Chavez, Attorneys at Law.

\*

Under the Consent Agenda, Councilman Genovesi moved to accept 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 \$25.00 payable to Helen Cai – refund for indoor soccer.
2. In the amount of \$105.00 payable to Moreen Myers– refund for snow tubing.
3. In the amount of \$50.00 payable to Joe Bucchi – refund for Yoga class.

\*

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

**RESOLVED:** That bills in the amount of \$3,298,075.85 for Current Account bills, \$6,547.06 for Capital bills and \$7,555.25 for Trust fund bills, all as detailed 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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For, **FINANCE**, Councilwoman Inguanti reported for February they are continuing to formulate the budget during the course of the week the Finance Committee is meeting with Department Heads and reviewing operating budgets. Councilwoman Inguanti added that as of then they are coming out above the 4% mandated CAP on the municipal tax levy, however the budget picture is not complete, additional monies will come into the Borough so too will unexpected expenses. She said to help offset expenses she has met with the Court Administrator and the Borough Administrator of North Arlington and they are exploring shared-service agreements with North Arlington for the use of the court room. Councilwoman Inguanti said Mr. Cortright and she had initiated a preliminary review of the debt to explore whether or not some target refinancing may provide a savings for both short term and long term for the Borough. She said furthermore the Finance Committee meets with Dept. Heads this week they will continue to look for ways to economize and seek efficiencies. Councilwoman Inguanti said they are in negotiations with two unions and they may not know the outcome of that process until later in the year so that is somewhat of a question mark hanging over the final budget. She said the Borough has been advised an investigation is underway with the NJ Dept. of the Treasury and they have been assured that they will receive their hotel occupancy CAP fee

**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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retroactively; this allows them to add another \$100,000 of revenue into the budget this year for this tax year providing tax relief to the residents.

Councilwoman Inguanti announced that there will be a Special Meeting next Tuesday, March 4, 2008 at 7:00 p.m. to present the budget and invited all to attend.

\*

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

**WHEREAS**, the Borough is a member of the South Bergen Municipal Joint Insurance Fund (hereinafter the FUND) for its property and casualty coverages; and

**WHEREAS**, in accordance with the by-laws and requirements of membership in the Fund, the Borough must appoint a Fund Commissioner and Alternate Fund Commissioner to represent the Borough in all pertinent Fund affairs, and

**WHEREAS**, the Borough appointed Peter Van Winkle at the Re-Organizational Meeting of the Borough by unanimous voice vote and had not appointed an Alternate Fund Commissioner, due to a vacancy in the Borough Administrator's position.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Rutherford that the appointment of **Peter Van Winkle** as Fund Commissioner is hereby formally affirmed by Resolution and that **Borough Clerk Mary P. Kriston** is hereby appointed to serve as the Alternate Fund Commissioner to the South Bergen Municipal Joint Insurance Fund, effective upon adoption of this Resolution, and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to the Fund through the Borough's Risk Management Consultant, Professional Insurance Associates, Inc., 429 Hackensack Street, P.O. Box 818, Carlstadt, NJ 07072.

\*

**2/19** Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

**WHEREAS**, the Borough of Rutherford has a need for the services of a **Special Litigation Counsel**; and

**WHEREAS**, the pursuant to the provisions of *N.J.S.A. 19:44A-20.1 et seq.* and *N.J.S.A. 40A:11-1 et seq.*; the Borough of Rutherford publicly advertised for responses to Requests for Qualifications ("RFQ") and established specific criteria for the position of Special Litigation Counsel by newspaper and on the Borough's website; and

MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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WHEREAS, the Borough received several responses to the RFQ for said position; which were opened in public at the Borough Clerk's Office; and

WHEREAS, upon review the Borough Attorney recommends the firm of **James J. Guida, Esq. of Lnydhurst, New Jersey; and**

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

WHEREAS, the anticipated term of this contract will commence from February 20, 2008 through December 31, 2008; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford hereby authorize the Mayor and Borough Clerk to enter into a contract with the firm of James J. Guida, Esq. of Lyndhurst, New Jersey as Special Litigation Counsel , subject to approval of the Borough Attorney as to form; and

BE IT FURTHER RESOLVED that the Borough Clerk shall place public notice of this appointment.

\*

Councilman Genovesi moved the following resolution to appoint Special Tax Counsel, seconded by Councilwoman Inguanti with Councilman Sommer and Councilwoman Keyes voting nay, Councilman Genovesi and Councilwoman Inguanti voting aye, Councilman Sasso abstained, with Mayor Hipp voting aye:

WHEREAS, the Borough of Rutherford has a need for the services of a **Special Tax Appeal Counsel**; and

WHEREAS, the pursuant to the provisions of *N.J.S.A. 19:44A-20.1 et seq.* and *N.J.S.A. 40A:11-1 et seq.*; the Borough of Rutherford publicly advertised for responses to Requests for Qualifications ("RFQ") and established specific criteria for the position of Special Litigation Counsel by newspaper and on the Borough's website; and

WHEREAS, the Borough received several responses to the RFQ for said position; which were opened in public at the Borough Clerk's Office; and

WHEREAS, upon review the Borough Attorney recommends **Kenneth A. Porro, Esq. of the firm of Wells, Jaworski & Liebman, LLP of Paramus, New Jersey; and**

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

WHEREAS, the anticipated term of this contract will commence from February 20, 2008

MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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through December 31, 2008; and

. NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford hereby authorize the Mayor and Borough Clerk to enter into a contract with Kenneth A. Porro, Esq. of the firm Wells, Jaworski & Liebman, LLP of Paramus, New Jersey as Special Tax Appeal Counsel , subject to approval of the Borough Attorney as to form; and

BE IT FURTHER RESOLVED that the Borough Clerk shall place public notice of this appointment.

\*

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

WHEREAS, the Borough of Rutherford has a need for the services of a **Special Litigation Counsel**; and

WHEREAS, the pursuant to the provisions of *N.J.S.A. 19:44A-20.1 et seq.* and *N.J.S.A. 40A:11-1 et seq.*; the Borough of Rutherford publicly advertised for responses to Requests for Qualifications ("RFQ") and established specific criteria for the position of Special Litigation Counsel by newspaper and on the Borough's website; and

WHEREAS, the Borough received several responses to the RFQ for said position; which were opened in public at the Borough Clerk's Office; and

WHEREAS, upon review the Borough Attorney recommends **Kenneth P. Davie of the firm of Cifelli & Davie, Esqs. of Harrison, New Jersey; and**

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

WHEREAS, the anticipated term of this contract will commence from February 20, 2008 through December 31, 2008; and

. NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford hereby authorize the Mayor and Borough Clerk to enter into a contract with Kenneth Davie, Esq. with the firm of Cifelli & Davie, Esqs. of Harrison, New Jersey as Special Litigation Counsel , subject to approval of the Borough Attorney as to form; and

BE IT FURTHER RESOLVED that the Borough Clerk shall place public notice of this appointment.

