

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, MARCH 25, 2008**

The meeting was called to order by Mayor Hipp at 8:45 p.m. with the following Councilmember's present:

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

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

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

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Councilman Genovesi added three items under the Police agenda, consent was given by the Council.

Mayor Hipp made the following presentations:

◇ CROP Walk – May 4th, 2008

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Mayor Hipp opened the hearing of citizens.

Steve Latushko – 37 Preble Place said in January he came to complain about the dirt at the top of Preble Place near the entrance of Route 3; he thanked the Council for the quick clean up, but once again it is a pig sty. Mr. Latushko said he found a letter from the former Borough Administrator saying they would put a new fence or fix the fence in a letter dated 2004. He said this is four and half years and nothing has been done, when is it going to be built, he was told that the DPW cleaned the hill up, they couldn't go to the

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top of the hill and he as a volunteer cleans the entire hill himself but the DPW can't do it. Mr. Latushko said the circle by Route 3, all the construction is done on the bridge, the center circle is now a parking lot, is the town going to see that the State puts it back to being grass, he noticed the kids are parking there again leaving their garbage, school buses, tractor trailers, it is becoming an eyesore as one enters Rutherford. He said the new boat basin looks beautiful but now they have to look at garbage, he called the State and they said get the Rutherford Police involved, it is State property so there should be no trespassing, no parking, they never get tickets. Mr. Latushko said he sees trucks parked there for days and nobody get tickets.

Gary Giordano – Galaxy Recycling said he spoke last year when the Council decided to put the recycling out for bid, even though they were the highest and best price for the town, the town elected to go with the incumbent that the town was bringing the recycle material to at \$50,000 less than they would receive from his company, the reason being they are one mile further away. Mr. Giordano said the former Mayor awarded them a one year contract which is now up and he tried reaching the Borough Recycling Coordinator and they are saying they are not putting it out for bid because they are satisfied where they are going, he told them it was absurd, the taxes are going up and the town needs money. He said in writing they are offering \$104,000 minimum more a year than what the town is receiving now. He handed the Borough Clerk data regarding such. Mr. Giordano noted that the incumbent doesn't own the company any more it is now owned by a Florida based company and such information is included in the packet he submitted. He said the information is all public knowledge, it is the Borough tally, they are the largest in the State and they are a State company not based out of Florida, they use the material for packaging material. Mr. Giordano stated facts regarding his company and noted that the packet addresses the facts showing exactly what they do. He stated it is \$53,750 more town revenue if the market stays the way they are, if the market crashes with the guarantee it is \$103,750 guaranteed minimum for the town which could be used in the budget because it is guaranteed money.

Frank Wilson – 171 Montross Avenue said he went to Lyndhurst and talked to Congressman Rothman and asked him what they are going to do about Encap to which the Congressman said he would have a meeting with the three Mayors and lawyers of what he could do on the federal level to mediate Encap. Mr. Wilson said he probably hasn't reached out to anyone yet but hopefully he will. He said Rothman said about the agreement with Rutherford they get 40 cents on a dollar and basically they got 6.5 million in pilot money. Mr. Wilson said he took 400 houses as a number over 30 years at \$10,000 for taxation based on the numbers they get as a town they are going to lose \$53,500,000 in tax ratables for that 6.5 million they took in. He said so regardless if Encap moves forward or not it will be crushing. Mr. Wilson handed the Congressman's business card and asked if the Congressman didn't get in touch with the Borough Attorney or Mayor Hipp would they please reach out to him on a federal level.

Mildred Dyson – 55 Wilson Avenue asked if Borough Hall was handicap accessible. Councilman Fecanin responded that there is a chair lift to the basement which has accessibility to the elevator.

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Arie Moller – 80 Montross Avenue said last month he spoke regarding the destruction of historic homes in Rutherford and the over development. Mr. Moller gave his recommendations to the Borough Clerk for the Mayor and Council. He said size restriction; if they just restricted square footage there are many ways to fudge that number, they can still have a monstrosity which would be way oversized for a lot. Mr. Moller said a primitive calculation can be which is done by breaking it into triangles and calculate the volume of the structure, can be set at 5% or 10%.

Mr. Moller said secondly, the Planning Board and Adjustment Board membership, currently there are no restrictions on who could be on those Boards besides not being a municipal employee or on certain other committees. He said he puts forth that if they are a contractor or developer or a realtor, they have an apparent conflict of interest and there are three members now-two contractors and one realtor. Mr. Moller said an ordinance restricting such would be a good idea.

Mr. Moller said another recommendation is to protect the trees; if there is a tree over 50 years of age and there is construction happening on the lot, the shade committee should have a look at the tree to determine if it should come down. He said he has seen so many lots where they have completely denuded the front of the curbside and quite frankly he thinks it is ugly and it affects the look of the whole block.

Mr. Moller said number four is the proposal that they emulate the Montclair ordinance, he thinks is fantastic. He said the Maples just got demolished and that structure was in very bad disrepair but that is a very historic structure for the town and it is gone in one day.

Mr. Moller said number five, especially with the developers is that they buy two adjacent lots and builds the exact same structure in both lots and that needs to be looked at, there should be some type of architectural difference between structures of adjacent lots. Mr. Moller said this is a big one especially with the controversy with Encap, any large scale development needs to have a referendum. He said large scale projects affect every resident in the Borough and it's only fair there be public hearings to give the residents their input and if there is a significant amount saying no then it should be off the table.

Dennis Letsche – 228 Prospect Place said he was there as a potential vendor for the town. Mr. Letsche said there was an RFQ put out by the town in February for a position of Risk Manager and Producer, he presented his reasons for being a potential vendor for the town and he is very disturbed for the reason given back. He said it didn't make sense and part of those reasons was because the past administration believed in the administration that was there before as far as the vendor. Mr. Letsche said his concern is that the town did not have a true RFQ out because the town was in position where there could not be a RFQ so it is not a matter of money savings it was a matter of who could represent the town. He said the new Mayor and Council ran on a ticket that they were going to look at it with a new fresh set of eyes, his contention at the time he presented was that a new fresh set of eyes wouldn't cost the town additional money but it would have put somebody in a position to look at the town's insurance cost, which by the way is going up \$270,000 minimum on the property and casualty side and he is not sure of the benefit side but those

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numbers are going up. He said clearly in the industry he has had savings for all of his clients, tomorrow he is presenting a 22% decrease to a client and that is a real number, there is a reality in the town that they need to save money. He said from the beginning the way the town set up the RFQ, it was not possible to save money because the money to be saved would be in the future, there is no doubt that the town could have saved money however, what was in question was whether the town could have taken a new set of eyes to look at the insurance program. He wanted to know why the Council didn't find it to take him or his company in to take a look at a new set of opportunities to save the town money, why it was not taken into consideration that every single professional service in the town has been changed. Mr. Letsche said he has been back in the town for 15 years and he grew up in this town and in the last 15 years there has been one service that has not been replaced and that is the position of the Risk Manager and the Joint Insurance Fund. He said he was not there to disparage the representation of the people that represent them because he believes they are good quality people but they ran on a ticket saying they are going to take a new set of eyes to look and they decided not to do that. Mr. Letsche said they stayed with what was there, the last Mayor and Council was happy with it, they replaced the last Mayor and Council because they were not doing their job efficiently at least by the members of the town and they professed to go forward. Mr. Letsche said number one do they understand what the insurance is in the town; number two did they just accept a statement that said they saved over 5 million over the last five years or did they see an actual statement that showed what it would have been before as compare what it would have been currently. He said they probably did not and did they look and see what would have happened. Mr. Letsche said previously to the members of the town that if at the end of the year he could not perform better, he resigned his position, that was presented to the Mayor and Council and they decided to not take that offer and they decided to stay where they were at. He said his question is did everyone read his proposal, he didn't mean to make judgment but he believes they did not, if they did read that could anyone tell him why they did not have one question to him as to where he could have improved on the town or why they think things could have been made better.

Bonnie Corcoran – 390 Montross Avenue said last week she mentioned they were at the end of the first quarter and they still don't have a Borough Administrator, the Rec Dept, the white collar and the PBA contracts are not negotiated yet. Ms. Corcoran said she knows they are working on the Borough Administrator and she would really like to know if there is a timeline or if there is a deadline to hire an Administrator to fast track it, the Rec Dept. and to negotiate the contracts. She said they keep saying they are having meetings and holding off to later on in the year, its going to be flying by already through the first quarter which went by fast.

Ms. Corcoran said the second issue is that she looked through the budget with some of the crossing guards, they had a meeting with Mayor Hipp which she help setup and they have not seen if they are even going to get a raise or if they are going to be overlooked again. She said they have been waiting for years, their jobs are dangerous, she has seen them almost get hit, they have a one-way in front of Lincoln School for drop off and pick up and the parents that are lazy literally do u-turns and go the wrong way on the temporary one way and will literally be right behind Maria and honk the horn and scare her

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because they are not supposed to be driving that way. Ms. Corcoran really hopes they improve the crossing guards and look into getting them better services down there, maybe they need more crossing rails so they can make the temporary truly a one way in the beginning and the let out time of school. She said the parents don't see them and they do u-turns.

Joe Buccinio – 40 Courrier Place said he saw in the paper and asked if there was going to be a definitive solution in road repair for the town. Mr. Buccinio said he doesn't know how the budget has been structured for the DPW for pothole repair and is there a schedule and timeframe to do the job. He said his question is there a pothole repair program, who is supervising that the work and will there be major road repairs.

Susan Muller – 29 Feronia Way said last week Congressman Rothman had a meeting and she poised the question to him regarding the train station grant which the former Mayor and Congressman took pictures there. Ms. Muller said the grant was between 2 and 4 million dollars but she wanted to know what the status was on that given that there is a board in the entrance way to the coffee shop, it is horrendous to look at and she sees the crime scene tape around the area which is awful. She said as a kid growing up and meeting her father at the train station, to see it in disrepair is upsetting as it is a very old beautiful railroad station and she would like to see it repaired hopefully before she passes away.

Ms. Muller said the wonderful circle, she has seen bricks coming up and there have been so many times she has wanted to get out and put it back down and they are not in properly, the potholes and the road conditions in Rutherford are horrible and there are certain roads that are paved in certain areas. She said she lives off of East Passaic which in her opinion is one of the worst and hazardous roads. It has a water run-off problem and there is an ice mess. She said she has seen DPW with salters and just recently she actually slipped and fell there on her way home from New York. She said she hopes the town fixes it soon.

