

**MINUTES OF A REGULAR MEETING OF THE
MAYOR AND COUNCIL
HELD TUESDAY, FEBRUARY 27, 2007**

The meeting was called to order by Mayor McPherson at 8:00 p.m. with the following Councilmembers present:

Councilman Frazier
Councilman Reyes
Councilman Fecanin
Councilman Sommer
Councilwoman Keyes
Councilman Genovesi

Mayor McPherson asked those present to join her in a salute to the flag followed by a moment of silent prayer.

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

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Mayor McPherson invited the Councilmembers to join her off the dais for presentations to the Rutherford Ambulance Corp. and for the first Annual RHPC Historic Commendation.

Mayor McPherson presented a proclamation to the Rutherford Volunteer Ambulance Corp. accepted by President of the Ambulance Corp., Brian O'Keefe. Councilman Sommer said the Ambulance Corp. in the year 2006 responded to over 1,200 calls with two-thirds being Rutherfordians and one-third of the citizens that they are aiding and assisting are from surrounding towns. Councilman Sommer said that we live in a safer town because of the great work done by the Volunteering Ambulance Corp., but also because of the time they take to get their training and dedication. He then thanked the Ambulance Corp. for their outstanding work.

Brian O'Keefe said that he is accepting on behalf of the members of the Rutherford First Aid Ambulance Corp. and graciously thanked the Mayor and Council for the continued support of the services. He said that it is not unusual to read in the Bergen Record, on a monthly basis, of the volunteer squads throughout the County that have adverse working relationships with their governing body. Mr. O'Keefe said that he can safely say that since their inception in 1949, they have always had a good working relationship with our governing body and he is sure that is one of the reasons they are still in existence after 58 years. Mr. O'Keefe thanked the governing body for their support, as well as, the members of the community and encouraged interested residents to contact the Corp. for membership information.

Mayor McPherson presented the First Annual RHPC Historic Commendations to the following:

Campbell Family – 219 Ridge Road
Larosa Family – 45 Sylvan Street
Lou Miceli – 183 Woodward Avenue
David M. Shafman – Nine Park Ave Realty
Father Gable – Grace Episcopal Church

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Mayor McPherson opened the hearing of citizens.

Frank Wilson, 171 Montross Ave said that he had follow-up questions from the last meeting. Mr. Wilson said in reference to the 18-wheelers driving on Union Avenue, at the last meeting Councilman Frazier stated that he would review this issue and give some thought about restricting 18-wheelers on Union Avenue.

Mr. Wilson said that the next comment is in regards to the Superintendent of Department of Public Works position. He said that tonight it is on the agenda and with that the question is in reference to the pickup of recyclables during the holiday season. Mr. Wilson said that Mr. Stafford brought up that the person doing the job currently has been acting in this position for 18-months, if that person has been doing the job, this person is the one that oversaw the schedule. He said that this person's qualifications, of the 20 people who submitted resumes, does anyone know how much was spent last year in overtime for DPW, because that would bleed into this persons qualifications.

Mayor McPherson said that in respect to the Superintendent of Public Works, Mr. Seidler is here as we will be making that appointment as the agenda goes forward. The Mayor said that the overtime figures for DPW can be made available to you and as far as the acting position, Mr. Seidler has worked as a Supervisor and we certainly feel very confident in his ability. Mayor McPherson said that this Governing Body determines what the schedule should be and the scheduled is reviewed and the necessary changes are made and that would be something that we would be discussing in this year as we go forward with making the schedule for the town planner.

Mr. Wilson said that he knows by looking at the calendar, when the holidays are going to fall. Mr. Wilson said that the other issue of overtime, he knows the overtime expense for DPW was \$400,000; he wanted to know if the two Councilmembers knew. He asked if he is going to be in the same position next year with recycling.

Mr. Stafford said that with respect to the recycling issue, Mr. Seidler and Councilman Fecanin recently brought the change to bear with respect to recycling and holidays. He said when a recyclable pickup falls on a Monday or Tuesday holiday, that section will be picked up on Wednesday and holidays that fall on Thursday or Fridays, will be picked up the previous Wednesday. Mr. Wilson said that is great and he applauds this schedule.

Councilman Frazier said that he has been reviewing the issue with the Chief of Police. He said we are not going to encourage there be an increase and as we know Union Avenue is a County Road and they are not being barred and no youngster or elder has been affected by the trucks. Councilman Frazier said they have been driving within the speed limit and if your point is the elimination of the 18-wheelers on Union Avenue, it would have

to have some basis and at this time there is none. He said the trucks have been on Union but they have not been speeding down Union Avenue.

Mr. Wilson said that in reference to nothing has happened; he would hate to be the first one to have something happen. He said that in front of the school at 5:30 there was a 73' trailer in front of the fire hydrant blocking the bank. Councilman Frazier asked if he had made a call for the Police Department for such. Mr. Wilson said that by the time he got home it was already gone.

Debra and Theodore Drake, 142 Vreeland Avenue, said that in reference to citizens wanting to preserve the look of Rutherford, she realizes there have been many changes that we have to live with, but recently she was informed that a dumpster site is being put at Lincoln School, across from her residency. Ms. Drake said that she brought pictures to show that the dumpster site is in clear view of the neighborhood. She said that she has spoken to numerous people and received a return call from Mr. Brown who said that this is where the dumpster is going to be. Ms. Drake said that she is disheartened and the whole neighborhood feels demoralized because of this and why is the Board of Education not being a good neighbor, not thinking of people. She said they work very hard to preserve the neighborhood and see something like this seems like no one cares. Ms. Drake asked that this be removed or moved to the other side where there would have less impact to the neighbors.

Mayor McPherson said that she and Mr. Uhl have reached out to the Superintendent of Schools to see if there is some resolution that they can come up with.

Councilman Genovesi said that he would like to try to help with this issue and asked if Ms. Drake had any correspondence she could share and he would forward to the Mayor and Councilman Fecanin. Mayor McPherson said documents should be forwarded to the Acting Clerk.

Mr. Drake said he appreciates the time of those present and in the concept that if we are trying to preserve Rutherford and have a Master Plan of this beautiful town by putting a dumpster which they didn't know of in advance. He said it is in a position, literally against the retaining wall, there is no way to alter the appearance of such and they are being told that the dumpster is there and nothing can be done about it. He said it seems that Rutherford works so hard and this is the end result. Mr. Drake said that tonight five people were acknowledge for doing restoration on their homes, he has been in his house 22 years and for this we end up with a dumpster in front of his house. Ms. Drake noted that restaurants even are required to have dumpsters out of view. Mayor McPherson thanked them for their time.