\*

**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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**2/19** Under the Consent Agenda, Councilwoman Keyes moved to accept the formation of a search committee for the Borough Administrator position, seconded by Councilman Sommer and unanimously approved on roll call.

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Councilwoman Inguanti asked the Mayor to appoint Susan Fujii to the cashier position in the Tax Collector's Office.

Under the consent agenda, Councilman Genovesi moved the following resolution, seconded by Councilwoman Keyes with all members present voting aye:

**WHEREAS**, the Borough is a member of the Bergen Municipal Employee Benefits Fund (hereinafter the FUND) for its employee health benefits program (medical, prescription and dental benefits); and

**WHEREAS**, in accordance with the by-laws and requirements of membership in the Fund, the Borough must appoint a Fund Commissioner and Alternate Fund Commissioner to represent the Borough in all pertinent Fund affairs, and

**WHEREAS**, the Borough appointed Peter Van Winkle at the Re-Organizational Meeting of the Borough by unanimous voice vote and had not appointed an Alternate Fund Commissioner, due to a vacancy in the Borough Administrator's position.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Rutherford that the appointment of **Peter Van Winkle** as Fund Commissioner is hereby formally affirmed by Resolution and that **Borough Clerk Mary P. Kriston** is hereby appointed to serve as the Alternate Fund Commissioner to the Bergen Municipal Employee Benefits Fund, effective upon adoption of this Resolution, and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to the Fund through the Borough's Risk Management Consultant, Professional Insurance Associates, Inc., 429 Hackensack Street, P.O. Box 818, Carlstadt, NJ 07072.

\*

As Liaison to the PLANNING BOARD, Councilwoman Inguanti reported that they met last Thursday and she asked the Council at the work session if they had any questions regarding the Master Plan that was adopted by the Planning Board to which Councilman Sommer had some questions. She said the Planning Board has offered to have an information overview of the Master Plan and the process with the decision making and she invited the Council to share any issues or concerns with her and she will bring them up at the next Planning Board meeting.

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MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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As Liaison to the ENVIRONMENTAL IMPACT & RECYCLING COMMITTEE, Councilwoman Inguanti reiterated that all paper should be deposited into the recycling receptacle in the house because every ounce they save represents dollars into the Borough which is an easy way to offset taxes.

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For **POLICE**, Councilman Genovesi reported that he did not receive a monthly report from the Police Department but will present such at the next meeting.

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**2/19** Under the Consent Agenda, Councilwoman Keyes 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:

<b>BPOE #547 Rutherford Lodge</b>	<b>On-Premises 50/50 Raffle</b>
<b>BPOE #547 Rutherford Lodge</b>	<b>Tricky Tray</b>
<b>Rutherford Senior Citizen Center, Inc.</b>	<b>Off-Premises 50/50 Raffle</b>

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Councilman Genovesi announced that the Rutherford Little League will hold their opening ceremonies and parade on April 12, 2008 to which the Mayor and Council are invited. Councilman Genovesi moved to authorize the Borough Attorney to review the lease for the Little League building in Memorial Field and report back, seconded by Councilwoman Keyes with all members present voting aye.

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

**WHEREAS**, the Borough of Rutherford has a need to acquire **ANIMAL CONTROL SERVICES**; and

**WHEREAS**, it has been determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and,

**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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**WHEREAS**, the anticipated term of this contract is one year beginning on February 1, 2008 for the sum of \$18,900.00; and

**WHEREAS**, Tyco Animal Control Services has completed and submitted a Business Entity Disclosure Certification which certifies that Carol Tyler DBA, Tyco Animal Control Services 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 Tyco Animal Control Services from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rutherford authorize said contract for Animal Control Services be awarded to Tyco Animal Control Service, Inc. One Stout Lane, Ho-Ho-Kus, New Jersey; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution;

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to execute contracts in this manner.

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Under the Consent Agenda, Councilman Genovesi moved to accept the resignation of Walter Vosburgh as school crossing guard, seconded by Councilwoman Keyes with all members present voting aye.

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Councilman Genovesi asked the Mayor to accept the recommendation to appoint Mary Ann Piekarz, Michael Tully and Richard FitzSimons as crossing guards.

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Under the Consent Agenda, Councilman Genovesi moved to authorize the Borough Attorney to draft an ordinance for handicap spaces on 14 Wells Place and 214 Mountain Way, seconded by Councilwoman Keyes with all members present voting aye.

\*

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

**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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**WHEREAS**, law enforcement officers are mandated to re-qualify twice annually to meet the Attorney General guidelines to carry a fire arm;

**WHEREAS**, the ability to have officers scheduled for qualification during their regular shift while on duty reduces the need to pay overtime and is, thereby economically favorable; and

**WHEREAS**, availability of a facility with limited access and controlled scheduling for purposes of conducting such qualifications assures that the mandated qualifications will be accomplished in a timely fashion with minimal use of overtime; and

**WHEREAS**, N.J.S.A. 40:8A-1, et seq. authorizes municipalities to enter Interlocal Agreements for the purposes of making public improvements and sharing services; and

**WHEREAS**, the Borough of Rutherford wishes to participate in an Inter-Local Agreement for the construction and use of a firing range to be known as the Multi Agency Range Sharing (MARS) to be located on property within the Borough of Wood-Ridge, which facility shall be limited to no more than eight (8) participating agencies in total to assure adequate time is available to meet the objectives of sharing such a facility;

**WHEREAS**, the public improvements necessary to achieve a suitable and safe facility will be shared by the municipalities opting in on behalf of their police agencies and will require a commitment to contribute approximately Fifty Thousand (\$50,000.00) Dollars per municipality, said amount to be paid or bonded prior to, or simultaneously with, formal action being taken by Resolution authorizing and the execution of an Interlocal Agreement;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rutherford, Bergen County, New Jersey that:

1. The Borough of Rutherford and the Rutherford Police Department hereby OPT IN and request to be included as a participating agency in the Multi Agency Range Sharing (MARS) Interlocal Agreement for the public improvements and construction of a firing range facility to be located on property within the Borough of Wood-Ridge.
2. The Borough of Rutherford is committed to contributing an amount not to exceed Fifty Thousand (\$50,000.00) for purposes of making the necessary public improvements, such amount to be paid or bonded prior to, or simultaneously with, the authorizing and executing the Interlocal Agreement.
3. The Borough of Rutherford is further committed to pay a fee in the amount of \$2,500 annually for upkeep and maintenance of the facility upon completion.
4. Use of the facility on a shared services basis will continue and be available for a minimum period of seven (7) years from the date of the Agreement.