Dennis Holman – 311 Montross Avenue said at the last public meeting he asked a question concerning a memo of agreement between the recently retired chief and one of the captains. Mr. Holman said he questioned one of the clauses that he thought was concerning to him, he got sort of a response which he deemed an inadequate response so he came again to ask the Council and perhaps the Attorney about that clause. He said he wanted to be specific so they don't mistake what they are talking about; in the agreement dated November 28 it has a clause number four – which to him is a standard indemnification agreement for all employees that they should expect from a town after employed there and served a long time and served well. Mr. Holman said he wants to keep personalities out of it because his concern is not the personalities, his concern is a precedent that he believes may have been set. He said it says "so and so and his spouse at the time of his retirement shall receive, assuming he is retired from the Borough, lifetime medical and dental benefits that set forth in the collective bargaining agreement between the Borough and PBA Local 300 after December 1, 2007. So and so at the time of his retirement shall receive, assuming he is retired from the Borough, existing insurance, defense and indemnity coverage as provided by and set forth in the Borough

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Code, the Borough Personnel Policies and Procedures Manual and the Collective Bargaining Agreement between the Borough and the PBA Local 300 as of December 1, 2007."

Mr. Holman said that is in there and he has no objection to that, he thinks that is absolutely appropriate and just so they know what that is, he went to the PBA agreement and it says: "Article 33) Insurance- the Borough will continue to provide existing insurance coverage to employees covered under this agreement, protecting them from civil suits arising out of the performance of their duties including but not limited to the following: false arrests, malicious prosecution, libel, slander, defamation of character, violation of the right of privacy, invasion of the right of privileged occupancy and the invasion of civil rights." He said that is what the agreement in number four refers too, that is what they are indemnifying the Chief and the Captain over and he thinks it is totally appropriate, because those are things they would be doing in the performance of their duty and he doesn't think they should be held liable for it. Mr. Holman said however there is another clause in the agreement of retirement between the Chief and the Captain and the town. He said he called it an indemnification last week but he was mistaken, it's a release which to him is unprecedented. The clause states "Rutherford agrees not only to release, acquit and forever discharge so and so, his family, heirs, assigns, designees and representatives from any and all claims which arose from set employees employment that the Borough could make on its own behalf but also those that have been or may be made against Nienstedt by any other person or organization on its behalf." Mr. Holman said is it total release, his question being. He said by the way he asked his company for a similar release and after the laugh they said suppose they embezzled \$5 million five years ago do you expect to be released for that? Mr. Holman said he told them no he wouldn't, so he has a few questions. He asked the Borough Attorney if this is against public policy, in other words did the Council have power to grant such a release that is not in the public interest and is there anything that they knew at the time that they had to grant such a release to those two individuals. Mr. Holman said he doesn't think they have ever given that to anyone retired from the town, he doesn't know if they gave it to Tim Stafford when he left, he doesn't know if they give it to regular patrolmen when they leave or anybody else it doesn't seem they do and it certainly wouldn't be appropriate that they do. Mr. Holman said he would like to understand if this is enforceable against the town, since it may be against the public policy. He continued to say he remembered he was at a meeting, a work session, there was subsequent correspondence on this matter and he would like to know what the content of that correspondence might have been and what the request were.

Det. Mike Garner – 72 Plymouth Rd, Nutley and PBA State Delegate for the Rutherford Police Dept addressed the Mayor and Council stating he was there representing the members of the Rutherford Police Dept and what he believed was in the best interest of the residents of Rutherford. Det. Garner said at issue was the decision of changing the current structure of the RPD, the same structure and table of organization that has served the residents of Rutherford so well for as long as anyone in the room could remember. He said tonight they will decide if it is better to hire and appoint a person to oversee how the PD protects and serves the residents of the town, this person will not be familiar with current law enforcement practices, this person will have to be trained just as new officers are trained in current law enforcement practices which are changing constantly. He asked

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if this town has the time or money to wait until this individual is brought up to speed in current law enforcement operations. Det. Garner said this individual will not have to gain and maintain the respect of his subordinates or the residents of the town, he or she only needs to keep the Mayor happy and carry out his wishes. He said the men and women of the RPD have chosen this profession and the sacrifice of not being home in the evening, weekends, holidays because they have bought into the profession; police work is a way of life, everyday they protect each other and comfort each other while maintaining order in this town. This is a very fragile structure that is held together by trusted leadership, they take orders from those who have worked where they now work and understand their struggles and accomplishments. Det. Garner said a Chief is a person that has dedicated his life to the community and his pride in knowing it is well maintained, a Chief is motivated not by the Mayor but by how he earns the respect of his subordinates and the residents that he serves. He asked the Council to vote against privatizing the Police Dept and let the police officers take pride and ownership in maintaining a safe community that they patrol every day, let them look up to their supervisors. Det. Garner said he has repeatedly spoken about the dollars involved in passing the ordinance now he wished to talk about sense.

Det. Garner said the ordinance and the idea does not make sense, they do not have to look very far to know how civilian director's have failed in the past, the Lyndhurst PD had a civilian director and it did not work there; the Wallington PD currently has a police director in charge of their PD and they are the topic of being absorbed by the County Police Dept. He asked if that is the direction that the community wants to head in, there is a reason why there is only one police director in all of Bergen County and that is because it does not work. Det. Garner said quoting from the Leader Newspaper article titled *"No word yet on who will replace RPD chief"* by Susan Moller, dated Nov. 27, 2007 "But with retirement speculation following so close on the heels of cost cutting election rhetoric, what will Hipp do if faced with vacancies in the Borough's top two law enforcement slots. Det. Garner said Mayor Hipp is quoted saying "you have to have a Chief of Police, we could never leave the position unfilled. The Captains position could not be left vacant either, he added: the idea of replacing the Chief with a Civilian Director has been suggested Hipp said. But he does not think it is a good option, his reach indicates that the transition to a Civilian Police Director did not solve problems in other municipalities and Hipp said he has concerns about putting a civilian in charge of professionally trained officers. Hipp also rejected the idea of sharing a Police Chief with another town because he doesn't think residents would feel comfortable with the idea. While he would like to see consolidation of services in other areas, the Police Chief's job is not on the list. As for shaking up the Police Dept. after he is sworn in, Hipp said as Mayor he is not allowed to go in and manage the Police Dept. and he joked that it would be dangerous for him to do so. His role will be to hire the Police Chief and then get the hell out of the way."

Det. Garner read from the November 29, 2007 issue of the Leader Newspaper *"What's solidified factually is that yes Chief Steven Nienstedt and Captain Tom Farrell are eyeing retirement."* "One thing Hipp is saying he'll hire a new Chief if Nienstedt retires but that will be his only role in the Police Dept. It's refreshing that Hipp isn't looking to remake the Police Dept. in his image. Hipp has been quoted as saying he is not in office to

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make political appointments. Again, kudos to him. If he follows through he will be a political mentor. People tend to hire and appoint people they know, their supporters, those in their inner circle. This isn't unique to politics; the private sector too is known to pad its ranks with friends and relatives. But if Hipp can take himself out the picture he would be doing a great service to the political system."

Det. Garner said he would like to thank the many concerned persons and organizations that addressed the Borough Council over the past couple of months in opposition of passing the ordinance, they include Chief Gurnari of Bogota PD, Chief Kugler of Saddle Brook PD, Mitchell Sklar Executive Director of the State Chief's Association, PBA State President Tony Weiner and Bergen County Prosecutor John Molinelli. Det. Garner said to the Mayor that he wished he could have met the request to meet with him to discuss the ordinance. He said the Leader Newspaper had a poll on their website and as of 7:00 p.m. that evening 894 voted for or against a Police Director. Det. Garner said the people of the community have spoken by a wide margin have indicated that they want to have a Chief overseeing the safety of their community, 498 to 381. He said Mayor and Council please think carefully in casting their vote on this ever so important ordinance, do not vote yes to something you are not sure about, think of what passing this ordinance could cost the community.

As no other citizens wished to speak, Mayor Hipp opened the hearing to the Council.

Councilwoman Keyes said she had a question about the recycling contract and for the Borough Attorney, is she right in saying that once a contract is up then they have to go out for rebid on the contract. The Borough Attorney responded that when it expired with the firm that had, it may be held over, he didn't know when it expired, he didn't know to what extent it has or it hasn't. He said at the very least they should take a look and see what the status is and then the Council can make a review. Councilwoman Keyes said her question was more to the point of once a contract has expired or is expiring do they go out for bid, is that a normal course of business. The Borough Attorney said that is unless the Governing Body has something else in mind.

Councilwoman Keyes said her next comment is to Mr. Moller about the Historic Preservation and wished to thank him for his presentation knowing the members of the public heard from Mr. Moller but they didn't see the presentation and it is quite interesting and she urged the Council take a look at that and talk about it at the next work session, about the different scenarios he had drawn up in the presentation and she thanked him for that.

Councilwoman Inguanti said she concurs with Councilwoman Keyes with Mr. Moller's presentation and some of the issues in his presentation are in process to a certain degree of being addressed by the Master Plan and the Planning Board and that process she will speak to in a few minutes. She said the one issue, the referendum on development is something she would be very desirous of, unfortunately and the public should be aware of this, there is tremendous pressure being put on municipalities taking away their control in terms of determining what kinds and the density of their development. Councilwoman Inguanti said there are many things from the State, a lot of movement, to take away the

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autonomy of municipalities so a referendum would be good, she thinks unfortunately it would have to be non-binding at least as the State law is now.

In terms of the road repair, Councilwoman Inguanti said that is something that she wanted to discuss, there is a road crew and they are supervised as far as her awareness is and there is a budget for repairs, in conjunction with Councilman Sommer they could go over it in more detail privately if they wished. Councilwoman Keyes asked if she would talk about road repairs in terms of the budget to which she answered yes, it is on her agenda to discuss setting a priority list for capital improvement projects.

Councilman Genovesi said in reply to Ms. Corcoran, she had three points about things that the Government is not doing and he respectfully disagreed with her. He said she used the words fast track, that it would be a good thing when it came to the Borough Administrator. Councilman Genovesi said that would be a negligent road to take if they were to take the fast track, they are looking to hire the very best person and sometimes that requires time, she repeatedly said she hears they are working on it and that is because they are. He said resumes continue to come and the Council decided not to use a costly hiring service but rather Councilwoman Keyes and he have been diligently sifting through resumes and working to group candidates as to their qualifications and make them available for presentation to the rest of the Council. Councilman Genovesi said she has taken this very serious and so has he, the best person will be found and there isn't a definitive time for that action. Councilman Genovesi said another factor is the Borough's salary ordinance for the position, there is a salary range for pay and along with finding a qualified individual, someone who has the experience to be a Borough Administrator they also have to find someone willing to work in that salary range so not only are they sifting through the resumes they are also trying to match them up to what they have for requirements. He assured Ms. Corcoran that they are working on it and they do take it very serious and he wanted to commend Councilwoman Keyes for the presentation she made last week and the amount of hard work she has put into that, so he respectfully disagrees with her comments.