Robert Genardi, said that he spoke with Mr. Tango in regards to the re-pavement of the city, especially East Newell, is there any possible way East Newell can be repaved. Mayor McPherson responded that East Newell is slated to be done in the 2006 Capital Budget, which will take place in 2007. Mr. Tango said that Mr. Genardi asked that we substitute a current project that is going to be awarded this evening, East Newell for Maple Street. Mayor McPherson responded that a great deal would have to be undone in order to make that change and it would also hold-up the process for the other streets that require repaving. Mr. Genardi asked who decides what roads get resurfaced? Councilman Fecanin said the Governing Body with input from the Engineer and/or the Superintendent. Councilman Fecanin stated that it depends on the available funding because the price has

risen. Mr. Genardi said that East Newell has been getting progressively worse. Mayor McPherson said that prior to the year 2000, actually a decade before that, many of the roads were neglected, in fact, there was no program in place to resurface them, over the last eight years we have taken a more aggressive approach in terms of getting grants to accomplish such.

Mr. Genardi asked if the Council is going to make a decision on the increases for the Building Department permits. Mayor McPherson responded that there will be an introduction on first reading tonight and then there will be a second reading, at which there will be a public hearing.

Mr. Genardi asked if it is possible to have some police presence around our schools in the morning. Mayor McPherson responded that there is police presence around the schools. Mr. Genardi requested that they pay more attention to Union School in the morning around 7:30 to 8:00 a.m. and he acknowledged that there is police presence but he has not seen any.

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

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Councilman Reyes moved that all the items on the Consent Agenda be passed, seconded by Councilwoman Keyes and unanimously approved on roll call.

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2/20 Under the Consent Agenda, Councilman Sommer moved the following resolution, seconded by Councilwoman Keyes with all members present voting aye.

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

1. In the amount of \$75.00 payable to Jennifer Sarnowski for a Recreation Refund – Mom & Me
2. In the amount of \$100.00 payable to Ruth Vallecillo for a Recreation Refund – Hip Hop Dance
3. In the amount of \$1,375.00 payable to Lori Rosenbower for a Recreation Refund – Wrestling Uniform Deposit
4. In the amount of \$2,075.00 payable to Lori Rosenbower for a Recreation Refund – Travel Basketball Uniform Deposit
5. In the amount of \$100.00 payable to Ann Marie DeGiovanni for a Recreation Refund – Dance
6. In the amount of \$25.00 payable to Sang Hong Kim for a Recreation Refund –

Indoor Soccer

7. In the amount of \$200.00 payable to Teaneck Youth Basketball for a Recreation Refund – Basketball Tournament
8. In the amount of \$85.00 payable to Sue Forsythe for a Recreation Refund – ½ refund for PreSchool
9. In the amount of \$80.00 payable to Moira Nashed for a Recreation Refund – Gymnastics

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2/20 Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

RESOLVED: That the following warrant be issued in the amount indicated for the purpose stated:

1. In the amount of \$160.00 payable to US Postal Service for the renewal of the Bulk Mailing Permit.

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Under the consent agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

RESOLVED: That the following warrant be issued in the amount indicated for the purpose stated:

1. In the amount of \$500.00 payable to the Landmark for a deposit for the Volunteer Dinner Dance – 4/5/2007.
2. In the amount of \$2,420.00 payable to Carmine's for dinner for a Broadway Theatre Trip – 3/15/07.

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2/20 Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

RESOLVED: That the following warrant be issued in the amount indicated for the purpose stated:

1. In the amount of \$512.00 payable Premier Vision Care Network for annual premium of vision plan for 16 employees with premiums to be reimbursed by employees through payroll deduction.

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2/20 Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS there exists an overpayment of 1st quarter, 2007 taxes on the following properties and;

WHEREAS the parties listed are entitled to a refund of these monies;

NOW THEREFORE BE IT RESOLVED that the Chief Financial officer be and he is hereby authorized to issue refund checks totaling \$11,467.77 and charge same to 2007 taxes.

BLOCK	PLOT	NAME & ADDRESS	AMOUNT
15	12	Shore Quality Abstract Re: 160 W. Newell Avenue	\$2102.00
15	24	Michael John Rowland, Atty. Re: 187 Woodward Avenue	\$2316.00
136	15	Angelo Dattolo, Atty. Re: 130 Mountain Way	\$2433.00
151	14.02	Pyramid Title Services, LLC Re: 262 Feronia Way	\$1734.00
206	1.01	Laura White 82 Wingra Avenue	\$1559.00
207	30	National R.E. Information Services of NJ Re: 56 Yahara Avenue	\$1323.77

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2/20 Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS there exists an overpayment of 1st quarter, 2007 taxes on the following property and;

WHEREAS the parties listed are entitled to a refund of this money;

NOW THEREFORE BE IT RESOLVED that the Chief Financial officer be and he is hereby authorized to issue a refund check in the amount of \$1,655.00 and charge same to 2007 taxes.

BLOCK	PLOT	NAME & ADDRESS	AMOUNT
141	31	Nalla, Madmumathi 280 Orient Way	\$1655.00

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Councilwoman Keyes said for **FINANCE**, there will be a Special Meeting on March 6 for the Introduction of the 2007 Budget and all are welcome to attend.

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

NAME OF SERVICE PROVIDER: **DiMann Consulting Services**

APPOINTMENT AS: Website Consultant to the Borough of Rutherford;

WHEREAS, the Borough of Rutherford has a need to acquire special services for the position of Website Consultant as an appointed position for a non-bid contract pursuant to the provisions of *N.J.S.A. 19:44A 20.4 or 20.5*;

WHEREAS, such services qualify as extraordinary unspecifiable services rendered to the Borough of Rutherford, and further, are estimated to be under the applicable bid threshold;

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the services will not exceed \$17,500.00;

WHEREAS, the anticipated term of this contract is one year beginning on or about January 1, 2007;

WHEREAS, DiMann Consulting Services will provide the services necessary for the appointment at the rate established by the Mayor and Council, to be set forth in a Special Services Agreement or Contract, in accordance with this Resolution;

WHEREAS, the service provider has completed and submitted a Business Entity Disclosure Certification which certifies that he or she and any associated business entity has not made reportable contributions that would exclude the service provider from this appointment, to a political or candidate committee in the Borough of Rutherford in the previous one year, and that the contract will prohibit the service provider and any associated entity from making any reportable contributions through the term of the contract;

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

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorize the Mayor to enter into a contract with DiMann Consulting Services, 102 Maple Street, Rutherford, New Jersey 07070 as described herein, subject to receipt of all a Special Services Agreement and any related documents;

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 Borough Clerk shall place public notice of this appointment in accordance with law.

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Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin. Mayor McPherson opened the motion for discussion.

Councilman Genovesi restated his disagreement that this is an extraordinary service in his opinion and he felt that it should be bid out because it is over the threshold and otherwise we are doing disservice to the taxpayers because we are not sure we are getting the best deal for them.