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**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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

**WHEREAS**, the State of New Jersey intends to construct Park Avenue Bridge Replacement over Route 3 project within the Borough of Rutherford; and

**WHEREAS**, the project proposed by the State of New Jersey Department of Transportation may require the use of municipal police for work zone safety operations supplementing the traffic control plan established under the contract for construction of the project; and

**WHEREAS**, the State of New Jersey Department of Transportation has requested that the Borough of Rutherford enter into a Police Agreement and Statement of Costs for Traffic Directors. The costs incurred by the Borough of Rutherford Police in connection with the project shall be paid directly to the Borough of Rutherford by the State of New Jersey Department of Transportation pursuant to an agreement attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Committee of the Borough of Rutherford, in Bergen County and the State of New Jersey, that the appropriate municipal officials Rutherford are hereby authorized to execute an agreement between the State of New Jersey Department of Transportation and the Borough of Rutherford to provide for the direct payment to the Borough of Rutherford of costs incurred on the Park Avenue Bridge Replacement over Route 3 construction project for municipal police services in the form attached hereto.

\*

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

**WHEREAS**, Police Sergeant Kevin Scannell ("Scannell") retired from the Rutherford Police Department on July 1, 2003 and had concluded his career with 58 terminal leave days, 85 sick days, 2 personal days and 38 vacation days for a total of 183 days; and

**WHEREAS**, Scannell's final daily rate of compensation was \$402.72 per day; and

**WHEREAS**, the value of Scannell's 183 terminal leave days therefore amounts to \$73,698.00; and

**WHEREAS**, the Chief Financial Officer has confirmed with the Borough of Rutherford Police Department that the above calculations are true and accurate; and

**WHEREAS**, Scannell has agreed to be compensated over five years beginning in 2008.

**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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**NOW THEREFORE BE IT RESOLVED**, that the Chief Financial Officer be and he is hereby authorized to pay to Sergeant Kevin Scannell his terminal leave in five annual equal installments of \$14,740.00 commencing March 2008 and concluding in March 2012; and

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to execute a contract with Sergeant Kevin Scannell, subject to approval by the Borough Attorney as for form.

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Councilman Genovesi moved to accept the following Resolution, seconded by Councilwoman Keyes with all members present voting aye.

**WHEREAS**, the Mayor and Council of the Borough of Rutherford adopted Bylaws of the Governing Body of the Borough of Rutherford on January 1, 2008; and

**WHEREAS**, it is the desire of the Governing Body to make amendments to same,

**NOW, THEREFORE, BE IT RESOLVED**, that the following amendment be made:

1. Elimination of Article Six, "Meetings", #6 "Order of Business", a No. 10 "Hearing of Citizens".

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For **PUBLIC WORKS**, Councilman Sommer reported all reports are on file with the Borough Clerk.

As Liaison to the NEREID BOAT CLUB they have been trying for ten years to have a park installed and re-do the river front and have now received a Green Acres Loan of \$236,325 and a matching grant of \$78,775. Councilman Sommer said there are now architectural drawings, working on the bulkhead to make it ecological and will include the Fire Departments boat ramp. He said receiving these funds from the State at this time of fiscal constraint is very fortunate.

Councilman Sommer added that in the regards to the firing range a resident had brought up that perhaps National Guard and their range. Councilman Sommer said in the consent for the Borough to engage in the agreement with Wood-Ridge he asked that they continued to look into the National Guard and all agreed.

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Under the Consent Agenda, Councilman Genovesi moved to approve the request for an Eagle Scout Project from David Cadorett in the clearing of the path on Erie Avenue, seconded by Councilwoman Keyes with all members present voting aye.

MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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As Liaison to the DOWNTOWN PARTNERSHIP, Councilman Sommer reported that the annual report is on file with the Borough Clerk. He spoke about the 2007 events and the upcoming year which will include an Octoberfest. Councilman Sommer said the overall budget for 2007 with projected actual is \$190,000 which is money coming through the Farmer's Market, business license, membership services, etc. and for what goes out, salaries approximately \$80,000; administrative fees of \$14,000 range.

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For **FIRE**, Councilwoman Keyes reported the Fire Department answered 57 fire incidents, 2 structural fires, 27 false alarms in the month of January. She said in attending the officer's meeting an issue came to light that one of the firehouses was being used and the use of public buildings came up as an issue and what they are doing on the Council level is asking the Borough Attorney to review the ordinance and have the risk manager come talk to the Fire Dept., and they had spoken to the Council at the last work session.

\*

As Liaison to the HEALTH DEPARTMENT, Councilwoman Keyes said she received their annual review but due to the time she wasn't going to give the details but hope to at the next meeting because the Health Dept. does some wonderful things that perhaps some people don't realize. Councilwoman said they are also a source of revenue that maybe people don't realize, they actually in 2007 brought in \$84,837 to the Borough's bottom line. She said they are instrumental in their recommendations on animal control services and they had a representation from Tyco as Councilman Genovesi mentioned.

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As Liaison to HISTORIC PRESERVATION, Councilwoman Keyes said the Committee brought to her attention an ordinance that is in place in Montclair in regards to the demolition of homes that may or may not be historic in nature and she in turn has brought it to the attention and review of the Council and the Borough Attorney as she believes many residents feel the importance of preservation.

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Councilwoman Keyes reported the issue of the horse stable elevator is still being discussed, the update is from Boswell Engineering who are in discussion as to how they will proceed.

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**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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Councilwoman Keyes reported that as Vice-Chair of the Southwest Region Community Development Board and representing Rutherford who this year made their application for road improvements to Grand Avenue in the amount of \$165,000. She said last year the Borough was granted about \$130,000 for the improvements to the William Center Plaza so they are hopefully to get close to \$165,000.

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For **BUILDINGS & PUBLIC UTILITIES**, Mayor Hipp said in the absence of Councilman Fecanin all items on his agenda have been approved under consent.

Under the Consent Agenda, Councilman Genovesi moved to accept the request of Zach Loys for use of the front of Borough Hall to collection point for community service project for community service project in support of "Pitch In For Baseball" drive, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi made a motion to authorize Mayor Hipp to sign the agreement with Lincoln Equities Group regarding the release of escrow related to dispute of the DPW garage, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved to accept the request to install fiber optic cable from RCN Metro Optical Networks, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi made a motion to authorize that specifications be prepared for a new telephone system in the Borough, seconded by Councilwoman Keyes with all members present voting aye.

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For **HUMAN RESOURCES**, Councilman Sasso stated that he wanted to highlight some of the meeting notes from the Rec Dept as well as the Civil Rights Commission. He said the position of Recreation Director has been re-opened, they are reviewing the resumes and hopefully start the interviewing process within two weeks. Councilman Sasso said they have had discussions with the Rec Dept employees and DPW regarding maintaining the fields not only Memorial Park but Wall Field including the baseball

**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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diamonds, repairs and replacement to the fencing, especially in the backstops. He said documentation was also given to the Borough Engineer last week.