Councilwoman Keyes said she also wants the public to understand that the role of Borough Administrator now is being taken care of, there is somebody actually doing that job now so there are not things that are going undone because there isn't someone sitting at a desk, those functions are being taken care of every day.

Councilman Sommer said he wanted to refer to the road repairs and potholes. Last month they talked about the budget and he thinks in this year's budget, they may have removed any money for major road repairs. He said as far as doing pothole repairs, they will prioritize this but as they know it is a seasonal thing and have to wait until after the frost potential and they do have equipment to do this work. Councilman Sommer said of course the best thing is if they could continue to take four or five roads a year but that is very costly.

Councilman Sasso said in regards to Ms. Corcoran asking the status of the Rec Director position, two weeks ago they interviewed 12-13 candidates after they reviewed the resumes of approximately 40-50 people from the re-posting of the position as well as

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the candidates that applied last year. He said any candidates that applied last year that were still interested were interviewed. Councilman Sasso said they have narrowed the search down, he shared his notes with Councilman Sommer on the interviews and hopefully they are very close to making a final selection.

Councilman Fecanin said to Ms. Dyson in regards to the handicap accessibility; back five years ago the lift was installed. He said it actually wasn't working for many years and they had Gary Buchheister Recreation Superintendent at the time they fixed the ramp, he believes the key is in the lift so anyone who needs it can go in it and it will take them down to the first landing which next to the Recreation Office there is an elevator that will take them to each floor. Ms. Dyson inaudible. Councilman Fecanin said a ramp is something to look into.

Councilman Fecanin said in response to Mr. Buccinio, when he first took office in 2000 in regards to road repair the town was in bad repair and they came close to doing 4% of the roads a year over his tenure and fixed about 37 roads. He said in the Bertone administration they only did approximately three and it took a long time to catch up where they left off and he is really concerned that he is going to be talking about it in the future on the budget that they can't let the infrastructure of the town go a year. Councilman Fecanin said they are still in catch up mode and he has real concerns on the budget, he knows it is going to hurt the budget but it is infrastructure, the town needs it. He said last year as liaison for DPW they looked into getting a proper patching machine of course it was costly and put off but as Councilman Sommer said it is just a temporary fix and is a real concern, it's not going to get better. He wanted to voice his opinion that they have to maintain the roads somehow even though they don't have to do 4 or 5, maybe 1 or 2 a year. Councilman Fecanin said they can get the engineering firm involved for the worst roads in town and a lot were done through grants and what roads were picked were by the State and the Federal Aid that was given to them like Vanderburgh Avenue which he thought was in great shape but that was the only road they were told they could use the money for so they didn't have to pay a dime it was all grant money given to the Borough. He said that is another thing, the roads that dictate certain applications and certain aids they tell them what roads because of the money and it is getting costly because the State mandate/Federal mandate that every road curb cuts have to be handicap accessible which is more costly because there is drainage problems and a whole other issue. Councilman Fecanin said he will push forward on this issue, they can't go backwards, they just got to take it on the chin once in a while.

Mayor Hipp asked if any member of the Governing Body wished to respond to Mr. Letsche's comments and questions. No one wished to speak.

Mayor Hipp asked if any member of the Governing Body wished to respond to Susan Muller and the train station comments and questions. Councilwoman Keyes said they haven't actually received that money yet but they have been told they are getting \$2 million from Congressman Rothman for the repairs, they don't know when and they don't have a date as yet.

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Mayor Hipp asked if any member of the Governing Body wished to respond to Mr. Holman's comments and questions. No one wished to speak.

Mayor Hipp asked if any member of the Governing Body wished to respond to Det. Garner comments and questions. No one wished to speak.

Councilman Sommer wanted to thank Mr. Latushko for his comments about how quickly it was cleaned up. He said they need to understand that it is an access road to Route 3, they investigated it, the road that is in question belongs to the Dept. of Transportation not to DPW. Councilman Sommer said they can clean it up, which they did but the problem is that it needs constant attention which the department has trouble getting to all these spots on a regular basis given the manpower available. He said what they have to do is get, which they have done, the State to bring in people who have to do community service. Councilman Sommer said they can come by and clean that area as they do Erie Avenue and others, that is more proper and a better way to go than to distract the limited resources from DPW. Mayor Hipp asked Councilman Sommer to speak to DPW Superintendent regarding the issue.

Mayor Hipp said with respect to the recycling issue, they will look into the questions and ask the Borough Attorney to look into the question of awarding the recycling contract with respect to the submission by Galaxy Recycling. The Mayor asked if Councilman Sommer to work with the Borough Attorney as to the recycling contract and report back at the April meeting if possible.

Mayor Hipp said with respect to Mr. Wilson, Congressman Rothman contacted him yesterday and he mentioned that several residents from the Borough of Rutherford attended the meeting in Lyndhurst and asked him to look into the matter. The Mayor said he has been in contact with his Chief of Staff so he does appreciate the business card but he already has the information and they are submitting documents via e-mail to his Chief of Staff so that he may be able to have a private meeting with the Governor. Mayor Hipp said they do not have a certain date for a meeting but he has indicated he wants to reach out to all the Mayors and Attorneys to meet with them. Mayor Hipp said tentatively it is scheduled for Thursday afternoon, but he is waiting for confirmation on such. The Mayor said they have also accepted an invitation with other members of the Governing Bodies of Lyndhurst, North Arlington, representatives from New Jersey Meadowlands Commission and hopefully members of the Governor's Office to have a presentation to them by Mr. Donald Trump on his vision. The Mayor said he is asking everyone to meet somewhere in Bergen County at a location to be determined on April 2, as a result of that invitation he has canceled the meeting the Mayor was going to have scheduled with Mr. Trump scheduled for Thursday morning at this office. Mayor Hipp said they have urged that all the parties meet together so Mr. Trump's move to do that is a welcome change from meeting individually with the communities. The Mayor said he objected to those meetings because he feels the problem needs to be addressed on a level from the State down to the local communities. The Mayor said everyone is invited to this presentation, members of the Council and he believes members of the public because he doesn't know the location they will do their best to let the public know where it will be.

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Mayor Hipp said he commends Mr. Muller for a fine discussion on historic preservation and development in the area and he wants to assure everyone that in the event there are major developments that are being proposed in the community, there will be multiple public hearings. The Mayor said public input is absolutely essential to the process and he wants to assure everyone that there will be no development that will be approved by the Governing Body without full input from the public involving not only Council meetings but public forums similar to the public forum on the budget April 9th where the public can come and have a dialogue. Mayor Hipp said there will be proposals on the Highland Cross, as he understands it, but nothing is before the Body so they are not meeting in secret and talking to anybody about 800 units or 2,000 units of housing within the borders. The Mayor said all information will be made public and hearings will take place.

Mayor Hipp said with respect to Ms. Muller and the train station in his conversation with Congressman Rothman he did indicate that the money was in the hands of the Dept. of Transportation and it is his understanding that is where it is going to stay. The Mayor said the way it works is that the Borough does not own the train station, they are a tenant and they have certain control over it like sublet to businesses and obviously help to maintain it but the work that is going to be done gets done by DOT. Mayor Hipp said that the DOT isn't exactly the fastest train on the track but they are doing their best to find out what is going on and when and will keep the public informed when they find out. The Mayor said they are not getting a big check and bid it out with the construction being done themselves.

Mayor Hipp said that Mr. Letsche is entitled to some explanation to the decision that was made by the Governing Body last week; he thinks that Mr. Letsche would acknowledge as he had about even he would not be able to guarantee savings this year in the budget and in his presentation to the public that he gave last month, basically his position was that he would be able to look into it and maybe achieve savings in the future. The Mayor said the Council made the decision and he wants to assure everyone that while it may have been a close decision in terms of the termination, it is not a political appointment. Mayor Hipp said all of his appointments as Mayor, there has actually been a cost reduction with unfortunately the possible exception of the OEM Coordinator. Mayor Hipp said that with everybody else, there has been a reduction with respect to the Borough Engineer, Borough Attorney and other appointments they have achieved even a cost savings even if it is only a couple of thousand dollars, the Municipal Court Judge, Prosecutor. The Mayor said they shaved off wherever they could because cents do add up to dollars and of course they made some huge savings. Mayor Hipp said they can only choose one Producer and one Risk Manager and the Council had a choice of two qualified candidates. The Mayor said he believes Mr. Letsche candidly and honestly admitted that PIA was also good and he did not wish to disparage him which he did not so they were qualified and he believes they will do a good job for the Borough. Mayor Hipp said he wished he could provide more comfort to Mr. Letsche, he will tell him that he did read his proposal and he has a certain familiarity with self insurance funds, health insurance funds, property and casualty and that nature that he has come across in his years of practice as an attorney. The Mayor said he has been involved in litigation on coverage issues and he has learned quite a bit about the practice so he did not look at the applications in total

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ignorance but he invites Mr. Letsche to continue to make proposals and presentations to the Borough in the future as this is a one year appointment and anything can change.

Mayor Hipp said to Mr. Holman it is his recollection to the discussion with indemnification as opposed to the release, the indemnification provision he agrees that they would be indemnified but only for negligent acts. The Mayor said with respect to the release provision that was put in, he too found it to be an odd provision, it was an agreement that was signed by all parties in November, they do have an initial issue that is whether or not they can vitiate that agreement. Mayor Hipp asked the Borough Attorney to look into that issue, his gut feeling is probably not but it is something worth looking into and after the Borough Attorney investigates they can report back but he can't promise it will be the next meeting but it will be some time. The Mayor said with respect to other matters with that he cannot comment at this time other to say that there will be matters discussed in closed session with respect to those agreements and what has been going on. Mayor Hipp said at some point that will be public but he can not tell more than that right now and he is sorry if that is an incomplete answer but it is the best he could do then.

Mayor Hipp said he believes everyone has at least been addressed and he hopes that is correct and if not please forgive him. The Mayor said to Det. Garner, they will address the comments he made at the hearing that will be opened up on the second reading.

Councilman Sommer said briefly regarding Mr. Letsche's presentation, he did read the material and on the record last week, while he was a member of the prior administration he did vote for him for the Risk Management position so he did have his vote, it wasn't unanimous.

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 and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Genovesi moved approval of the Minutes of the Regular Meeting of February 26, 2008, seconded by Councilwoman Keyes and unanimously approved on roll call.

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3/18 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Sommer with all members present voting aye:

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RESOLVED: That bills in the amount of \$1,299,252.76 payable from the Current Account, all as detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

*

3/18 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

RESOLVED: That bills in the amount of \$1,299,252.76 and \$648,851.71 payable from the Current Account, \$16,000 from the Rutherford Business Improvement Account, \$50 from the Rutherford Multi-Cultural Account and \$140,272.88 from the Grant 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.