Councilman Genovesi asked why the contract, Resolution was changed since last week, it has different wording. Mayor McPherson responded that the correction was made to reflect that this is a Special Services Contract. Councilman Genovesi asked why was it not in last week. Mr. Stafford responded that it was his typographical error. Councilman Genovesi said that it wasn't in last year's contract either. Mayor McPherson said that the contacts awarded last year for all professionals, whether it was Special Services Contracts or Professionals were awarded in the same fashion. She said that this year, on the agenda this evening, there are appointments to be made subject to request for qualifications that we sought. Mayor McPherson said that it may be your opinion that this particular contract could be bid out. She said that she agrees with the Borough Attorney's opinion. Mayor McPherson said that she notes that Councilman Genovesi has not made objections to other appointments that have been made in this fashion. Councilman Genovesi stated that they were under the bid threshold. Mayor McPherson responded the bid threshold does not determine Special Services Contracts. Councilman Genovesi said that he already stated he does not agree that this is a Professional Service and he asked the Borough Attorney if that is the reason the language has been changed? The Borough Attorney responded that it is an extraordinary service. Councilman Genovesi asked for examples of what makes it an extraordinary service. The Borough Attorney stated that there a whole series of cases. Councilman Genovesi asked to see those cases.

The Borough Attorney responded that she could provide such and there are specific qualifications in the statute and it is her opinion that this, the services that are rendered by this particular type of contract, meet the extraordinary unspecifiable services exception. Councilman Genovesi asked for clarification that we can't get bids from others for this. The Borough Attorney said that this particular type of contract fits into that exception. Councilman Genovesi said that his position remains no.

Councilman Fecanin asked Councilman Genovesi what is the reason, is it budgetary, is it Cliffhanger Productions itself, is it the things done for the residents, what is he against. Councilman Genovesi said that being a life long resident, he appreciates the events. He said as far as the spending, the report that he saw was almost \$200,000 spent or paid out to this entity, he has no problem with the entity itself if the budget is for \$85,000 he is curious why more than \$85,000 seems to have been spent. He said that he has made his other concerns clear and this is his opinion. Councilman Fecanin responded that maybe there is confusion with the \$200,000, that is not the budget, it is the money given to the Borough through sponsors and that is not the budget and he doesn't know where that number is coming from. Councilman Genovesi said that he didn't said that. Councilman

Fecanin said it was stated. Mayor McPherson said that the record will reflect that Councilman Genovesi stated that \$200,000 was expended on Special Events, in fact the amount that the Borough collected in sponsorships for the Special Events was \$204,386. The Mayor said our cost for all events, also those outside of the Special Events Coordinator Contract, which include things like Safe Night Out, Events for Downtown Partnership which are paid through the CFO's office and are separate and apart from the Special Events Coordinator. She said that the 125th Anniversary was not included in the contract or need it have been, these are documents and bills that are available to the public. The Mayor said that what she wants to make sure does not happen is that public documents and public figures are not misrepresented and that they are understood. She said that they have had an experience with another organization misrepresenting the budget and it is important to her that the accurate figures and reflection and interpretation of the document take place.

Councilman Genovesi said that he doesn't see the point of what the sponsorship has to do with the expenditures, if we have reimbursed to this entity, \$188,000 or \$186,000 on a report obtained from the Borough CFO, what does that have to do with bringing in \$200,000. He said that if the contract is for \$85,000 what does bringing \$200,000 have to do with that if you spent \$186,000. Mayor McPherson said that she will try again to make herself clear, the point is that the cost of all the Special Events are not at any cost to the taxpayers, sponsorship in fact has exceeded the cost of the Special Events in our extraordinary efforts, one that Cliff Witmyer assists with in bringing in the funding in order to provide these Special Events to our residents at no cost to them. Councilman Genovesi said \$204,000 came in, but \$186,000 went out. Mayor McPherson said \$185,500. Councilman Genovesi said thank you \$185,000 in the end the difference in the end is \$17,000. Mayor McPherson said that is \$17,000 more than what was ever before. Councilman Genovesi said that we need to expend \$185,000 to make \$17,000. Mayor McPherson said that she doesn't agree with his characterization in that way and she doesn't really understand the point that he is trying to make. She said we have special events which we are proud to offer to the residents which we have received nothing but positive comments. Councilman Genovesi said that the Mayor made the point of sponsorship being over \$200,000 but if you had not spent over \$85,000 per the contract, you would be yielding a lot more money and he feels this position should be bid out and he asked the Council to consider such.

Councilman Sommer said that he hopes to make a clarifying question, is your question that there is \$204,000 as a figure that came for Special Events and there was \$185,000 spent, is it your question how much went to Cliff Witmyer? Councilman Genovesi said no that he was responding in general to the Mayor's point of \$204,000 being brought in. Councilman Sommer said that of \$185,000 there is costs that need to be paid for that may come under the management of the \$85,000 but that these are total costs to have all the events occur, the costs are in the range of \$185,000 but this doesn't go to the pockets of the Special Events Coordinator they are costs for the events. Councilman Genovesi said that wasn't stated and said he has given his opinion numerous times, both in newspaper articles and here, while he respects the opinion of everyone else, he asked they respect his.

Councilman Reyes said that he respects Councilman Genovesi's opinion and stated that comments should be made here among the public not in a newspaper article, this is the better place for them to be addressed in front of the public. Councilman Reyes stated that in regards to the \$204,000, that was funding brought in to deal with the special events that we were having and he remembers at 4th of July events people used to have to pay to participate which is no longer the case. He said that the Special Events Coordinator does a

fantastic job for which we receive many compliments. Councilman Reyes asked the Borough Attorney if the Resolution that is before us, is that a proper Resolution for this issue? The Borough Attorney responded that it is correct.

Councilwoman Keyes said that Borough events are not revenue generators and that they go out and get sponsorships to enable these events to occur.

Mayor McPherson asked for roll call. All members voted aye with the exception of Councilman Genovesi responding no.

NAME OF SERVICE PROVIDER: Cliff Witmyer

APPOINTMENT AS: Special Events Coordinator

WHEREAS, the Borough of Rutherford has a need to acquire special services for the position of Special Events Coordinator as an appointed position for a non-bid contract pursuant to the provisions of *N.J.S.A.* 19:44A 20.4 or 20.5;

WHEREAS, such services qualify as extraordinary unspecifiable services rendered to the Borough of Rutherford;

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the services will exceed \$17,500.00;

WHEREAS, the anticipated term of this contract is one year beginning on or about January 1, 2007;

WHEREAS, Cliff Witmyer will provide the services necessary for the appointment at the rate established by the Mayor and Council, to be set forth in a Special Services Agreement or Contract, in accordance with this Resolution;

WHEREAS, the service provider has completed and submitted a Business Entity Disclosure Certification which certifies that he or she and any associated business entity has not made reportable contributions that would exclude the service provider from this appointment, to a political or candidate committee in the Borough of Rutherford in the previous one year, and that the contract will prohibit the service provider and any associated entity from making any reportable contributions through the term of the contract;

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

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorize the Mayor to enter into a contract with Cliff Witmyer, Cliffhanger Productions, 161 Park Avenue, Rutherford, New Jersey, 07070 as described herein, subject to receipt of all a Special Services Agreement and any related documents;

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 Borough Clerk shall place public notice of this

appointment in accordance with law.