Councilman Sasso said that the March events that the Rec Dept has coordinated, without the use of an outside vendor, are the flashlight Easter egg hunt on March 14, 2008 at Tamblyn Field and the annual Easter egg hunt on March 16 at Tryon Field. He said they solicited donations with the help of Peggy Letsche from the Kip Center, seniors to help package the eggs as well as high school students. Councilman Sasso said the last item discussed at the meeting was the e-mail from Mr. Paskas and that he responded to the Borough Attorney on February 13.

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Under the Consent Agenda, Councilman Genovesi moved to accept the request to hold the Lindsey Meyer Memorial Pumpkin Run on October 11, 2008, seconded by Councilwoman Keyes with all members present voting aye.

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**2/19** Under the Consent Agenda, Councilwoman Keyes approve the request for authorization for bids for various fencing and backstop projects, seconded by Councilman Sommer and unanimously approved on roll call.

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**2/19** Under the Consent Agenda, Councilwoman Keyes approve the resolution to request to reject quotes and re-solicit for quotations for recreation t-shirt purchase, seconded by Councilman Sommer and unanimously approved on roll call:

**WHEREAS**, the Borough of Rutherford annually solicits quotes for Recreation T-Shirts and;

**WHEREAS**, the Recreation Department requests that all quotes be rejected pursuant to Local Public Contracts Law 40A:11-13.2; and

**WHEREAS**, the contracting unit wishes to substantially revise the specifications for the goods or services; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rutherford hereby reject the quotes submitted by MC Impressions, Edge Marketing, KenMar Shirts, Inc., and East Coast Designs for the purchase of Recreation t-shirts and authorize the Purchasing Department to re-quote this purchase with a change in specifications

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**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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Councilman Sasso moved to award a contract to MC Impressions for the purchase of Recreation t-shirts in the amount of \$11,114.00, seconded by Councilman Sommer and all present voting aye with the exception of Councilman Genovesi who abstained.

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Councilman Sasso announced a notice to property owners for 33 West Passaic Avenue for a variance regarding on-site parking for more than four vehicles.

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Under the Consent Agenda, Councilman Genovesi made a motion to approve the request from the Multicultural Festival Committee to hold the 5<sup>th</sup> Annual Festival on May 17<sup>th</sup> at the Williams Plaza, seconded by Councilwoman Keyes with all members present voting aye.

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Councilwoman Keyes announced that she and Councilman Genovesi have established themselves as the search committee for the Borough Administrator position to which they are reviewing resumes.

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**MAYOR'S COMMITTEE REPORT**

Mayor Hipp reported regarding the Library HVAC project, he received a packet of change orders amounting to approximately \$30,000 which will be put on the agenda for vote at the March 4 meeting. The Mayor said the change orders comprise the relocation of duct work, the having to pour new holes, eliminating the items in the office, placement of thermo-fuser, modification to the duct work the single largest amount, additional sprinkler heads per the direction of the Fire Marshal, request for additional warranties in connection with the boilers which has been withdrawn which was over \$2,000 but the problem is the series of change orders, the majority of which was brought about from code inspections from the Borough of Rutherford including the inspections of the Fire Marshal and the Building Dept. Mayor Hipp said it was his recollection prior to taking office that there were insurances that there would not be any change orders in the library and of course they remain obviously very concerned about the necessity to change design plans and construction plans in this project, it is a very difficult building, it is a 1.3 million dollar project the total amount of change orders being requested are very low as a general matter. The Mayor said he would like the Council to review this so that next week they can look at this in much more detail and any questions raised can be addressed at that point. Mayor Hipp said it troubles him personally but it is also at the same time, some of

these things that are absolutely required but he will leave it to the Governing Body to review.

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**MAYOR'S APPOINTMENTS**

Mayor Hipp appointed Susan Fujii to the position of the tax cashier, subject to the rules and regulations and policies and procedures of the Borough of Rutherford and subject to the rules and regulations of the New Jersey Department of Personnel as well the applicable New Jersey Statutes.

Confirmation moved by Councilwoman Inguanti, seconded by Councilman Sasso with all members present voting aye.

**Pedestrian Safety Committee:**

**Olivio Ippolito  
Lane Biviano, Esq.**

**Municipal Alliance Committee:**

**Peggy Letsche  
Charlene Mariano**

Councilman Genovesi made a motion to accept, seconded by Councilman Sommer and unanimously approved on roll call.

**Citizens Finance Advisory Committee:**

**Vernon Ammerman**

**Environmental & Recycling Committee:**

**Dr. Thomas Bryant**

**Emergency Planning Committee:**

**Mayor John Hipp  
Leslie O'Keefe, Superintendent of Schools  
Brian O'Keefe, Administrative Health Officer  
Captain George Egbert, Police Department  
Construction Official John Uhl  
Fire Marshal Paul Dansbach  
Joanne Merklinghaus, Press Liaison  
Fire Chief Toby Gentile  
OEM Coordinator Peter Parisi  
OEM Deputy Coordinator Matthew Ziemkiewicz**

**Social Services Director Kathy Hildebrand  
Superintendent of Public Works Chris Seidler**

**Shade Tree Commission:**

**Superintendent of Public Works Chris Seidler**

**Environmental & Recycling Committee:**

**Superintendent of Public Works Chris Seidler**

To the position of **Alternate School Guards – Mary Ann Piekarz, Michael Tully and Richard FitzSimons**, 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 all applicable NJ Statutes.

Councilwoman Keyes made a motion to accept, seconded by Councilman Genovesi and unanimously approved on roll call.

**Youth Advisory Council:**

**Mario Cespedes  
Leland Gill  
Yeji Ryu  
Katherine Sauter  
Patrick Ross  
Patrick Kinzler  
Tom Zaorski  
Michael Sheridan**

**Mayor's Proclamations:**

**"Read Across America Day" – March 3, 2008**

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**ORDINANCES – 1<sup>st</sup> READING**

For **Ordinance on First Reading**, Councilman Genovesi asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, ORDINANCE #2140-74.**

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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This is to establish a handicap space at:

- ◇ 14 Wells Place
- ◇ 214 Mountain Way

Mayor Hipp opened the ordinance for discussion, as no one wished to speak the discussion was closed.

Councilman Genovesi moved this ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Inguanti with all members present voting aye.

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For **Ordinance on First Reading**, Councilman Genovesi asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 76, ENTITLED POLICE DEPARTMENT, ESTABLISHING THE POSITION OF POLICE DIRECTOR.**

Mayor Hipp opened the ordinance for discussion.