*

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes 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 \$160.00 payable to US Postal Service – renewal of Bulk Mailing.
2. In the amount of \$70.00 payable to Patricia Derner – refund for Softball Clinic.
3. In the amount of \$16.81 payable to Linda Lauf– refund for Track & Field.
4. In the amount of \$1,400.00 payable to McCabe Environmental Services – services to be rendered.

*

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

RESOLVED: That bills in the amount of \$3,103,709.82 payable from the Current Account, all as detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

*

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

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

1. In the amount of \$25.00 payable to Warren Dietz – refund of travel basketball uniform.
2. In the amount of \$25.00 payable to John Gibney – refund of travel basketball uniform.
3. In the amount of \$25.00 payable to Cabrini Howell – refund of travel basketball uniform.
4. In the amount of \$25.00 payable to Cindy Kinzler – refund of travel basketball uniform.
5. In the amount of \$25.00 payable to Anna Geovanny – refund of travel basketball uniform.
6. In the amount of \$25.00 payable to Lorena Munoz – refund of travel basketball uniform.
7. In the amount of \$25.00 payable to Yvette Rosario – refund of travel basketball uniform.
8. In the amount of \$25.00 payable to Julie Santana – refund of travel basketball uniform.
9. In the amount of \$25.00 payable to Rose Zembryski– refund of travel basketball uniform.

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

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

5. In the amount of \$30.00 payable to Sam Rizzo– refund for girls softball.
6. In the amount of \$196.32 payable to Carmine's – payment for NY tax.

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

WHEREAS overpayments for 1st quarter, 2008 property taxes were received for the following parcels in the Borough of Rutherford and;

WHEREAS requests have been made for a refund of these overpayments;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue warrants totaling \$9752.00 as follows:

BLOCK	LOT	NAME & ADDRESS	AMOUNT
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39	10	Richard & Patricia Jubelt 124 Wood Street	\$2167.00
219.02	61 Qual. HM	First American R.E. Tax Service RE: 201 Route 17 North	\$7585.00

*

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

WHEREAS, \$905.77 in paint and related supplies were purchased in 2007 from Brothers Hardware, Inc. 10 Orient Way, Rutherford, and

WHEREAS, the purchase of these goods was authorized in 2007 to be utilized for the painting of the Murray Lodge at 58 Meadow Road,

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a warrant payable to Brothers Hardware in the amount of \$905.77 with an offsetting charge to the 2007 Budget – Buildings and Grounds.

*

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

Resolved that the following bills be approved for payment at the meeting of the Rutherford Governing Body of March 24, 2008:

Payable to: The Bank of New York
Amount: \$21,231.98
For: Interest on Bonds Due April 10, 2008

Payable to: Bergen Municipal Employees Fund
Amount: \$268,710.00
For: April Medical Coverage

Payable to: Richard Minervini
Amount: \$1,889.00
For: Airfare / Registration for Fire Dept. Instructor's Conference

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For, **FINANCE**, Councilwoman Inguanti reported that on March 4th the Council adopted the preliminary budget which reflects a 6.9% increase, this number will go down over the course of the next couple of months as revenues are brought on line including the addition of the Gate Condominiums during the summer. Councilwoman Inguanti said the Mayor has instructed all Department Heads to eliminate overtime for their Departments except for emergencies involving the Police Department or the DPW. She said many of the residents may be aware that the Governor's preliminary budget calls for significant reductions in municipal aid, they will vigorously lobby on behalf of Rutherford's taxpayers and argue against the State budget being artificially balanced by increasing municipal taxes, which is what will result if they cut municipal aid. She said they have already been penalized with increasingly large percentages of the court fines being taken by Trenton and other revenue sources historically available to municipalities over the years have been absconded with by Trenton and so the money they give back is really was their money to begin with as with all taxes.

Councilwoman Inguanti said the Encap debacle continues to drain the resources and prevents Rutherford from planning for and enjoying low impact ratables. At the work session, Senator Sarlo planned to establish a legal defense fund for Rutherford in order to protect the communities' interest and environment. She said they have paid enough and in order to properly protect themselves she doesn't think the taxpayers of Rutherford should have to fork over the money for that.

Councilwoman Inguanti said they are happy to report that Bob Brown and Leslie O'Keefe of the Rutherford Board of Education have agreed to allow for installment payment over the course of April and May towards the Board of Ed budget and by allowing for this payment plan the Borough will not engender a tax anticipation note that would have accrued interest of at least \$60,000 and would possibly have been paid in 2008 but would definitely have to be paid back in 2009 so by establishing this negotiation, it is a significant savings to the Borough and she wanted to extend her appreciation to them and to the Mayor and CFO. Councilwoman Inguanti said she is pleased to announce that they have received a 2008 Clean Communities Grant of \$17,379.83 used to offset budget expenses for 2008.

*

3/18 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

WHEREAS, there are several old outstanding checks from prior years, totaling \$6,934.67 which are still open on the books of the Borough of Rutherford, and

WHEREAS, it serves no useful purpose to keep these items open and good financial practice dictates that such stale checks be cancelled,

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be and he is hereby authorized and directed to cancel the following checks with a credit to Miscellaneous Unanticipated Revenue in the General Ledger:

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CHECK NUMBER	AMOUNT
26884	\$25.00
27343	1,650.00
27662	12.00
27684	25.00
27694	25.00
27851	697.53
28335	16.70
28456	467.70
28700	1,000.00
28781	5.00
28987	75.00
29148	1,562.74
29404	1,000.00
29486	363.00
30043	10.00
TOTAL	\$6,934.57

*

3/18 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

WHEREAS, there are several old outstanding payroll checks from prior years, totaling \$1,511.37 which are still open on the books of the Borough of Rutherford, and

WHEREAS, it serves no useful purpose to keep these items open and good financial practice dictates that such stale checks be cancelled,

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be and he is hereby authorized and directed to cancel the following checks with a credit to Miscellaneous Unanticipated Revenue in the General Ledger:

CHECK NUMBER	AMOUNT
156636	29.70
156827	97.46
157202	97.46
157203	97.46
157781	321.41
158195	96.82
158665	102.99
140320	5.97

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140676	331.05
140730	331.05

TOTAL **\$ 1,511.37**

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3/18 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

WHEREAS, N.J.S.A. 40A:4-59 authorizes appropriation reserve transfers during the first three months of a succeeding year.

NOW THEREFORE BE IT RESOLVED, by not less than a 2/3 vote of the full membership thereof, that the following amounts be transferred to and from the accounts named:

FROM		TO	
Administrator – Misc	\$ 1,000	Legal Expenses	\$ 20,000
Coalition of Public Health	5,000	Engineering	5,000
Insurance – Miscellaneous	1,600	S. Bergen JIF	2,100
Group Insurance	7,300	Fire Safety Salaries	22
Building Inspection Salaries	5,000	Telephone	3,200
Shade Tree Dept Salaries	15,000	Water	800
Police Salaries	22,722	Gasoline	4,500
	_____	Dumping Fees	12,000
		Police – Servicing Cars	5,000
		Roads – Uniforms	5,000

TOTALS	\$57,622		\$57,622

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3/18 Mayor Hipp appointed Professional Insurance Associates as Risk Management Consultant. Confirmation moved by Councilwoman Keyes, seconded by Councilman Fecanin with all members present voting aye, except Councilman Sommer who voted any.

3/18 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, the Borough of Rutherford has a need for the services of a **Risk Management Consultant**; and

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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 Risk Management Consultant 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 and the Borough Insurance Commissioner recommend the firm of **Professional Insurance Associates**, of Carlstadt, New Jersey as Risk Management Consultant; 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 Professional Insurance Associates, of Carlstadt, New Jersey as Risk Management Consultant, 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.

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3/18 Mayor Hipp appointed Professional Insurance Associates as **Producer Consultant**. Confirmation moved by Councilwoman Keyes, seconded by Councilman Fecanin with all members present voting aye.

3/18 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, the Borough of Rutherford has a need for the services of a Producer Consultant; 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 Risk Management Consultant by newspaper and on the Borough's website; and

WHEREAS, the Borough received one response to the RFQ for said position; which was opened in public at the Borough Clerk's Office; and

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WHEREAS, upon review the Borough Attorney and the Borough Insurance Commissioner recommend the firm of **Professional Insurance Associates**, of Carlstadt, New Jersey as Producer Consultant; 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 Professional Insurance Associates, of Carlstadt, New Jersey as Producer Consultant, 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.

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Mayor Hipp appointed Kenneth Davie as Special Counsel for Cable. Confirmation moved by Councilman Genovesi, seconded by Councilwoman Inguanti and unanimously approved on roll call.

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

WHEREAS, the Borough of Rutherford desires to retain a **Special Counsel to address Cable Franchise** and related matters under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and N.J.S.A 40A:11-1 et seq; and

WHEREAS, the Mayor and Council of the Borough of Rutherford have determined that the value of the contract may exceed \$17,5000.00; and

WHEREAS, the term of this contract is from March 25, 2008 through December 31, 2008; and

WHEREAS, Kenneth P. Davie of the firm of Cifelli and Davie, Esqs. Of Harrison, New Jersey has submitted a proposal indicating the firm will provide the legal services as Special Counsel at a rate \$95.00 per hour; and

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

WHEREAS, Kenneth P. Davie of the firm of Cifelli and Davie, Esqs. Has completed or will complete and submit a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political pr candidate committee in the

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Borough of Rutherford in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract.

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

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

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

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Mayor Hipp appointed James Guida as Special Counsel for Tax Appeal. Confirmation moved by Councilman Genovesi, seconded by Councilwoman Inguanti with Councilman Genovesi and Councilman Sasso voting aye; Councilman Fecanin, Councilwoman Keyes and Councilman Sommer voting nay; Councilwoman Inguanti abstained. Motion defeated.

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3/18 Mayor Hipp appointed Joseph Maraziti as Special Counsel-Encap. Confirmation moved by Councilwoman Inguanti, seconded by Councilman Sommer with all members present voting aye.

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

WHEREAS, the Borough of Rutherford desires to retain a **Special Counsel for ENCAP** and related matters under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and N.J.S.A 40A:11-1 *et seq*; and

WHEREAS, the Mayor and Council of the Borough of Rutherford have determined that the value of the contract may exceed \$17,5000.00; and

WHEREAS, the term of this contract is from March 18, 2008 through December 31, 2008; and

WHEREAS, Joseph J. Maraziti, Esq., of Maraziti, Falcon and Healy, LLP, Of Short Hills, New Jersey has submitted a proposal indicating the firm will provide the legal services as Special Counsel at a rate \$195.00 per hour; and

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

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WHEREAS, Joseph J. Maraziti, Esq., of Maraziti, Falcon and Healy, LLP, has completed or will complete and submit a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political pr candidate committee in the Borough of Rutherford in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorizes the Mayor to enter into a contract with Joseph J. Maraziti, Esq., of Maraziti, Falcon and Healy, LLP, of Short Hills, New Jersey as described herein; and

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

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

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Mayor Hipp opened the hearing to the citizens regarding the 2008 Budget. As no one wished to speak, the hearing was closed.