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As Liaison for the **Board of Education**, Councilwoman Keyes wished to remind everyone the elections are approaching and the three incumbents are all seeking re-election without any opposition. Councilwoman Keyes said the school election is on April 17 and there will be a final hearing of the BOE budget on March 26 at the High School.

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As Liaison for the **Kip Center**, Councilwoman Keyes said that currently for the month of February there have been 610 meals served, 361 on-site volunteer hours and 290 to our home friends. She said the St. Patrick's Day Dinner is scheduled for March 17 at noon and the monthly March calendar is available.

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As Liaison for the **Williams Center**, Councilwoman Keyes said the County has accomplished the following over the last two years; refreshment area has been upgrading, the downstairs lobby has been completed, re-roofing and masonry repair. She said that scheduled for 2007 will be the renovation to the downstairs cinemas. Councilwoman Keyes said that without the County support this would not have been accomplished and through the hard work of the Mayor and Freeholder, the County has taken notice of the needs of the Center.

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Councilwoman Keyes said that the Borough has added another run for the Senior Citizens, as well as, other residents to shop on the Mondays with the route starting from the West End. She said that they are working with the County on providing a third day for shopping. Mayor McPherson said that there is also a Community Transportation Van that will be utilized by the Borough. The specifics will be posted on the Borough's website.

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For **POLICE**, Councilman Frazier gave the following report for the Month of January: 1,034 police calls for service, 29 arrests, 181 emergency calls to 911, 70 auto accidents investigated, 1,222 summons issued.

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2/20 Under the Consent Agenda, Councilman Sommer moved 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 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and,

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

WHEREAS, the anticipated term of this contract is one year beginning on February 1, 2007 for the sum of \$18,600.00; 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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Councilman Frazier advised of Michael Heretz's letter thanking the Mayor and Council for extending free parking in the downtown district through January 7, 2007.

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Under the Consent Agenda, Councilman Reyes made a motion to approve the Veteran's Alliance request to hold the Memorial Day Parade on Monday, May 28, 2007 seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes made a motion to approve the requested street closure for the Annual Rabies Clinic on Saturday, March 10th, Mortimer Avenue Firehouse, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes made a motion to approve the Third Annual Passaic River Paddle Relay on May 12, 2007, 9:00 a.m. – Nereid Boat Club,

seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to authorize the Borough Attorney to draft an ordinance establishing rates for police overtime for off-duty employment, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Councilman Frazier recommended to the Mayor the promotion of Patrol Officer Robert Arnold to Police Sergeant.

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

WHEREAS, The County of Bergen was a designated recipient of United States Homeland Security Funding in Federal Fiscal years 2004 and 2005, and

WHEREAS, The Federal funding is administered through the New Jersey Office of the Attorney General to the Bergen County Office of Emergency Management, and

WHEREAS, The Bergen County Terrorism Task Force under the direction of the County Executive formulates and approves a spending plan for the Homeland Security Funds directed to the County of Bergen that is consistent with the rules and parameters of the specific grant and submits the spending plan to the New Jersey Office of the Attorney General for approval, and

WHEREAS, The Bergen County Terrorism Task Force recognized that there is no current standardized identification card for first responders within the County of Bergen, and

WHEREAS, The Borough of Rutherford wishes to participate in this program for a secure, easily recognizable identification card for first responders, and

WHEREAS, The Bergen County First Responder Identification Card will display the Rutherford emergency services symbol and the emergency services name, and

WHEREAS, Participation in this program is at no cost to the Borough of Rutherford, and

WHEREAS, this body supports a secure, easy-to-read identification card for our emergency services to employ,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rutherford, County of Bergen, New Jersey that the Borough of Rutherford be and is hereby authorized to participate in this program;

BE IT FURTHER RESOLVED, that Chief Steven J. Nienstedt, be and is hereby

authorized and directed to undertake the necessary municipal requirements and provide the necessary data and information to the County of Bergen to insure participation in this program.

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Under the Consent Agenda, Councilman Reyes moved that the Borough Attorney be authorized to draft an ordinance to include Cooper Place as a trucks excluded roadway, seconded by Councilwoman Keyes and unanimously adopted on roll call.

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2/20 Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, certain organizations have applied for a Raffle 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:

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| Saint Mary's High School PTA | Calendar Raffle |
| Saint Mary's High School PTA | Off-Premise Merchandise Raffle |
| Saint Mary's High School PTA | On-Premises 50/50 Raffle |
| Saint Mary's High School PTA | Tricky Tray Raffle |
| Rutherford Elks #547 | On-Premises 50/50 Raffle |
| Rutherford Elks #547 | Tricky Tray Raffle |

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

WHEREAS, certain organizations have applied for a Raffle 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:

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|-------------------------------------|---------------------------|
| The Rutherford Education Foundation | On-Premises 50/50 Raffle |
| 55 Kip Center, RSCC, Inc. | Off-Premises 50/50 Raffle |
| St. Mary's Elementary School | Off-Premises Draw Raffle |

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For **MASTER PLAN**, Councilman Frazier said that opened meetings have taken place and he encouraged residents to attend.

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For **HEALTH DEPARTMENT**, Councilman Frazier said the report is available in the Borough Clerk's office.

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For **PUBLIC WORKS**, Councilman Fecanin commended the Department for the job they did on the two storms which took place during January. He said in reference to the road improvement project, when the weather breaks that project will begin. Councilman Fecanin said that as previously discussed, the collection schedule is being reviewed for 2008 taking into account suggestions made by residents and the knowledge of the Department. Councilman Fecanin said that by using the gas depot at the DPW garage, a substantial amount of money is being saved.

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

WHEREAS, the Borough of Rutherford has solicited sealed bids for the FY 2005 NJDOT/CDBG Grants & Capital Program

WHEREAS, bids for the above noted work were opened on January 10, 2007 by the Borough Clerk and Municipal Engineer; and

WHEREAS, the Municipal Engineer, Ralph J. Tango, Jr. has reviewed the bids and recommended an award to the low bidder pending approval of the bid documents by the Borough Attorney.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford does hereby award the contract for Base Bids A, B, C & D and Alternate Bid A for the FY 2005 NJDOT/CDBG Grants & Capital Program to **Smith Sondy Asphalt Co.**, 150 Anderson Ave., Wallington, New Jersey 07057, in the amount of \$1,421,694.65.

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Under the Consent Agenda, Councilman Reyes made a motion to approve the Borough Attorney draft an ordinance regarding wildlife feeding, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Councilman Fecanin requested the Mayor appoint Christopher Seidler to the position of Superintendent of Public Works.