Councilman Genovesi said that before them tonight was the matter of creating the Civilian Director Position, they have arrived there after nearly two months of discussion, analysis and review. He said when he spoke at great length regarding this issue on January 22 he conveyed to the public that this decision was not an easy one to reach. The issue surrounding this decision tonight can be compounded over and over accumulating for a wide variety of reasons to either support this measure or deny this measure. Councilman Genovesi said there is one item that he spoke of that still remains and that is the folks sitting in the audience, that taxpayers of this Borough and their obligation to them as a representative. He said it is his opinion that they must take out the personal feelings, the wants and not wants that each of them on the dais may possess. Councilman Genovesi said they must look forward to serve the 18,000 residents of the Borough and in doing so they would be confirming the faith and trust that the residents have placed upon them. The financial argument surrounding this discussion hovered between the benefits of creating a Civilian Director post as opposed to promoting a new chief for the department. Councilman Genovesi said he is fully satisfied that both he and those in support of the measure have demonstrated the savings that would come from the creation of the Civilian Director post. He said in his analysis he took into consideration every possible expense that would occur from the promotion plan presented by the officers of the PBA. Councilman Genovesi said when creating a financial plan it is his opinion that one takes into consideration all possible expenses along with the possible benefits, in reviewing he found it difficult to understand how the loss of manpower, the result from promoting one patrolmen to the rank of sergeant could be overlooked. He said there was some controversy at the last meeting surrounding the financial calculations that he had

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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presented to the Council, he is of the opinion that the void left by the lack of manpower in promoting one patrolmen would have been filled either by a new hire or the payment of overtime to another patrolmen to cover the void in manpower.

Councilman Genovesi said he is of the opinion that this patrolman is one facet of the police department that covers much of the day-to-day interaction with the public, they are the first responders, they make the traffic stops, they do the general policing of the streets, they are the eyes and ears of the department while outside the confines of the headquarters. He said the manpower allocation that a patrolmen provides to the department is invaluable in his opinion; to lose one and not cover the work load left behind by the patrolmen is not one that can be overlooked in his opinion.

Councilman Genovesi said it must be factored into any calculation that one makes in creating a financial plan that would affect the manpower allocation structure within the department, it is in fact the police officer's plan that would create this void otherwise the void would not be there. He said on January 22 he asked the Council to support him in granting more time to the officers that presented the promotion plan so that they may review their ideas and come to a financial understanding and evaluation of the best route to take. Councilman Genovesi said upon receiving a plan from the officer's it is his determination that the most cost efficient route to take was indeed the creation of the civilian director position. He said the officer's that created the plan should be commended for expressing their ideas and their willingness to work with the community they serve in.

Councilman Genovesi said what they've seen take place was the most transparent example of Government allowing the process of governing to take place; no one was denied their ability to express their thoughts, no one was denied their ability to protest the possible decision they disagreed with and for that the entire Borough of Rutherford should be commended. He said he asked that his colleagues join him in supporting the creation of Civilian Director position, it is not a decision that will be accepted by all of the public however, it is one that will benefit all of the public. He said they must do all they can to fulfill their judiciary responsibility to the taxpayers of the community, they must do what is right for the 18,000 residents that expect nothing less than their full cooperation in helping put this Borough back up on its feet after years of over-spending and bonding. Councilman Genovesi said they must do what is financially intelligent, they must do what is financially sound, again he asked his colleagues to consider the overall benefit of the community and please join him in supporting the measure of that evening.

Councilman Sommer said as he's said before that his credibility of being fiscally responsive and responsible to the community should not be held up to any credibility questions as to what he did last year when it came time to approve the budget. Councilman Sommer said with that in mind he cannot look at any issue in town and have a laser focus vision on one single aspect and that being the cost, cost is absolutely vital, it comes out of everyone's pockets, they know what it is doing to their town but there is a picture that they have to look at that lays back further and further and the more days, hours and weeks that he spends and the time that he spent speaking with police officer's in this town, in New York City, in Suffolk County, Nassau County about this type of position and one other municipality in Bergen County and not being liaison to the police he did try

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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to get as much information as possible. Councilman Sommer said without soliciting he has also had informal discussions with the police who serve the Borough and he feels that is important, especially to him if he is going to sit there and make a decision. He said some of the root driving forces in making a decision, in addition to the fiscal savings that can be attained, he asked and hasn't been answered how is the impact of the safety of the town impacted by this, that is sort of an intangible and he understands and appreciates that but he reads the police blotters as much as they do in the Bergenite and the Leader and he sees cars broken into, homes burglarized and so on and he just wants to be mindful of that.

Councilman Sommer said he hasn't heard anything of what a personnel count means when they have four people on and maybe have to go down one and he has asked that question. He said he has also asked what is the impact and he sees this trend in working 30 years in industry when they impose a cap, or a change in leadership, leave it at that a change in leadership, it has an influence and an impact on the balance on the hierarchy, they look towards that pinnacle and they want to understand things. Councilman Sommer said some of those things may be to obtain that position or it may be they may want to go some place else, they don't like the way the changes are, that is always a free thought, people always can do that, he has had no input although he asked and sought but he has had indications but no direct input could they loose two knowledgeable senior detectives or lieutenants or others on the force who carry years of knowledge and respect in this town because they may look at it and say, which is a right they have, they can go two towns over, he hasn't heard. He said from his conversations, he had indications of morale issues.

Councilman Sommer said talking about the Recreation Department and he knows for a fact that he pushed from when he knew Lori was leaving and after she left, for they needed to make some hard decisions, they saw where the budget was going last year and while it meant things for the people involved: the Maureen's, the Barbara's, Ms. Brooks and even more loads on the volunteers, the decision was to try to see how much other people could help out given the budget concerns last year. He said that is why the position was not filled, so that brings us up to January and there has been nothing but full time full court press on filling that position, he heard that from the Mayor's first meeting and John and working with the people downstairs. Councilman Sommer said they are working on six weeks and they have done an unbelievable job in going out and getting, respectfully looking at the people who were kind of dropped in the air because they applied, some interviewed and didn't get back to them in six months, point is the \$86,000 job.

He said they are talking about putting in a civilian police officer trying to make some savings there, maybe some of those savings come on hiring not a \$86,000 but \$66,000-\$76,000. He said he is only starting to look at the Downtown Partnership, he told them the income is \$190,000 and he said the salaries and taxes associated with that are \$83,000 of the \$190,000 if he is reading it correctly and he will find out Thursday night. Councilman Sommer said he doesn't know what can be done there, but he thinks they have to look at a more composite view of this.

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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Councilman Sommer said he thoroughly can not support this, it is his view that they should consider strongly looking for a Chief, being within the ranks which he thinks would be the best because they know the town and another savings there would be that they don't have to ramp them up much beyond where they are now. Councilman Sommer said he just got his salary increase and he is happy to say it was 1.2 percent, a whopping salary increase so he doesn't know about that but they can do some savings. He said that is his position, he cannot support the civilian director position.