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Mayor Hipp appointed Councilwoman Inguanti as liaison to the Youth Advisory Committee.

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As Liaison to the PLANNING BOARD, Councilwoman Inguanti reported the Board has begun a review of the Master Plan with the Board recommending one change, a zoning change to Ordinance 131-7 paragraph 6; this Ordinance deals with apartments on the second and third floors being allowed in the Business Zone. She said this arrangement exists already in Rutherford and it is the goal of the Master Plan to encourage mix use and retail in the Business Districts, but the current Ordinance lists residences as an accessory use. Councilwoman Inguanti recommended that the Borough Attorney in consultation with the Planning Board Attorney examine the Ordinance and present a revised Ordinance to the Council for consideration and review and possible adoption. She said as the Planning Board reviews the Master Plan it will make recommendations to the Mayor and Council for possible zoning changes, it may be desired to form a sub-committee of the Planning Board, Zoning Board and the Mayor and Council to coordinate and facilitate this process, that is something they can discuss at next month's work session. Councilwoman Inguanti said this will be a very lengthy process to go through and match the Master Plan to the Zoning Ordinances and look for inconsistencies.

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As Liaison to the ENVIRONMENTAL IMPACT & RECYCLING COMMITTEE, Councilwoman Inguanti said they met to discuss enhanced recycling services for the community. She said DPW Supervisor Chris Seidler and Councilman Sommer were present since many of the topics for discussion will impact the DPW with work and scheduling. She said the Committee asked Mr. Seidler with Sharon DeVecchio to compile a Rutherford recycling spring/summer brochure of information and possibly some revised schedules with a target for the mailing of late April.

*

As Liaison to the WILLIAM CENTER, Councilwoman Inguanti encouraged all residents to visit the newly renovated movie theatre, currently showing first run films at popular prices. She said the Bergen County Film Commission has taken residence at the Center and she met with the Director's of Film Commission Nelson Page and Tom Myers who have several programs scheduled for the Neumann Theatre, March 27 "Whatever Happened to Baby Jane", March 28 "An Evening of Vaudeville with Uncle Floyd". Councilwoman Inguanti stated that the Film Commission is looking forward to working with the Community and the Downtown Partnership to schedule numerous activities. She noted that perhaps Councilman Sasso and Councilman Sommer and she arrange a meeting with the Film Commission to discuss upcoming events.

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For **POLICE**, Councilman Genovesi reported that in addition to the consented items there was a new item for the promotional test for Police Sergeant. He said this request is to be included in testing to be conducting in October 2008.

Councilman Genovesi made a motion to request to be included in the promotional test of Police Sergeant, seconded by Councilwoman Keyes and unanimously approved on roll call.

*

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes 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:

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**Aquinas Club of St. Mary Grammar School
PTA St. Mary's High School**

**Carnival Games
Off-Premises 50/50 Raffle**

*

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes 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:

American Legion Post 109

Instant Raffle

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Under the Consent Agenda, Councilman Genovesi moved to accept the request of The American Legion to close a section of Carmita Avenue for annual HANDS Party on Sunday, May 4, 2008, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Councilman Genovesi announced the invitation from the Rutherford Veteran's Alliance to participate in the Memorial Day Parade on May 26th.

*

Councilman Genovesi noted that the report and discussion on purchase of Automated Fingerprint Identification System and Listening Device has been moved to the Ordinance for First Reading to be discussed later in the meeting.

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Councilman Genovesi said he would like to update all on two projects that he was working on for the Police Department. He said it is his plan and desire to create the first renovation project to the Police Headquarters in nearly 30 years; he takes full responsibility for the introduction of the plan and express that the community needs to look forward to the future and the value of publicly owned property within the Borough. Councilman Genovesi said he began an investigation into an idea that he had to renovate the PD in February; he was operating under the premise that the Department itself, the building is a publicly owned building and therefore its value or lack of value is a direct effect on the taxpayers. He said this is not a manner to put down the Department rather an effort on his part to alert the residents and colleagues to the condition of the building

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itself. Councilman Genovesi said no other publicly owned facility in the Borough is in such bad shape and they as a Governing Body need to examine the situation-the building has fallen into dire shape. He said many areas of the building are sub-par inefficient, poorly laid out given the way a present day police department should be operating; the basement area and back stairwell often are engulfed by water during rain; the floors are beyond repair and the overall aesthetic of the internal structure leaves much to be desired; the computer room which houses the computer systems for the Department is inadequately cooled not air conditioned as needed but has a store purchased stand circulating air to cool down the servers; the electrical box that houses the fuses and the power delivery system are as antiquated as they are dangerous; there is not enough storage for proper storage or filing systems; little to no circulation in ventilation in the building; the vault that stores ammunition and weapons is in need of a dehumidifier to protect the investment the Borough makes in purchase of the ammunition and weaponry; no handicap accessible facility in the Department for restrooms, as required by the American's with Disabilities Act. Councilman Genovesi said he has been in touch with Captain Egbert and Captain Merli in regards of his ideas and have deemed their access and permission to take multiple tours of the building. He said he has reviewed the building and was shocked to see the obvious lack of attention on the Borough's part not the Police Department's part to protect a publicly own building. Councilman Genovesi said the Borough Engineer has accompanied him on a walk through and did a follow up with an architect who currently is drawing up figures and quotations to address the most needed improvements. He said they have been given his clear and direct guidelines that cost efficiency is the number one priority and after he receives the list he will continue this discussion with them, as well as the funding mechanisms that they will try to employ. Councilman Genovesi said this project is an immense redesign with many areas that need to be addressed, there will also be a need to reorganize the arrangement of offices and systems for example, they must create a juvenile room which is accessible via the rear door of the complex, juveniles should never be brought in the front door and exposed to adults being held by the police; there are many areas that need to be modified to fit today's standards of police department procedures and activities. He said he takes full responsibility for that project and at no time was he approached by any officer or any official of the Borough to investigate, he would never ask the taxpayers of the Borough to accept anything they felt was a burden on them. Councilman Genovesi said he wishes to express his financial sensitivity in this matter in regards to protecting and maintaining the value of a piece of property the residents own. He said it is an investment in the future value of the Borough and the value of the property belongs to them and only them as residents. Councilman Genovesi said it will be a long and lengthy investigation into this matter and nothing is being planned as far as immediate work, they are simply at an investigation phase looking as costs and feasibility. He said as more information becomes available he will share the information with all.

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Councilman Genovesi moved the following Resolution to authorize the Mayor to execute a general release and settlement agreement with Officer Robert Buell, seconded by Councilwoman Inguanti and unanimously approved on roll call.

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WHEREAS, the Borough of Rutherford and Sergeant Robert Buell ("Buell") are now before the Office of Administrative Law, OAL Docket No. CSV1895-07 on an appeal by Buell for disciplinary charges filed by the Borough of November 21, 2006; and

WHEREAS, the parties have agreed to resolve the above matter.

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 the attached settlement agreement with Sergeant Robert Buell.

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Councilman Genovesi moved the following Resolution to authorize the Mayor to execute a general release and settlement agreement with Officer Andrzej Hein, seconded by Councilwoman Inguanti and unanimously approved on roll call.

WHEREAS, the Borough of Rutherford and P.O. Andrzej Hein ("Hein") are now before the Office of Administrative Law, OAL Docket No. CSV3071-07-07 on an appeal by Hein for disciplinary charges filed by the Borough of November 21, 2006; and

WHEREAS, the parties have agreed to resolve the above matter.

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 the attached settlement agreement with P.O. Andrzej Hein.

*

Councilman Genovesi moved the following Resolution to authorize the Mayor to execute a general release and settlement agreement with Officer Christopher Esposito, seconded by Councilman Fecanin and unanimously approved on roll call.

WHEREAS, the Borough of Rutherford and P.O. Christopher Esposito ("Esposito") are now before the Office of Administrative Law, OAL Docket No. 3067-07 on an appeal by Esposito for disciplinary charges filed by the Borough of November 21, 2006; and

WHEREAS, the parties have agreed to resolve the above matter.

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 the attached settlement agreement with P.O. Christopher Esposito.

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For **PUBLIC WORKS**, Councilman Sommer reported that the monthly report is on file with the Borough Clerk.

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As Liaison to BOARD OF AESTHETIC REVIEW, Councilman Sommer announced that in regards to the Arbor Day planting of tree in Lincoln Park April 15th at 6:00 in memory of Helen Matthies former President of the Board.

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Under the Consent Agenda, Councilman Genovesi made a motion to authorize to bid for a Chipper Truck, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Councilman Sommer reported that several meetings have taken place regarding parking in the Downtown Area and the Kip Garage and the maintenance of the Tunnel Area. He said they have made a motion to formalize a plan to have the Downtown Partnership to supply some materials needed for better lighting to brighten the area so people feel safer. He said the DPW has agreed to steam clean the Tunnel and they are also looking into the cost of putting in cameras, more modern cameras than the ones currently in the Kip Garage. Councilman Sommer said the cameras are also being looked into for Lincoln Park to monitor the Gazebo which has had a lot of vandalism and they have had to replace the posts at great expense.

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For **FIRE**, Councilwoman Keyes reported for the month of February there were 45 incidents, 29 false alarms. She thanked the Rutherford Fire Department for attending the Flashlight Egg Hunt to position the light on the truck so the children could see the field area on March 14.

Under the Consent Agenda, Councilman Genovesi made a motion to accept with regret the resignation of Firefighter Peter Kupruk from Union Truck & Bucket #1, seconded by Councilwoman Keyes and unanimously approved on roll call.

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As Liaison to the COMMUNITY DEVELOPMENT, Councilwoman Keyes announced that they secured \$57,608 for the improvements to Grand Avenue, they had applied for \$165,000 but there was not a lot of money to go around for the Southern Bergen County

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Towns, actually only \$740,000 to divvy up between 11 towns so they were lucky to receive the funds.

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

WHEREAS, the Mayor and Council of the Borough of Rutherford wishes to enter into a Grant Agreement with the County of Bergen Community Development for the purpose of using \$80,426 in 2007 Community Development Funds for Barrier Free Curb Cuts in the Borough of Rutherford; and

WHEREAS, it is necessary to authorize the Mayor as the signatory of the Grant Agreement

NOW THEREFORE BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor John F. Hipp to be signatory to the aforesaid Grant Agreement with the County of Bergen Community Development.

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

WHEREAS, the Mayor and Council of the Borough of Rutherford wishes to enter into a Grant Agreement with the County of Bergen Community Development for the purpose of using \$80,426 in 2007 Community Development Funds for Barrier Free Curb Cuts in the Borough of Rutherford; and

WHEREAS, it is necessary to authorize a signatory of the vouchers to Community Development,

NOW THEREFORE BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Edward Cortright to be signatory to the vouchers in connection with the aforesaid Grant Agreement.