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Under the Consent Agenda, Councilman Reyes made a motion to approve the Borough Attorney draft an ordinance regarding dedication of roadway – Highland Cross, seconded by Councilwoman Keyes and unanimously approved on roll call.

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

WHEREAS, the Borough Attorney, Borough Tax Collector and other Borough Officials have reviewed this matter and the NJ Department of Transportation's (NJDOT) offer to purchase property;

WHEREAS, the Mayor and Council have reviewed and discussed this matter at the meeting of the Governing Body on February 5, 2007;

WHEREAS, the Borough Attorney has reported the final negotiation and sale of the land to the NJDOT for the total sum of \$3,000.00;

WHEREAS, at the Council Meeting on February 27, 2007, the Mayor and Council did accept the offer and authorize the sale of Block 9.01, Lot 1.02, part of Lot 1.03, and Lot 2.04 to the NJDOT as provided in the proposed Agreement of Sale;

NOW, THEREFORE, the Mayor and Council do hereby resolved as follows:

The Mayor is authorized to execute the Sale Agreement and any other necessary documents so as to complete the sale of this land to the NJDOT, including Deeds of Title to transfer ownership, and accept the sale price of \$3,000.00.

* * *

For **FIRE**, Councilman Reyes congratulated Tom Verdino for the excellent job he performed as Chief in 2006 and stated that this Borough is fortunate to have such dedicated volunteers. Councilman Reyes said that there were 53 incidents in January, 1 being a structural fire, 4 other types, 21 false alarms, 20 other alarms, 7 mutual aids and total man-hours 444; this report is available in the Borough Clerk's office.

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Under the Consent Agenda, Councilman Reyes requested the Mayor approve membership for Robert Smith as Special Duty Firefighter, seconded by Councilwoman Keyes and unanimously approved on roll call.

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As liaison to the **Meadowlands Municipal Committee**, Councilman Reyes commended the Mayor and Council for supporting the Resolution for the Hackensack Meadowlands Municipal Commission and the New Jersey Meadowlands Commission regarding Global Warming and explained how crucial it is for everyone to do something about our environment.

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

WHEREAS, on February 16, 2005, the Kyoto Protocol was ratified by 141 countries, requiring these countries to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States requirement would have been 7 percent below 1990 levels by 2012; and

WHEREAS, the New Jersey Meadowlands Commission (NJMC) has demonstrated a continued commitment to reducing greenhouse gas emissions through a variety of policies, programs, and initiatives; and

WHEREAS, the NJMC is currently conducting an air quality study to determine the current level of pollutants (including greenhouse gasses), the sources of these pollutants, and develop an air quality program to accurately forecast the affects on air quality of future growth in the Meadowlands District (District); and

WHEREAS, the NJMC adopted a series of resolutions 06-27 through 06-31, affectively creating Regional Renewable Energy District, aimed at reducing greenhouse gas emissions, decreasing dependence on traditional energy sources, and affectively strengthening the economic, environmental and homeland security of the region; and

WHEREAS, The United States Environmental Protection Agency (EPA) accepts global warming as fact and states on its website that "Human activities have altered the chemical composition of the atmosphere through the buildup of greenhouse gases – primarily carbon dioxide, methane, and nitrous oxide" and states that the "heat-trapping property of these gases is undisputed"; and

WHEREAS, according to the EPA, Office of Atmospheric Programs, greenhouse gas emissions in the United States rose 16 percent from 1990 to 2004, and CO₂ emissions rose 19.6 during the same time period; and

WHEREAS, carbon dioxide (CO₂) is the most prevalent greenhouse gas that is emitted, and is mostly generated from fossil fuel combustion; and

WHEREAS, the United State Conference of Mayors endorsed the U.S. Mayors Climate Protection Agreement in 2005, which endorses the Kyoto Protocol; and

WHEREAS, more than 250 Mayors, have signed onto the Agreement, representing more than 46 million residents.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford endorse the principles of the Kyoto Protocol treaty.

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Councilman Reyes said that the presentation given by William Galloway at the Library regarding "Americas Black Wars Two Wars to Win", sponsored by the Civil Rights Commission, the Library, Historic Preservation and Veteran's Alliance was fantastic and he looks forward to the next presentation. Councilman Reyes acknowledged that the Mayor and Council accepted the brochure for the Civil Rights brochure which is available to the public.

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Under the Consent Agenda, Councilman Reyes moved to approve the request to reschedule the Multicultural Festival from September 22 to September 29, Lincoln Park, 12-6 p.m., seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes made a motion to approve the request to produce and distribute the Civil Rights Brochure, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to authorize the Borough Attorney to review the Historic Preservation Commission's request to contract with a third party entity to perform deed research using applicable escrow money, seconded by Councilwoman Keyes and unanimously approved on roll call.

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

WHEREAS, the Borough of Rutherford is a public body politic and corporate of the State of New Jersey, and existing under the Act with all necessary or proper powers to perform all of the duties provided for by law, including but not limited to the power to authorize the Mayor to execute a Consent Form for a Treatment Works Approval permit application;

WHEREAS, EnCap Golf Holdings, LLC ("EnCap") is currently remediating the Avon, Lyndhurst, Rutherford and Kingsland landfills as part of the Meadowlands Golf Redevelopment Project (the "Project");

WHEREAS, EnCap proposes to construct a mixed use development consisting of residential, commercial, and retail components, as approved by the NJMC, the Borough of Rutherford, and other public entities;

WHEREAS, EnCap proposes to submit a renewal of the TWA-4A application for changes to the domestic wastewater conveyance facilities within the Borough of Rutherford (attached), specifically for the Extend Stay America hotel wastewater conveyance;

WHEREAS, New Jersey regulations require that EnCap, as the applicant, owner, and operator, submit the Borough's Statement of Consent to the New Jersey Department of Environmental Protection approving the submission of the TWA application;

WHEREAS, the Borough previously executed a Statement of Consent to the original permit application, and now proposed to renew its consent;

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

The Mayor shall be authorized and directed to execute the TWA Application Statement of Consent Form on behalf of the Borough of Rutherford;

The Borough Clerk is authorized to witness the Mayor's signature on the Statement of

Consent.