Councilwoman Keyes said she also will not be supporting the ordinance. She said she is not a lawyer but enlightened by the testimony that was before them, by the various Chief's, if the ordinance that is before them is in any way unlawful, she would never support that to begin with. Councilwoman Keyes said she doesn't support the concept of the police director for many of the reasons that Councilman Sommer has so eloquently put before.

Councilwoman Inguanti said she has thought quite a bit about this, she has read the information provided by the police officers and a lobbying organization that is being represented there on behalf of Police Chiefs of New Jersey. She said she supports the idea of exploring the idea of a civilian director which is what an ordinance on first reading really is, an exploration. Councilwoman Inguanti said many arguments have been made about the financial savings of a police director and as finance chair she is well aware of the difficult situation that Rutherford finds themselves in now. She said they talk about the finances on one hand and morale and safety on the other hand; she would argue that morale and safety do not exist simply because a police chief exists within a department.

Councilwoman Inguanti said she has been somewhat frustrated in that she hears a lot about what a civilian director can't do but she hasn't heard clear delineation of what a police chief does; she doesn't have any knowledge of a police chief and she actually asked Officer Snyder that if he, especially since the Department is down several officers right now, if he stepped in and went out on patrol, helped and aided in investigations and he said he wouldn't say that. She said so the fact that the police chief can do these things, can behave as a police officer doesn't really make a difference if they don't ever perform that function in her opinion.

Councilwoman Inguanti said morale is a function of many components; good training, trust in fellow officers and the respect of the community; these are components which have demonstrably suffered in the Rutherford Police Dept. in recent past. She said the affects of inadequate training and lack of trust are keenly felt by the Governing Body while they revisited the issue of the four or five police officers. Councilwoman Inguanti said for this and for the state-wide attention gained by the retirement package given to the retiring Chief and Captain, the respect of the community has also suffered and she has to say while she was out campaigning for that office, she was actually pretty astounded at the negativity she got that she received from the doors she knocked on about people just really appalled about the level of pay our police Department gets. Councilwoman Inguanti said she often found herself having to defend that and her father-in-law was a cop in Washington, DC and she was surprised and it may her very worried that there was so much cynicism about why cops are cops in Rutherford and she thinks that is something, she

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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didn't mean to be offensive or personally offensive to any of the police officers in the room, but she thinks there does need to be a time of reflection in the Rutherford Police Department right now.

Councilwoman Inguanti said they have the opportunity to explore an alternate command structure, the Police Dept. in her opinion suffers from a lack of good management now, she thinks they need an administrator who perhaps can be somewhat separate from worrying about investigations or using his gun or things of that nature so that there can be a wholesale review of policies, regulations, training procedures. She said they are hiring a civilian director, they don't have to be a gun-slinger in her opinion as fortunately in Rutherford, it is a rare event that police officers have to draw their guns. Councilwoman Inguanti said she thinks they will have a better Police Department if the Police Officers are well trained, well managed and respected. She said she has also suggested to the Borough Attorney that they, in discussion with Councilman Sasso, think they need to have language in the ordinance that they will revisit this ordinance. She feels that with the numerous legal entanglements that are going on now in the Police Department, they need a deliberate pause in the process of promotion, they need a period of reflection but she also thinks the Department needs a manager, it needs someone to help with the running of the day-to-day operations.

Councilwoman Inguanti said she thinks that this allows them to do that, if they go ahead and create and go towards promotion of a police chief they are shutting down promotions in the rank and file for 10 – 12 years for any number of years, it depends on how long the police chief serves until retirement. She said she thinks that what the real benefit at this point and time in the Rutherford Police Department is that if they appoint this Director, they can revisit in a year, two years and perhaps as a Council, they will decide the Department's rules, policies, procedures, training have really increased, leadership has revealed itself in a way they are all comfortable with and they can go ahead with the Chief's promotion process.

Councilwoman Inguanti said she thinks that is what the benefit of a civilian director is that it gives them a chance to take a deliberative pause, to work out some of the problems and she thinks that there are problems, she thinks that they need to face that very soberly. She said she supports doing that with the provision that the Council has the flexibility to revisit the director position and if it proves beneficial, they can return to the original command structure. She said there have been incidences in the past, in the recent past where the command structure was altered, there was the role of Assistant Chief, that was created and she believes former Chief Nienstedt filled that role, he was then promoted to Chief she believes a few months later the role of Assistant Chief was done away with. Councilwoman Inguanti said so they have altered the command structure of the Rutherford Police Dept. in the past for reasons, she was not on the Council at that time but she is sure there were reasons that were given for creating the role of Assistant Chief and she is sure there were reasons given for disbanding it for doing away with it just a few months later, she thinks that this is something that deserves aside and apart from the financial savings, it is something that she thinks the rank and file of the RPD deserve and will be an opportunity for better training, better procedures will all lead to better policemen and policewomen. She said this will allow people to step forward for promotions

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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in the future and the leadership that they get as a result of that will be beneficial to the community and to the Department and that is why she supports continuing to explore this and she urges the Council to vote in favor of the ordinance.

Councilman Sasso said a few months back when they were running for office, people brought up the issue of how much the Police Chief Nienstedt made, that he was one of the highest paid in the Country, more than New York City more than other large cities like Houston, Philadelphia and for a small town of less than 20,000 people it becomes very difficult to justify maybe that salary for this size town. Councilman Sasso asked then how do we go back and say well now he is retired and we are going to promote from within and give basically the same thing. This is what was they criticized all over the newspapers and it's not the person but the fact that the salary was authorized.

He said for him the question is about structure, he was asking a couple of other Council people that week how's the police department run, he didn't quite understand, he understands there are a couple of captains, a couple of lieutenants and a couple of sergeants, everyone would move up in Plan A if there was a police chief, but in Plan B, everyone is stopped and it would be bad for certain things but there is potential financial savings.

Councilman Sasso said it is not just the money, even though that is a factor, it is about who can change the police department. He said if they put a police chief in from within the ranks, will it really change how certain things are. He asked if someone came up from the rank and file, would they want to make certain changes that needed to be changed whether it's the type of shifts or the reduction of overtime providing the safety for the community or would somebody from the outside like a police director be better able to do that. Councilman Sasso said from what he has read and been told, a Director can't make arrests or carry a gun and other things, but there has to be something they can do or else other towns wouldn't have them. He said he asked for some amendments to the ordinance that provides for re-visting it, he asked that it get reviewed like a performance review for somebody if there is a civilian in charge to make sure the person is doing a job that they want them to do and that they are acting as a police director. Councilman Sasso said is he in favor of the ordinance being explored about establishing a police civilian director, he is all for exploring it.

Councilman Genovesi said he would like to take the opportunity to quickly respond to two things; starting with Councilwoman Inguanti and Councilman Sasso's concerns he asked the Borough Attorney to address their concerns.