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Councilwoman Keyes noted that a month ago a resident made some very disparaging remarks against the Rutherford Health Supervisor Brian O'Keefe and she read from a letter dated March 3, 2008, on behalf of Mr. O'Keefe:

"At the February 26, 2008 meeting of the Governing Body, Mr. Adam Szura, 94 Vreeland Avenue addressed the Mayor and Council for a six to seven minute period of time

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uninterrupted concerning a citizen complaint investigated by me regarding his property dating back to June 6, 2000.

I reviewed the audio comments and allegations leveled at the February 26th meeting against me by Mr. Szura, which I find quite disturbing and factually unfounded. Mr. Szura's comments were made at a public meeting, with citizens present and were recorded at the February 26th meeting for the public to review. It is imperative that I rebut his comments and ask that this memo be memorialized into the minutes of your March 25th meeting.

On June 6, 2000, the Health Department had received a citizen complaint concerning safety issues centered on several tree limbs that were dead on Mr. Szura's property. The complainant also alleged that several limbs fell onto the adjacent property. After serving Mr. Szura with two written notices of violation to abate the unsafe condition, a municipal court summons was issued to Mr. Szura on June 28, 2000 for "trees on property are not properly maintained and provide for a safety hazard" as outlined in the Borough's Property Maintenance Code.

The adjudication of the municipal court summons was delayed resulting in the case pending in the court system for an extended period of time. Delays initially were caused by the Rutherford Prosecutor disqualifying herself from trying the case. This resulted in a change of venue being ordered and the summons was transferred to the Lyndhurst Municipal Court. A Special Prosecutor was then appointed and the case was then transferred back to the Rutherford Municipal Court. Mr. Szura had requested several postponements and on one occasion failed to appear on the scheduled court date. Mr. Szura further delayed the adjudication of the summons by requesting discovery months after the matter had been scheduled for trial. None of the delays were caused by the Health Department.

This normally routine citizen complaint being handled by the Health Department (we handled 597 citizen complaints in the calendar year 2003) took a bizarre turn. In a notice dated April 14, 2003, I was advised that Mr. Szura had filed with the Bergen County Justice Center a request to sign five criminal charges against me for the following offenses: falsely incriminating another; perjury; false swearing; official misconduct; and obstructing administration of law or other governmental function. Since I am a Borough employee, the probable cause hearing could not be heard by the Rutherford Municipal Court Judge, but had to be transferred up to the Municipal Court for Vicinage 2 (Bergen County) at the Bergen County Justice Center in Hackensack.

The Rutherford Municipal Court Clerk also advised me that Mr. Szura filed a request to also sign a number of additional criminal charges against the following individuals: the Mayor, Municipal Court Judge, Borough Attorney, former Municipal Court Clerk, Board of Health President and the Building Department Code Enforcement Officer. These individuals' probable cause hearings were also referred up to the Bergen County Justice Center.

On April 25, 2003, the probable cause hearing for myself, the Borough Attorney, Code Enforcement Officer and the former Court Clerk were heard at the Bergen County Justice Center before Judge Roy F. McGeady. Judge McGeady heard the testimony

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provided by Mr. Szura at the probable cause hearing and ruled that there was no probable cause to support Mr. Szura's allegations for criminal charges to be filed. Judge McGeady stated to Mr. Szura that he cannot go around making statements in bad faith, with no support and that are frivolous against Borough Officials.

An additional probable cause hearing was heard before Judge McGeady on May 30, 2003 for the allegations Mr. Szura had filed against the Mayor and Board of Health President. Once again, Judge McGeady found no basis for the filing of the criminal charges against these two individuals.

The probable cause hearing to file the criminal charges against the Rutherford Municipal Court Judge, was not heard in Bergen County to avoid an appearance of a conflict of interest. The hearing was held in Passaic County, Wayne Township, where Mr. Szura failed to appear and the matter was dismissed.

Judge McGeady ordered a "Case Management Hearing" on August 1, 2003 for the summons I had issued to Mr. Szura. Judge McGeady declared that he would hear the entire matter on September 19, 2003.

On September 19, 2003, a trial was held before Judge McGeady. The trial lasted for 4 ½ hours, with Judge McGeady finding Mr. Szura guilty of the original offense. Judge McGeady in his guilty decision noted that the Property Maintenance Code was enacted to deal with this type of condition and to try to avoid these problems. Judge McGeady noted that he was satisfied that the tree created a safety hazard and that the intent of the code was satisfied beyond a reasonable doubt. Mr. Szura was fined \$500.00, plus \$30.00 in court costs. Mr. Szura was given 20 days to appeal the decision. The Rutherford Municipal Court had advised me on October 23, 2003, that they were not aware that Mr. Szura had appealed the decision of Judge McGeady within the 20 day period of time and that Mr. Szura was making monthly payments to the Court to satisfy the fine and court costs.

The Health Department has not had any involvement with Mr. Szura since the September 19, 2003 court trial.

While I understand and appreciate the rights of citizens to be heard at a public meeting of the Governing Body, when do those citizens cross the line by being allowed to tarnish the reputation of our local officials at a public meeting, by making false accusations. When a citizens' remarks about a Borough employee turn so egregious at a public meeting, should this be allowed to continue for six to seven minutes? Isn't this a personnel matter that is normally required to be handled in a closed session? When I look up the definition of defamation of one's character, this clearly seems to fit that definition. It is also clearly evident that Mr. Szura has not followed the advice of Judge McGeady when he had informed Mr. Szura on April 25, 2003, that he cannot go around making statements in bad faith, with no support and that are frivolous against Borough Officials.

Mr. Szura had his day in court on this matter and didn't prevail.

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I thank the Governing Body for the opportunity to correct the record on this matter and to allow the citizens of Rutherford a better understanding of the amount of time and effort that was required by the Borough to address the legitimate safety concerns brought to the attention of the health department by a concerned resident. Respectfully submitted by Brian O'Keefe-Administrative Officer Rutherford Health Department".

Councilwoman Keyes reported for the Health Department that for the month of February to March there were five marriages, three deaths and one civil union; 12 burial permits; 12 death certificates, seven marriage licenses were issued and ten residents died during the month of February. She said on February 20 they ordered 800 doses of the influenza vaccine for the Fall program; Blood Screening Program is scheduled for April 18 and 19.

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Councilwoman Keyes stated that the Council is continuing to review the ordinance concerning demolition review requirements for potential historic homes.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Fecanin reported that the construction fees collected for February 2008 \$30,563 and the Construction Department Revenue \$3,455 for grand total of \$34,018. He said as stated the month of February was a busy month for the Department with the total value of construction \$917,180; the total number of permits issued were 119; total number of Construction Dept. inspections 475. Councilman Fecanin said since he became liaison to the Department he has seen the hard work the Department does and he commends them for their work.

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Under the Consent Agenda, Councilman Genovesi moved the followed Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call.

WHEREAS, the Borough of Rutherford Building Department has need for elevator inspection services as required under local ordinances and State Construction and Building Codes;

WHEREAS, the Borough Purchasing Department has solicited for quotations to render these services as allowed under public bidding laws and regulations;

WHEREAS, the Borough Purchasing Department received two responses to its solicitation for quotations;

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WHEREAS, the Construction Official recommends the award of the contract to **New Jersey Technical Services, Inc.** in the amount of \$18,104.00, which is under the bid threshold for public biddings;

WHEREAS, the quotation from New Jersey Technical Services, Inc. appears to be the most advantageous proposal for the Borough;

WHEREAS, the Chief Financial Officer has certified the availability of funds for award of this contract for elevator inspection services;

NOW THEREFORE, be it resolved by the Mayor and Council of the Borough of Rutherford as follows:

1. The contract for elevator inspection services in the amount of \$18,104.00 be and is hereby awarded to New Jersey Technical Services, Inc. 100 Schraalenburgh Road, Suite 7, Harrington Park, New Jersey, with the following required documentation to be included:

(a) Certificate of Insurance and Insurance Policy for \$1,000,000.00 shall name the Borough of Rutherford as an additional named insured and a copy of the actual policy shall be filed with the Borough Purchasing Department;

(b) A Business Entity Disclosure Form shall be executed by the vendor and shall be filed with the Borough Purchasing Department;

(c) Ancillary documents as required by the Borough Purchasing Department shall be executed by the vendor and filed with the Borough Purchasing Department;

(d) The contract shall be awarded for a period of one year beginning on April 1, 2008 and ending on March 31, 2009;

2. The Mayor and Borough Clerk are hereby authorized to execute contracts in this matter.

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Under the Consent Agenda, Councilman Genovesi made a motion to approve the contract for HVAC Inspection, Service & Maintenance to Reiner Group, Inc. for \$6,550.00, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Genovesi made a motion to authorize the Borough Attorney to investigate train station lease, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Genovesi moved to authorize the Mayor to execute the TWA application for the Highland Cross Hotel, LLC., seconded by Councilwoman Keyes and unanimously approved on roll call.

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For **HUMAN RESOURCES**, Councilman Sasso reported that during the month of February the Recreation Department held the following events: Friday Flashlight Egg Hunt; March 16 – Easter Egg Hunt at Tryon Field. He expressed his thanks and appreciation to the volunteers: the ladies in the Recreation Dept.; the organization called SADD; the Senior’s at the Kip Center for helping stuff the eggs; Rutherford Fire Dept for providing the lights at Tamblyn Field and the Police Dept.

Councilman Sasso said regarding the Recreation Director, they are looking to make that appointment soon.

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3/18 Under the Consent Agenda, Councilwoman Keyes moved to accept the request from Rutherford PBA Local 300 for serve beer and wine in the Recreation Area at Memorial Field for the PBA Picnic on June 21, seconded by Councilwoman Inguanti with all members present voting aye.

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3/18 Under the Consent Agenda, Councilman Genovesi moved to authorize the Borough Attorney to draft an ordinance for first reading to revise the fees charges for use of Recreation facilities, seconded by Councilwoman Keyes with all members present voting aye.

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3/18 Under the Consent Agenda, Councilwoman Keyes moved to authorize advertisement for a Seasonal Park Ranger and Day Camp Director, seconded by Councilwoman Inguanti with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved to amend the lease agreement with Rutherford Jr. Football, seconded by Councilwoman Keyes and unanimously approved by roll call.

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Under the Consent Agenda, Councilman Genovesi moved to accept the increase in the Summer Day Camp Fees, seconded by Councilwoman Keyes and unanimously approved by roll call.

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As Liaison for the BOARD OF ADJUSTMENT, Councilman Sasso advised the notice to property owners in the vicinity of 22 Sylvan Street for a variance.