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

WHEREAS, the Borough of Rutherford has long supported the proposed waterfront development at Borough-owned property as referenced above, that is partially leased to Nereid Boat Club;

WHEREAS, the Borough has a pending NJ State Green Acres Grant for waterfront development, including the installation of a waterfront park and a boat ramp for the Borough's Fire Department boat;

WHEREAS, Nereid Boat Club has hired counsel, Wilentz, Goldman and Spitzer, to process the various applications so that the waterfront bulkhead and the waterfront park and accessories can be constructed, and the Green Acres grant accepted;

WHEREAS, Nereid Boat Club has hired an engineering firm, Langan Engineering and Environmental Services, to prepare the various plans and applications;

WHEREAS, Nereid Boat Club has hired a landscape architect, Michael Hakim, L.A., to draw the plans for the waterfront park;

WHEREAS, it is necessary for various applications to be filed so as to obtain permits for the proposed construction of the bulkhead and the park;

WHEREAS, Anne Marie Rizzuto, Esq., the Borough Attorney, has reviewed all necessary documents and applications and has revised same as necessary, and has consulted with other Borough Officials and Professionals as necessary;

NOW THEREFORE, the Mayor and Council do hereby resolve as follows:

The Mayor is authorized to execute the NJ Department of Environmental Protection Application as owner of the property, for purposes of obtaining a Land Use Regulation Permit #1, so as to permit the construction of the bulkhead on the Passaic River;

The Mayor is authorized to execute the Riparian Licensee Application as co-applicant so as to obtain riparian rights in favor of the Borough of Rutherford and Nereid Boat Club as co-applicant.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi said for the January monthly report the total value of construction is \$1,739,338, total number of permits were 120, total number of inspections 559, the total uniform construction code revenue \$42,708 and the Construction Department revenue was \$15,272 bringing the grand total of \$57,980. Councilman Genovesi commended Mr. Uhl and the entire Department. He thanked the Mayor for the appointment of Yadira Feroz to Senior Clerk Typist and thanked the Council for reviewing the contract for CK Air Conditioning.

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Councilman Genovesi requested the Mayor appoint Yadira Feroz to the permanent position of Senior Clerk Typist.

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Under the Consent Agenda, Councilman Reyes moved to approve a contract to CK Air Conditioning for HVAC Inspection, Service and Maintenance for \$7,625, seconded by Councilwoman Keyes and unanimously approved on roll call.

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As liaison for **Recreation**, Councilman Sommer said that they are working on a proposal for remodeling the tennis courts at Memorial Field and have reached out to the community and professionals to come together to build a nice facility such as Tryon Field. He thanked the Mayor for securing the funding for this project.

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Under the Consent Agenda, Councilman Reyes made a motion to accept the letter of resignation from Robert Giangeruso from the Board of Aesthetic Review, seconded by Councilwoman Keyes and unanimously approved on roll call.

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For **Ambulance Corp.**, Councilman Sommer said in addition to the previous stats given in regards the Ambulance Corp. there were 11 hospitals that people were transported to and in particular they transported to Hackensack Medical Hospital 520 times. Councilman Sommer said that in the 2006 the Rutherford Community Pantry there were 226 individuals that were able to take advantage of the pantry, 3,000 bags of food were given out.

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Mayor McPherson gave the following committee reports:

-Amendments for the façade and streetscape regulations. Mayor McPherson said that the Council is aware that the appropriate action at this time is for the ordinance to be forwarded to the Planning Board for their agenda at the next meeting at which time she and Councilman Frazier will advocate for its approval and then it will return to the Governing Body for their action. Mayor McPherson said this is a process that she wished to commend the Borough Attorney for working so closely with the Streetscape Committee, Downtown Partnership.

-Update for improvements to the Borough Website - Mayor McPherson reported that the recycling holiday pickup schedule is now on the website; Breaking News items will be added and they will be forwarded to those on the Borough's electronic mailing list and she

encouraged the residents to subscribe for that by clicking on "join our mailing list"; All of the documents that had been produced subject to our Master Plan Review are currently on the Borough's website; Work has begun towards a specific e-mail address for those residents that wish to make their comments that may not be able to attend public meetings and those comments will be forwarded to members of the committee for their information; OPRA request forms are available on the website; within two weeks it is anticipated the availability of links on the website to enable residents to communicate questions or requests specific to Department Heads and we are looking forward to this and believe this will make us more efficient and the ability to respond to our residents' concerns.

-A meeting was held with representatives from East Rutherford on a number of issues at which Chris Seidler, the Borough Administrator and Councilman Sommer and Councilman Fecanin had attended in the past. Mayor McPherson said that we have received notification from North Fork Southern Railway Company that it was their intention to abandon the railroad property that they had been discussing about moving forward on a joint application. She said there were representatives from the Open Space Committee to meet with all of us in respect to sharing services.

Mayor McPherson made the following appointments:

Thomas Lancaster to a position on the Board of Aesthetic Review

Robert Arnold to the permanent position of Police Sergeant, effective February 27, 2007 subject to the rules and regulations and policies and procedures of the Borough of Rutherford and subject of the rules and regulations of the New Jersey Department of Personnel, as well as, all applicable New Jersey Statutes. Confirmation moved by Councilman Frazier, seconded by Councilwoman Keyes and unanimously approved on roll call.

Christopher Seidler provisional position of Superintendent of Public Works, effective February 27, 2007 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 as, all applicable New Jersey Statutes. Confirmation moved by Councilman Fecanin, seconded by Councilman Reyes and unanimously approved on roll call.

Yadira Feroz to the permanent position of Senior Clerk Typist, effective February 27, 2007 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 as, all applicable New Jersey Statutes. Confirmation moved by Councilwoman Keyes, seconded by Councilman Sommer and unanimously approved on roll call.

Appointments of Professionals per Requests for Qualifications:

Anne Marie Rizzuto, Esq. of McManimon and Scotland, LLC to the position of Borough Attorney. Confirmation moved by Councilwoman Keyes, seconded by Councilman Reyes and unanimously approved on roll call.

McManimon & Scotland, LLC to the position of Borough Special Counsel for Redevelopment and Bond Counsel. Confirmation moved by Councilwoman Keyes, seconded by Councilman Reyes and approved on roll call with the exception of Councilman Genovesi

who abstained.

Eric M. Bernstein, Esq. of Eric M. Bernstein & Associates to the position of Labor Attorney. Confirmation moved by Councilwoman Keyes, seconded by Councilman Reyes and unanimously approved on roll call.

Special Services Insurance Contract, Professional Insurance Associates, Inc. as the Borough Risk Manager. Confirmation moved by Councilman Frazier, seconded by Councilwoman Keyes and unanimously approved on roll call.

Ferraiola, Wielkocz, Cerullo and Cuva PA to the position of Borough Auditor. Confirmation moved by Councilwoman Keyes, seconded by Councilman Sommer and unanimously approved on roll call.