The Borough Attorney said in the ordinance under D-Duties to provide recommendations to the Mayor, to the Police Liaison as well as the Borough Administrator. He said then under "H" on the second page paragraph "I" the police director shall be evaluated on an annual basis and then "J" two years after the appointment of the police director an appointed Council Committee shall evaluate the effectiveness of this ordinance and prepare a report to the Mayor and Council.

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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Councilman Genovesi said his second point is a response to Councilman Sommer, who made mention of his financial credibility. He said if there was any question, he should just look at his vote on the budget. Councilman Genovesi said that last year he voted no on every budget and not just the final copy. He said Councilman Sommer joined him at the end in voting no, he never once questioned his financial credibility throughout the year. Councilman Genovesi said he thinks that he is the type of person who really delves into something and he truly believes that he doesn't take anything at face value, he would rather look and research and do homework behind every issue and that is something he came to learn over the past year because he was on the Council by himself for a year and he looked at him as kind of like someone that would at least entertain the discussion that they both had the opportunity to discuss many things and he built a certain level of comfort in the fact that he knew that he also delved into things and looked at things and talked at great length like he did.

Councilman Genovesi said Councilman Sommer made a point about a more composite view, that finances shouldn't govern a decision completely, that other things - morals and what-not should be taken into consideration; the number one job of a Council person is the budget, that's what they do, that is what the assignment by the public is, financial, the budget. Councilman Genovesi said when he went the Powers and Duties Government Class at Rutgers it was the first thing they told him, "your job is the budget". He said that he respects his opinion which he is entitled to but he questions the line of thinking that financial is still important but he wants him to understand why he is so focused on the financial and because he really thinks in this situation he has to leave his personal feelings out of it and he really has to look at what's most important and what is his job as a Council person. He said people may not like his job as a Council person in the things that he has to do but there really is one way to look at this situation in his opinion and that's if they look at this budget, nothing has been voted on and nothing has been finalized but he will draw their attention to the final statement in the police salaries and there is just a figure there that is just ominous nearly \$5,200,000 of these folks money. Councilman Genovesi said over \$5 million in the police line salary so he wants Joe to understand that, he takes the financial serious because it is serious, it is there job and they owe it to the people to take the number one consideration as financial and he says that with all do respect to him. He said he hopes he takes no offense to anything he said.

Councilman Sommer said he doesn't take any offense and he appreciates the kind words, he is there to do something or he gets out and the reason he is doing this is to delve into as much research as we can and look for more. Councilman Sommer said he echoes what Councilman Sasso said that they've heard a lot but maybe there is more to be heard and a good dialogue would help with that. He said what he was referring to, he uses the word laser focus, he is very well aware of the Rutgers course but he thinks if they take a look at the composite view of what that course is trying to talk to them about they the people's founding father's and somebody who kept this Country together, who preside over all of their meetings, got together, they were concerned about principles. Councilman Sommer said they were concerned about rights and liberties and however they got there they got there, the Revolutionary Soldiers walked around with no socks no blankets nothing, now Councilman Genovesi has said and he agree that he voted no on every item last year that had to do with an increase in the budget.

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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Councilman Genovesi said sorry not to interrupt but he said he stated that he voted no on the budgets themselves. Councilman Sommer said the items related to the budget and what he tried to point out was in March of last year in order for the Borough to be in position to get any State funding, which they happened to get \$500,000, they had to submit and state where they were at a certain point and time and not that they were happy to be at 24% not that's where they wanted to end up being at 24% but in March of 2007 they had to fess up and say that things aren't looking so good to the State of New Jersey to seek aid. Councilman Sommer said Councilman Genovesi voted no and that cost his taxpayer's \$500,000 had not five other people said yes, so this is his caution, this is his warning, lets look at principles, lets look at a compositive higher level view rather than a laser focused vision. Councilman Sommer said this was not what Rutgers was about, it was bigger than the budget, they were there to serve at the pleasure of the people that he represents, there to represent their interests and he started off earlier saying that finance is certainly at their minds. Councilman Sommer said finally for the last four months they have been so focused on trying to find revenue, he commended Mayor Hipp for finding money here and there and here is someone from Verizon who has been contacting them for six months and they probably could have made \$200,000 in leases and they have done nothing. He said there is a savings that they would have, so \$500,000 last year before the fact that five people voted yes and here is Verizon for six months, they have to keep their eyes on the right thing, with all do respect.

Councilman Genovesi said he appreciates Councilman Sommer's commentary however, the reason for the initial no vote on the budget was one that he was well aware of and that is the fact that Mayor McPherson continued to count on the \$1.8 million that was missing from the Encap money. He said he had conversations with him and the Council in which he expressed his concern and this is going back to March when he expressed that concern when that money, that \$1.8 million missing out of the budget was going to severely effect the taxpayers and he wanted to remind them that in the last vote he in fact many months later, used the same logic regarding the Encap money. Councilman Genovesi said he just wanted to clarify why he voted no to begin with, was not at risking \$500,000 of State Aid, but it was saying no at an irresponsible budget that was based on \$1.8 million of Encap tax money that never should have been figured into that budget. He said different topic and he just wanted to clarify that.

Councilwoman Inguanti said the \$500,000 they received in aid last year from the Local Finance Board, since money is fungible, was given out in the retirement package to the retiring police chief and captain, just over \$500,000 and that resulted in the Borough receiving a very terse phone call from the Local Finance Board about the use of \$500,000. She said that the aide was given, as it is called extraordinary aide and the Local Finance Board was very upset that the Borough took that \$500,000 and then gave a \$500,000 payout to the police chief and the captain. She said so while she appreciates the introduction of the budget in March and the vote that needed to be made last year, that was made last year, they probably don't have the luxury of that this year because she doesn't think the Local Finance Board is going to look very kindly on Rutherford. Councilwoman Inguanti said she wasn't sure how much was gained ultimately.

MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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Mayor Hipp said he for one wanted to thank everyone there for what he thought was a very, very informative debate and that is what he is looking for as they go forward this year. The Mayor said he thinks it is informative, it rises above the level of partisanship and he thinks that they are all hard felt views and he appreciates the comments of all the Members of the Governing Body on that matter.

Councilman Genovesi moved this ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Inguanti with Councilman Genovesi, Councilwoman Inguanti and Councilman Sasso voting aye and Councilman Sommer and Councilwoman Keyes voting no.

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For **Ordinance on First Reading**, Councilman Genovesi asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **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. 3147-07 ADOPTED DECEMBER 18, 2007.**

Mayor Hipp opened the ordinance for discussion. As no one wished to speak, the discussion was closed.

Councilman Genovesi moved this ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Inguanti with Councilman Genovesi, Councilwoman Inguanti and Councilman Sasso voting aye and Councilman Sommer and Councilwoman Keyes voting no.