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As Liaison for the BOARD OF EDUCATION, Councilman Sasso said they were presented by Ms. O'Keefe and Mr. Brown, the 2008-2009 School Budget. He said what they are looking for is an increase in the tax side for the education portion of 1.6%, this is an increase of \$82.68 per year on the average assessed home in Rutherford of \$449,000. Councilman Sasso said the one item explained by Mr. Brown during the presentation that they get a shortfall is from the Federal Government side where they are promised 40% for the funding for the children with disabilities, they were promised 40% but they never received that they only received about 17% causing a shortfall. He said maybe someone could mention to Congressman Rothman that the Federal Aid would be appreciated by the public school system.

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Under the Consent Agenda, Councilman Genovesi moved to accept the request from the Board of Education to install six concrete bollards in front of the High School Building, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Mayor's Agenda, the following proclamations were made:

"CROP" Walk Day – May 4, 2008

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ORDINANCES – 1st READING

Councilwoman Inguanti explained that the purpose of the following Ordinance is to provide for an opportunity when employees leave the Borough employ, to give the Council an opportunity to review any vacation days, unused sick days or personal days that they be reviewed in a slightly more deliberative way and to have the supporting documents brought before the Council and to give a delay in the final disbursement being given the employee. She said that is for the disbursement to be listed as a separate line item, not to be lumped into payroll so that the Council can make a more informed understanding when money goes out of the Borough.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND THE PERSONNEL POLICIES OF THE BOROUGH OF RUTHERFORD, CHAPTER XIII ENTITLED, SEPARATION, 70-62. REGULATIONS GOVERNING TERMINATION OF EMPLOYMENT.**

Mayor Hipp opened the Ordinance for discussion.

Councilwoman Keyes asked that when an employee is retiring or leaving, who works up those numbers, isn't it the CFO who would work up the numbers in accordance with the contracts or union that the particular employee is with. Councilwoman Inguanti responded that is correct. The Borough Attorney stated that is partially correct, it is the Department that gives the initial papers to provide from, since there is no central place from then it goes to the CFO for review or to work in concert with the Department. Councilwoman Keyes said so when he says Department he might mean the Court or Construction Department. The Borough Attorney says the Police Department provides the initial figures if they are keeping track of the time or Public Works, they submit what they think is right and then the CFO. Councilwoman Keyes said okay so the CFO today is responsible for working up those numbers. The Borough Attorney said the CFO is responsible for confirming that they are accurate whether there is an investigation it needs to go back to the Department. Councilwoman Keyes thanked him for the explanation.

Councilman Genovesi said he thought long and hard about this Ordinance, it was something that he had felt strongly that had to be addressed; when he first discussed it with Councilwoman Inguanti, he let her know his feelings. He said for the public who may not know what the ordinance is, he explained when an employee decides to terminate their working relationship with the Borough or the Borough decides to terminate an employee, there should be a small window of time available for a resolution to be drawn up and accepted by the Governing Body in order to make whatever terminal package and payout that is necessary. Councilman Genovesi said he does not want to find themselves in a position where a payroll line appears and is unscripted saying someone's package or terminal leave could be in that payroll line and the Council never realize. He said he looks at the ordinance as necessary, it is a preventative and a protected measure to ensure that the Governing Body and the Borough Officials have enough time to exam and review the payouts being made. Councilman Genovesi said he is not saying it is specific towards anyone it is a preventative and protective measure going from today on to ensure that there is adequate time given.

As no further discussion was requested, Mayor Hipp closed the discussion.

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Councilwoman Inguanti moved this ordinance be passed on first reading and advertised according to law, seconded by Councilman Sasso with all members present voting aye, with the exception of Councilman Fecanin who abstained.

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Councilman Genovesi asked that the Salary Ordinance for the Municipal Emergency Management Coordinator be read by title only by the Clerk.

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.

Councilman Fecanin said as stated in the past with the position he is against it and believes it to be a waste of money and he believes the position should be given to the highest ranking officer as part of his duties to the town and he believes it to be a political patronage position pay back and he is going to vote against it.

Councilwoman Inguanti said she has concern that there was an original thought that it was a \$20,000 figure that was attached to it and her understanding was that they were significantly lowering it at the \$4,500 so she has a concern because the \$20,000 salary was never taken that they are actually encumbering the Borough with a \$4,500 expense instead of a \$15,500 savings. She had some concerns which maybe need to be further reflected on this before voting.

Councilwoman Inguanti made a motion to table the Ordinance, seconded by Councilman Sommer, and all members present voting aye with the exception of Councilman Genovesi who voted nay.

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Councilman Genovesi spoke regarding the Automated Fingerprint Identification System (AFIS) Ordinance that is in front of them. He wanted to be clear for the public and the record, in no way was he instructed or pressured or ask to create this project by anyone; Premise to this capital ordinance was to his creating; he came up with the project and approached the Police Department and explained his desire to bring this project to fruition. Councilman Genovesi made note that this is an expenditure and he does not want the general public to leave with the impression that the Police Department has asked for any additional expenditures or further burden on the taxpayers of Rutherford. He said the Department, through the efforts of Captain Egbert and Captain Merli have produced both an operating budget and a capital expense plan that he feels is very conservative. Councilman Genovesi said he does not feel in that anyway they have asked for anything other than the bare essentials to run the Department, he wants to be very clear that this is

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a project they have been working on for a while, but they did not approach the Borough the Borough approached them. He first approached Capt. Egbert to discuss the AFIS and to bring it to Rutherford; this system allows for the quick response identification that is needed to confirm a persons identity and to ensure that an individual, if happened to be a wanted criminal, is properly identified in a near real time fashion. He said the system to the best of his knowledge and should he be incorrect, he stands to be corrected by the officer's in attendance in the back of the room, links Rutherford with the Bergen County's identity systems as well as the State NCIS and the FBI systems. Councilman Genovesi said should a subject be in question regarding their identity, should a confirmation be needed on a suspected individual this system will deliver a "hit" should the person have a prior record. He said during his conversations with the men in charge of the PD it was confirmed that the system would be a great benefit to the officer's and the community; they agreed at that time to due further investigation into the cost of the system and the manner in which it would be implemented into the Department. Councilman Genovesi said he relayed to both Captains his desire to not only have the system available to the Department but also that a comprehensive training program must be setup in which officer's are trained in procedures that would go into having the system and the effort the Borough would take in making positive identifications in the future of its residents and non-residents. He said he wants to be clear to the public throughout the process he has insisted that the program be set up to train officer's to use the system and not once did he receive any negative feedback from the management of the Department and was granted nothing but their full cooperation with the idea of setting up the training program. Councilman Genovesi said the only manner in which he would continue to pursue the system is with the agreement that a program of policy and training was created in conjunction with the purchasing of the system, the next step was he approached Mayor Hipp and Councilwoman Inguanti and explain the reasoning behind the project as well as the benefits. He said they both understood and agreed that it is an important project to investigate and he thanked them both.

Councilman Genovesi said once he received their support he sat with Capt. Egbert, Capt. Merli, Lt. Feliciano and Sgt. Nunziato and discussed the system at great length also with cost implementation, again with their up most professionalism and honest opinion both as to the system's benefits and any possible negatives. He thanked them for their time and it should be on record that both Lt. Feliciano and Sgt. Nunziato have been supporters of the system and have done much research in the past, feeling strongly that the system should be implemented in the Borough. Councilman Genovesi said they came fully prepared for the meeting with documentation, a full explanation of the workings of the system as well as quotations for the cost of the system, those officers should be commended for their hard work, persistence and research. He said the quotations were delivered in two forms, one received through the Bergen County Cooperative Program and one through the State of New Jersey's Cooperative Program. Councilman Genovesi said in examining the two, Lt. Feliciano presented a cost difference of roughly \$4,000 less by purchasing through the State which they recommended to the Borough CFO. He said the contract for the equipment would be done through the State and they also agreed that two devices would be purchased, one installed in the Detective Bureau and a second being a mobile device to be situated in the road supervisor's vehicle. Councilman Genovesi said the reason is the mobile unit would link the vehicle's laptop connected to the Department's

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Headquarters from there they would have connectivity to Bergen County, the State of New Jersey NCIS and FBI records. He said the reason for it being located in the road supervisor's vehicle is in his opinion is so that there is a question of identity in the future, there is a situation that happens outside of Police Headquarters verification of identification is needed, the patrolman has the procedure setup to follow should there be any question the road supervisor must leave Police Headquarters be on the road and at the scene. Councilman Genovesi said he explained to the Captains and Detectives that he would pursue the following avenues to secure the equipment for the Department however he would take the following steps or measures to delivery the equipment: confirm the cost of roughly \$24,000 with CFO Ed Cortright to ensure the equipment be placed on the capital expenditures for the Department 2008 budget year; step two make certain the CFO would be able to make a certification of funds made available for the project; step three have the CFO draft a capital ordinance to supplement the purchase of the equipment; step four take the one capital expenditure the police have made, take the four by four vehicle listed on the capital expenditures off and replace it with the new equipment; step five place the item on the agenda for ordinances which has been done that evening; step six a continuing effort that he will continue to ask the Police Department to do make certain that before the requisition is created, should it pass both readings, the purchase of the equipment after second reading that a training program has been drafted in conjunction with the usage of the equipment. Councilman Genovesi said there are motivations behind the project for him personally, he feels it is not only important to protect the officer's on duty from suspicious individuals also to protect the innocent individual who may be mistaken for someone else, to protect the rights offered to us as American citizens being innocent until being proven guilty. Councilman Genovesi said to be clear he hopes will not evolve into a discussion over whether individuals in the past were trained or not, he hopes that this will not evolve into a discussion surrounding circumstances of an unfortunate event that took place in 2005, he hopes it will not evolve into a discussion about bounty hunters, officers or procedures followed or not followed. He said this is a preventative measure to ensure that a training program as well as the equipment needed to implement that program is available to the officers, a system must be made available to delivery positive identification in the future so the Borough, its residents and employees can never find themselves in a position they found themselves in and currently find themselves working out of. Councilman Genovesi said a system that will have steps behind it that detail in the clearest fashion what to do, when to do and how to do it, he feels strongly that the Council should support his measure to ensure they are protected as a Borough in the future, the Council should do all they can to protect the Borough from future litigation, protect the innocent and protect the safety of the officer's on the road each and every day. He said he humbly asks for their support in the purchasing of the equipment.

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: **CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$31,700 FOR POLICE DEPARTMENT AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM AND LISTENING DEVICE, AN IMPROVEMENT IN, BY AND FOR THE BOROUGH RUTHERFORD, IN THE COUNTY OF**

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BERGEN, NEW JERSEY AND TO TRANSFER UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATED SAME TO FINANCE SUCH APPROPRIATION.