Schoor DePalma, Inc. to the position of Borough Engineer. Confirmation moved by Councilman Frazier, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Mayor McPherson made the following proclamations:

- Women's History Month – March
- Read Across America Day – March 2
- Support of First Aid Ambulance Corps
- Autism Awareness Month – April
- 125TH Anniversary of Boiling Spring Masonic Lodge

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Councilman Reyes moved motion to accept the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call:

WHEREAS, the Governing Body of the Borough of Rutherford recognizes that a dispute exists between the development of an arena in the City of Newark, which will be the new home for the Devils, and the continues existence of the Continental Arena in the Borough of East Rutherford; and

WHEREAS, the Continental Arena in the Borough of Rutherford has been in existence for twenty-five (25) years, and provides an important entertainment and sports venue to Bergen County and to the State of New Jersey; and

WHEREAS, the arena generates revenue, employs a significant number of full-time and part-time workers, and other unique economic opportunities for the residents of the Municipality and Bergen County; and

WHEREAS, the Nets, Devils and MetroStars, plan to depart for new facilities in the next few years, the Continental Arena can be utilized as an entertainment venue of family shows, concerts and other attractions, without which Bergen County would be left without a viable entertainment, venue; and

WHEREAS, Continental Arena has completed effectively against Madison Square Garden which is only a few miles away, and the demand exists in the New Jersey/New York market to result a continued need for venue like the Continental Airlines Arena; and

WHEREAS, the Governor for the State of New Jersey has yet to determine whether two arenas are necessary within a close proximity to each other;

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

1. Urging the New Jersey Sports and Exposition Authority to continue the operation of the Continental Airlines Arena as a facility for sports and entertainment events, regardless of any competing construction, plans or agreements on the part of any public or private entities.
2. Urging Governor Corzine in his review of the Meadowlands Sports Complex, to fully support keeping the arena open.
3. That a copy of this Resolution be immediately forwarded to Governor Corzine, members of the New Jersey Sports and Exposition Authority, members of the State Legislature of Bergen County and Bergen County municipalities.

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For **Ordinance on First Reading**, Councilman Fecanin asked the Acting Clerk to read by title only the ordinance regarding Stormwater Management Control in regards to Wildlife Feeding Prohibition.

The Acting Clerk read the ordinance by title only as follows: AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD CHAPTER 107, ENTITLED "STORMWATER MANAGEMENT".

Councilman Fecanin moved this ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes and unanimously approved on roll call.

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For **Ordinance on First Reading**, Councilman Fecanin asked the Acting Clerk to read by title only the ordinance regarding Dedication of Roadway – Highland Cross.

The Acting Clerk read the ordinance by title only as follows: AN ORDINANCE TO ACCEPT DEDICATION OF AN EXTENSION OF HIGHLAND CROSS IN THE BOROUGH OF RUTHERFORD, NEW JERSEY FOR USE AS A PUBLIC ROAD AND RIGHT OF WAY.

Councilman Fecanin moved this ordinance be passed on first reading and advertised according to law, seconded by Councilman Frazier and unanimously approved on roll call.

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Mayor McPherson said that Councilman Genovesi had decided at the work session not to recommend the introduction of this ordinance and Councilman Reyes made a motion as President of the Council to authorize the Borough Attorney to draft this ordinance. Mayor McPherson called upon Councilman Reyes for the Building and Public Utilities Committee.

For **Ordinance on First Reading**, Councilman Reyes asked the Acting Clerk to read by title only the ordinance regarding Construction Fees and Streets and Sidewalks amendment.

The Acting Clerk read the ordinance by title only as follows: AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD CHAPTER 22, ENTITLED "CONSTRUCTION CODES", ORDINANCE NO. 2206-77 AND CHAPTER 109 "STREET AND SIDEWALKS", ORDINANCE NO. 1891 AND NO. 2744-95

Councilwoman Keyes thanked the Construction Officials for the recommendations that were made and for the wonderful presentation they made to the Governing Body.

Councilman Genovesi thanked the Building Department for the time they took to do the reports and the amount of work they did helped a lot in examining the issues.

Councilman Reyes moved this ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes and approved on roll call with the exception of Councilman Genovesi voting no.

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President of the Council Reyes stated that the Façade and Streetscape Ordinance amendment has been authorized to be forwarded to the Planning Board for review and recommendations back to the Council for first reading at the March meeting.

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Under MISCELLANEOUS, Councilwoman Keyes made a motion awarding the following Professional Service Contracts, seconded by Councilman Frazier and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford has a need to acquire professional services for the position of **Borough Attorney** as an appointed position in an open and fair contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* and *N.J.S.A. 40A:11-4 et.seq.*;

WHEREAS, the Borough publicly advertised for responses to Requests for Qualifications ("RFQ") for the position of Borough Attorney by newspaper and on the Borough's website, in accordance with law;

WHEREAS, the RFQ set forth specific written criteria solicited by the Borough for each respondent;

WHEREAS, the Borough received one response to the RFQ for the position of Borough Attorney, submitted by **Anne Marie Rizzuto, Esq.** of the firm of McManimon &

Scotland, LLC;

WHEREAS, the response to the RFQ was publicly opened and announced, in accordance with law;

WHEREAS, the response was reviewed by Borough Administrator Timothy F. Stafford, Esq., who recommended appointment of the respondent, Anne Marie Rizzuto, Esq. of the firm of McManimon & Scotland, LLC;

WHEREAS, Anne Marie Rizzuto, Esq. of the firm of McManimon & Scotland, LLC will provide the services necessary for the appointment at the rate established by the Mayor and Council, to be set forth in a Professional Services Agreement or Contract, in accordance with this Resolution;

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 is one year beginning on or about January 1, 2007;

WHEREAS, by this Resolution, the award of this contract is publicly made and awarded, in accordance with law;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorize the Mayor to enter into a contract with Anne Marie Rizzuto, Esq. of the firm of McManimon & Scotland, LLC, 1 Riverfront Plaza, Newark, NJ 07102 as described herein, subject to receipt of a Professional Services Agreement and any related documents;

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

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Councilwoman Keyes made a motion awarding the following Professional Service Contracts, seconded by Councilman Frazier with all members present voting aye, except Councilman Genovesi who abstained:

WHEREAS, the Borough of Rutherford has a need to acquire professional services for the position of **Borough Special Counsel, Redevelopment and Bond Counsel**, as an appointed position in an open and fair contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* and *N.J.S.A. 40A:11-4 et seq.*;

WHEREAS, the Borough publicly advertised for responses to Requests for Qualifications ("RFQ") for the position of Borough Special Counsel by newspaper and on the Borough's website, in accordance with law;

WHEREAS, the RFQ set forth specific written criteria solicited by the Borough for each respondent;

WHEREAS, the Borough received one response to the RFQ for the position of Borough Special Counsel, submitted by the firm **McManimon & Scotland, LLC**;

WHEREAS, the response to the RFQ was publicly opened and announced, in accordance with law;

WHEREAS, the response was reviewed by Borough Administrator Timothy F. Stafford, Esq., who recommended appointment of the respondent, McManimon & Scotland, LLC;

WHEREAS, the firm of McManimon & Scotland, LLC will provide the services necessary for the appointment at the rate established by the Mayor and Council, to be set forth in a Professional Services Agreement or Contract, in accordance with this Resolution;

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 is one year beginning on or about January 1, 2007;