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For **Ordinance on First Reading**, Councilman Genovesi asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE ESTABLISHING FEES AND PROCEDURES FOR REIMBURSEMENT OF MAYOR'S EXPENSES IN CONNECTION WITH MARRIAGE AND CIVIL UNION CEREMONIES IN THE BOROUGH OF RUTHERFORD.**

Mayor Hipp opened the ordinance for discussion. As no one wished to speak, the discussion was closed.

Mayor Hipp said this ordinance was designed to allow the Borough to charge a nominal fee for weddings with recent changes in legislation permitted the Borough to collect it. The Mayor said this is not money that goes to him but directly to the Borough to

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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help defray operational cost making the office an income producing office and he hopes to make a few thousand dollars. Mayor Hipp said there have already been several weddings performed since he took office and he hopes that will continue.

Councilman Sommer moved that the ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Inguanti with all members present voting aye.

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Mayor Hipp opened the floor to the second hearing of citizens.

Det. Michael Garner – 72 Plymouth Road, Nutley said he wished to speak regarding the ordinance because in hearing some things, he did present some numbers and he believes he made them clear and they were confirmed by the CFO Ed Cortright. Det. Garner said the numbers spoke for themselves and it is clear that it is cheaper to promote a chief and he heard it brought up again about hiring a patrolman and that it creates a void at the patrolman's spot if that is such a concern, why didn't they hire when the chief and captain left, when promotions were just made. He said why didn't they hire when four officers were terminated, why aren't they hiring tomorrow if it is such a concern that they are down patrolman which they are, they are down a considerable number of patrolman as he stated in the past. Det. Garner said they are down 11 officers since March 31, 2003, if it is a concern maybe they need to hire.

Det. Garner said a chief is very involved in criminal investigations, chiefs do make arrests, they are out on the street, they are looking for things, every serious incident and he can only speak for the last chief, every serious incident that the chief was aware of, he was very involved with, whether it was staying at the police department all night. Det. Garner said he sat on surveillance with the chief, made arrests with the Chief, narcotics. He said the \$50,000 for the range he wanted to clear that up the \$50,000 is not County money it is an asset forfeiture program that the State has setup where the municipalities are able to seize assets of people that are alleged to have been active in criminal enterprises, their assets whether it be money, cars, anything else that has been received as a result of their involvement in crime or as helping them towards their criminal intentions or activity. Det. Garner said that is money they, as police officer's in Rutherford, have raised. He said that is money that the Chief is involved in coming from prostitution, narcotics, gambling investigations, so the Chief is very much involved in all serious incidents that occur in a police department which he believes to be very important to have a law enforcement officer involved at every step to save any problems in the future.

Charles DiNoto – West Passaic Avenue said this meeting was very interesting, the Council is darned if they do and darned if they don't and they have done a very good job at handling things. Mr. DiNoto said although they do go into some long dissertations discussing things, for a while he thought there were boxing gloves out and then it shifted over to violins. He wanted to commend them for trying to satisfy everyone in the

## MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008

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community and to him that is the most important thing. He said please don't fight among yourselves, they all have to have one interest there and that interest has to be for the good of the community. He said the other item is the plows going down West Passaic Avenue, they didn't go down as many times but they are still throwing sparks all over the place.

Councilman Sommer said he is the liaison to the Dept. of Public Works, he contacted Chris Seidler, he emailed the next day and later that day Chris got back to him and told him through email that they had what they called sleds. Mr. DiNoto said and they threw them out. Councilman Sommer said so they wouldn't break manhole covers but the issue was with the sleds popping up the plows it was leaving an inch roughly which often turned to ice. Mr. DiNoto said did he or did he not mention to him that is what the salt on the new thing is for. Councilman Sommer said he is trying to get there, he went physically down to DPW and he looked at the plows and got some lessons, he raised his understanding. He said they have taken off the sleds and what they have at a very low cost put in a lower gauge plate that rides along the bottom of the plow so they can take the plow right down to the street and when it hits the road, if there is an unevenness or a manhole that is up a little bit, it cracks and they bring it back when it is degraded enough and put on another one which is extremely low cost but the streets are black with no black ice, no residual ice. Councilman Sommer said there are no cars sliding into other cars and he also saw salters which were put on new chassies and put on existing old trucks which saved \$235,000 so they do use the salters as well and they are also migrating as they might have seen TV to this liquid a saline-salt solution that goes out on the streets. Councilman Sommer asked if Mr. DiNoto if he received a letter from the him? Mr. DiNoto responded no he didn't.

Mr. DiNoto said the other quick question about security, there are a lot of cars parked on the streets in Rutherford at night he thinks they should get some kind of markings on them so the police as they are cruising, if a car doesn't have a sticker on it, they will know who is in town.

Peggy Letsche – 228 Prospect Place said to say that the residents are shell-shocked over of the payouts of the retirements is an understatement. Ms. Letsche said whenever they have two or more people in town, ever since December the conversation comes around to that topic. She said Councilman Sasso said he can't blame somebody for fighting to get a higher salary, she questions that but she understands that, what she does agree with is the previous administration is to blame for that. Ms. Letsche said they never should have let it happen but do you punish a police department and their chain of command and the structure they had because of what happened with the previous administration. She said she thinks that has been the ongoing conversation but what she has never heard is are they getting back to some kind of common sense, they all agree maybe salaries are too high, do they have to naturally assume that whoever they promote from Captain to Chief is automatically going to get a \$20,000 raise and sick pay payouts and all of the stuff. Ms. Letsche said is there any possibility of negotiating it back to being reasonable and give the men the opportunity to get a promotion that they possibly deserve, then the word would be compromise.

**MINUTES OF REGULAR MEETING HELD FEBRUARY 26, 2008**

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Ms. Letsche said her second question is just then when they voted in the possibility of the Director they also talked about fiscal responsibility yet they said an \$82,000 or \$86,000 salary retroactive to January. She said who is here, who's working since January and not one person questioned that, so they are going to hire someone in March possibly and pay them for January and February. The Borough Attorney said it is the ordinance that is retroactive not the money. Ms. Letsche said but they said to bring in a Director and she sat there for too many meetings and heard things memorialized that they can't go back on so she just wants that clear. She said what was just said was an \$82,000 or \$86,000, salary retroactive to January. The Borough Attorney said the ordinance is retroactive. Ms. Letsche said so he is saying now when they bring in this person in March or April, at the end of December he will not have had a salary of \$82,000. The Borough Attorney responded of course not.

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

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

**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 session meeting on February 26, 2008 at 11:51 p.m. in the Committee of the Whole Room to discuss the following matter or matters:

◇ Litigation – Public Works Employee

The meeting re-convened at 12:10 p.m. Councilwoman Inguanti made a motion to approve the settlement agreement with DPW worker Glenn Steiger, seconded by Councilman Sommer with all present voting aye.

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Councilman Genovesi moved to adjourn at 12:12p.m., seconded by Councilwoman Inguanti with all members present voting aye.

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Borough Clerk