WHEREAS, by this Resolution, the award of this contract is publicly made and awarded, in accordance with law;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorize the Mayor to enter into a contract with the firm of McManimon & Scotland, LLC, 1 Riverfront Plaza, Newark, NJ 07102 as described herein, subject to receipt of a Professional Services Agreement and any related documents;

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

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Councilwoman Keyes made a motion awarding the following Professional Service Contracts, seconded by Councilman Frazier and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford has a need to acquire professional services for the position of **Borough Labor Attorney** as an appointed position in an open and fair contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* and *N.J.S.A. 40A:11-4 et.seq.*;

WHEREAS, the Borough publicly advertised for responses to Requests for Qualifications ("RFQ") for the position of Borough Labor Attorney by newspaper and on the Borough's website, in accordance with law;

WHEREAS, the RFQ set forth specific written criteria solicited by the Borough for each respondent;

WHEREAS, the Borough received one response to the RFQ for the position of Borough Labor Attorney, submitted by **Eric M. Bernstein, Esq.** of the firm of Eric M. Bernstein & Associates, LLC;

WHEREAS, the response to the RFQ was publicly opened and announced, in accordance with law;

WHEREAS, the response was reviewed by Borough Attorney Anne Marie Rizzuto and

Borough Administrator Timothy F. Stafford, Esq., who recommended appointment of the respondent, Eric M. Bernstein, Esq. of the firm of Eric M. Bernstein & Associates, LLC;

WHEREAS, Eric M. Bernstein, Esq. of the firm of Eric M. Bernstein & Associates, LLC will provide the services necessary for the appointment at the rate established by the Mayor and Council, to be set forth in a Professional Services Agreement or Contract, in accordance with this Resolution;

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 is one year beginning on or about January 1, 2007;

WHEREAS, by this Resolution, the award of this contract is publicly made and awarded, in accordance with law;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorize the Mayor to enter into a contract with Eric M. Bernstein, Esq. of the firm of Eric M. Bernstein & Associates, LLC, as described herein, subject to receipt of a Professional Services Agreement and any related documents;

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

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Councilwoman Keyes made a motion awarding the following Professional Service Contracts, seconded by Councilman Frazier and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford has a need to acquire professional services for the position of **Borough Engineer** as an appointed position in an open and fair contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* and *N.J.S.A. 40A:11-4 et.seq.*;

WHEREAS, the Borough publicly advertised for responses to Requests for Qualifications ("RFQ") for the position of Borough Engineer by newspaper and on the Borough's website, in accordance with law;

WHEREAS, the RFQ set forth specific written criteria solicited by the Borough for each respondent;

WHEREAS, the Borough received two responses to the RFQ for the position of Borough Engineer, submitted by Schoor DePalma, Inc. and T&M Associates;

WHEREAS, the response to the RFQ was publicly opened and announced, in accordance with law;

WHEREAS, the response was reviewed by Borough Attorney Anne Marie Rizzuto and Borough Administrator Timothy F. Stafford, Esq., who recommended appointment of Schoor DePalma, Inc., over one other responding submission;

WHEREAS, Schoor DePalma, Inc. will provide the services necessary for the appointment at the rate established by the Mayor and Council, to be set forth in a Professional Services Agreement or Contract, in accordance with this Resolution;

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 is one year beginning on or about January 1, 2007;

WHEREAS, by this Resolution, the award of this contract is publicly made and awarded, in accordance with law;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorize the Mayor to enter into a contract with Schoor DePalma, Inc. as described herein, subject to receipt of a Professional Services Agreement and any related documents;

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

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Councilwoman Keyes made a motion awarding the following Professional Service Contracts, seconded by Councilman Frazier and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford has a need to acquire professional services for the position of **Borough Auditor** as an appointed position in an open and fair contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* and *N.J.S.A. 40A:11-4 et.seq.*;

WHEREAS, the Borough publicly advertised for responses to Requests for Qualifications ("RFQ") for the position of Borough Auditor by newspaper and on the Borough's website, in accordance with law;

WHEREAS, the RFQ set forth specific written criteria solicited by the Borough for each respondent;

WHEREAS, the Borough received one response to the RFQ for the position of Borough Auditor, submitted by the firm of Ferraioli, Wielkotz, Cerullo & Cuva, P.A.;

WHEREAS, the response to the RFQ was publicly opened and announced, in accordance with law;

WHEREAS, the response was reviewed by Borough Attorney Anne Marie Rizzuto and Borough Administrator Timothy F. Stafford, Esq., who recommended appointment of the respondent, **Ferraioli, Wielkotz, Cerullo & Cuva, P.A.**;

WHEREAS, the firm of Ferraioli, Wielkotz, Cerullo & Cuva, P.A. will provide the services necessary for the appointment at the rate established by the Mayor and Council, to be set forth in a Professional Services Agreement or Contract, in accordance with this Resolution;

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 is one year beginning on or about January 1, 2007;

WHEREAS, by this Resolution, the award of this contract is publicly made and awarded, in accordance with law;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorize the Mayor to enter into a contract with the firm of Ferraioli, Wielkotz, Cerullo & Cuva, P.A as described herein, subject to receipt of a Professional Services Agreement and any related documents;

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

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Councilwoman Keyes made a motion awarding the contract for Special Services Insurance Contract, seconded by Councilman Reyes and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford has a need to acquire professional services for the position of **Borough Risk Manager** as an appointed position in an open and fair contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* and *N.J.S.A. 40A:11-4 et.seq.*;

WHEREAS, the Borough publicly advertised for responses to Requests for Qualifications ("RFQ") for the position of Borough Risk Manager by newspaper and on the Borough's website, in accordance with law;

WHEREAS, the RFQ set forth specific written criteria solicited by the Borough for each respondent;

WHEREAS, the Borough received one response to the RFQ for the position of Borough Risk Manager, submitted by **Professional Insurance Associates, Inc.**, of Carlstadt, NJ;

WHEREAS, the response to the RFQ was publicly opened and announced, in accordance with law;

WHEREAS, the response was reviewed by Borough Attorney Anne Marie Rizzuto and Borough Administrator Timothy F. Stafford, Esq., who recommended appointment of the respondent, Professional Insurance Associates, Inc.;

WHEREAS, Professional Insurance Associates, Inc. will provide the services necessary for the appointment at the rate established by the Mayor and Council, to be set forth in a Special Services Agreement or Contract, in accordance with this Resolution;

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 is one year beginning on or about January 1, 2007;

WHEREAS, by this Resolution, the award of this contract is publicly made and awarded, in accordance with law;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorize the Mayor to enter into a contract with Professional Insurance Associates, Inc., as described herein, subject to receipt of a Special Services Agreement and any related documents;

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

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Councilwoman Keyes moved to adjourn at 9:45 p.m. seconded by Councilman Frazier and unanimously approved on roll call.

Borough Clerk