Mayor Hipp opened the Ordinance for discussion.

Councilman Sommer asked if the cost is \$30,000 or \$24,000. Councilman Genovesi responded the amount is roughly \$24,000 with a secondary piece of equipment which is a listening device that the Department will use in things like drug raids, prostitution raids, it fits into the back of a cell phone. He said the Department uses this device currently as borrowed equipment from the PD in Nutley and because of this piece they have garnered much for the forfeiture funds that they currently have. Councilman Genovesi said if they take the two in the ordinance as described they come up to \$31,700 and hopes that was brief enough. Councilman Sommer thanked him and asked that the current process and the process that has been in place to his understanding, that under a shared services process for the fingerprinting portion, they have been using Lyndhurst's facilities, is that correct. Councilman Genovesi said to the best of his knowledge he is incorrect.

Councilman Sasso asked if training costs are included in the amount for the expenditure. Councilman Genovesi responded no, that is solely for the equipment.

As no further discussion was requested Mayor Hipp, closed the discussion.

Councilman Genovesi asked if could call upon Lt. Feliciano for a piece of technical advice. Mayor Hipp responded if the Council consents. Councilman Sommer responded no.

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

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For **Ordinance on Second 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 AMENDED AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, ORDINANCE NO. 2140-74 (14 Wells Place & 214 Mountain Way)**

Mayor Hipp opened the hearing to the public, as no one wished to speak the hearing was closed.

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

Councilman Genovesi moved the Ordinance be passed on second and final reading and advertised as according to law, seconded by Councilman Fecanin and unanimously approved on roll call.

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For **Ordinance on Second 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 hearing to the public, as no one wished to speak the hearing was closed. Mayor Hipp opened the discussion for the Ordinance, as no one wished to speak the discussion was closed.

Councilman Genovesi said he has spoken at great length regarding such and obviously he is a supporter of this measure, making financial sense, he thinks it is the right move for the town. He said they talked about money, moral, right and wrong; something he has been thinking about during this process was something called popular sovereignty which is the belief that the legitimacy of the State is created by the will of the consent of the people who in fact are the source of all political power. He believes it is the very consent of the people that has brought the decision there, the consent that allows them as individuals from amongst their midst to be elected and to serve the peoples interest. Councilman Genovesi said it carries great responsibility with it and the explicit instructions drafted out by the people they represent, they have to help them have the quality of life they not only wish but deserve as honest hard working taxpayers. He said this Ordinance provides a financial avenue providing a new beginning, a new look at saving money where it can be save and this is the wish of the public. Councilman Genovesi said sovereignty is important to him, he talked about it during the 7/11 issue, he talks about regarding Encap, when he thinks of Donald Trump the Borough should and must be able to decide for itself. He said what he means by that is they shouldn't give up their ability to decide for themselves through lobbying groups, special interests or personal desires. Councilman Genovesi said to give up this right to decide for themselves based on what residents want and need would be to give up the popular sovereignty he was speaking about earlier and he will not do that. He said he continues to support the Ordinance.

Councilman Fecanin said Councilman Genovesi stated the wish of the people, they heard the survey on the Leader indicated they don't want a Police Director, they want a Police Chief. He said he expressed his opinion in the past about it and he does not support the Civillian Police Director, he believes the town is too large and it will create poor moral

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among the men because when they look up there is no position to go to, their highest rank which is their dream as they come in as a patrolmen. Councilman Fecanin said he has family members in the PD that moved up the ranks, that is what they go to work for, at his job he looks to move forward and he believes that should be part of it. He said he believes they can't afford to take another police officer off the street and that is what will happen with a Civilian Director, he can not operate as a regular police officer where a Chief can. Councilman Fecanin said they have heard everyone talk about it, they are surrounded by highways and there is a reason why they are safe for the individuals who are in there now and the Police Chief from Chief Nienstedt to Chief Caughey down the ranks, they did their job while they were in office. He said they did a great job and he believes they should not go with a Civilian Director.

Councilman Sommer said he is against the proposal; first there seems to be too many open items and while they need to come to a resolution the sense of urgency doesn't overcome the need to employee intelligence and due diligence and when he sits at home during the weekend and receives a letter from the County Prosecutor John Molinelli asking for additional time to look into the Ordinance that was written that concerns him. He said maybe the Ordinance that was written is fine which is good, but it concerns him, do it right once. Councilman Sommer said he heard too many things, he would like to know who they have in mind, he has heard through the rumor mill it was a past police officer who also received a package and there is some contract terms in there that need to be looked at. He doesn't know why they need to shroud it in secrecy. Councilman Sommer said it is too important and they say it will be a year or two and they will review it; that is a long time; do it right the first time, he doesn't see the rush.

Councilwoman Keyes said she has expressed her opinion before, everyone knows she is not for the Ordinance and she also believes the rank and file of the PD need to have a Chief. She said they have a Chief now, an Acting Chief and the Department seems to be running very smoothly, she doesn't think it is a necessary financial commitment on the Borough's part.

Mayor Hipp said since basically January of 2008 when discussion of the Ordinance was first brought forward, there has been a lot of public debate and discussion from the PBA to the Police Chief's Association from the Bergen County Police Chief's Association as well as some residents who have come and discussed it. The Mayor said they have also had what he thinks is a very good spirited debate among members of the Governing Body. Mayor Hipp said it is a very serious question and he thinks the opinions that have been expressed by the Council members are very sincere and heartfelt. The Mayor said having taken into account the issues that are involved in the Ordinance, he believes the need to move forward then is of paramount importance, he doesn't believe they are rushing to judgment; he believes that three months of discussion of the Ordinance is ample time and he believes the issues that have been raised while to some degree meritorious are never the less when looked at more carefully flawed. Mayor Hipp said the PBA has argued that it is financially cheaper for the town to hire the Police Chief and promote four officer's than it is to hire the Police Director; he can dispose of that argument pretty briefly, the PBA's argument does require that the Police Chief's salary be a part of their analyses, the Police Director however would be paid far less approximately \$100,000 than the Police Chief.

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The Mayor said the Ordinance if passed would eliminate the salary because it is eliminating the position of Chief, they would be \$100,000 plus on his side if they will and he believes that is a significant savings. Mayor Hipp said when they look at the amount of money that the Governing Body spent at the end of last year to accept the retirements of the Chief and the Captain he thinks it is appropriate to consider the positive financial impact that the Ordinance will have on the public. The Mayor said he thinks it is an appropriate consideration beyond many of the other considerations that have taken place and he thinks it is very important, they need to reign in the spending and if they don't do that they are going to be in the same position they have been in for the last two or three years, which is unacceptable to him. Mayor Hipp said but this is not the only reason, he has also taken and considered very carefully the letter from the Executive Director Mitchell Sklar who they permitted to speak on behalf of the State Police Chief's Association at length at the last meeting. The Mayor respectfully disagrees with the legal analysis; Mr. Sklar leaves out a significant case, what they call in the law controlling authority and that's the PBA North Brunswick Decision at the Appellate Division which he had a copy. Mayor Hipp said the Ordinance is based upon that decision and it states unequivocally that a Police Director may assume most of the day to day responsibilities of a Police Chief; that is controlling authority, the PBA didn't like the decision and went to the Supreme Court of NJ to appeal it and the Supreme Court denied their appeal. The Mayor said an appropriate authority has most of the responsibilities obligations, privileges and rights of a Police Chief; what could a Police Chief do that a Police Director can't: can't carry a weapon, can't stop people on the street and issue speeding or traffic violations however a Police Director who is the appropriate authority has the same rights and privileges that is set forth in the statute for the Chief of Police. Mayor Hipp said when they setup in the community a PD they have the choice of deciding whether or not they have a Chief, it is not a requirement it is permissive. The Mayor said they are required to have an appropriate authority and what they are attempting to do is create the appropriate authority in a Police Director so with all do respect to the Police Chief's Association's legal argument, he believes that it's failure to sight that decision in it's letter, he thinks it admits much, they should have at least addressed it, they did not. Mayor Hipp said Prosecutor Molinelli who wrote a letter to them on March 4 after two weeks and Councilman Sommer has the letter said he would need two weeks to look over the proposed Ordinance, that was on March 4 and they responded on March 5 by telling him that he could have three weeks because it would not be heard until that evening. Mayor Hipp said the Prosecutor declined their invitation in a letter of March 18 he will wait to see what it is, so they have invited the input, they've invited it in front of the public and they have heard both sides of the issue. The Mayor said finally, this is the most important to him because it is the most difficult and it is difficult for him, it is morale; he believes the morale issue is a very appropriate issue to take into account and he does not disagree with that, however he thinks they need to look at morale in context. Mayor Hipp said he does not agree and he profoundly does not agree that morale in the Department was at a very high level in the recent past; all of them have talked to Police Officer's, they heard the different stories and without going into detail it is his judgment that morale in that Department hasn't been all that great for the last several years. The Mayor said having said that it is also his considered opinion that they have a professional force there and that whatever morale issues may obtain it will not effect the job performance of a single Officer in the Department, he is absolutely satisfied that their level of professionalism will not suffer because of a lowered morale. Mayor Hipp said on

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that basis he believes it is absolutely essential that the Governing Body seriously consider and adopt the Ordinance.

As no further discussion was requested, Mayor Hipp closed the discussion.

Councilman Genovesi moved this ordinance be passed on second and final reading and advertised according to law, seconded by Councilwoman Inguanti with Councilman Genovesi, Councilwoman Inguanti and Councilman Sasso voting aye and Councilman Fecanin, Councilman Sommer and Councilwoman Keyes voting no. Mayor Hipp voted yes; Ordinance passed.

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For **Ordinance on Second 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 public hearing. As no one wished to speak, the hearing was closed.

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

Councilman Genovesi moved this Ordinance be passed on second and final reading and advertised according to law, seconded by Councilwoman Inguanti with Councilman Genovesi, Councilwoman Inguanti and Councilman Sasso voting aye and Councilman Fecanin, Councilman Sommer and Councilwoman Keyes voting no; Mayor Hipp voting aye. Ordinance passed.

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For **Ordinance on Second 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 public hearing. As no one wished to speak, the hearing was closed.

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

Councilman Genovesi moved that the ordinance be passed on second and final reading and advertised according to law, seconded by Councilwoman Inguanti with and unanimously approved on roll call.

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NEW BUSINESS:

Councilwoman Inguanti stated that they have discussed and made clear the concerns about road improvements; she spoke with the Borough Planner and Engineer and one of the issues that she believes the Council needs to address perhaps at the April work session is that there are a number of open items and previous capital projects such as the Kip Center, Station Square and Woodland Avenue. She said unfortunately having these items open it is a strike against them in terms of going for the Department of Transportation grant money and she was hoping to have an idea of going forward with grant money being that sometimes there are limitations as to where the grant money can be used before they set aside large amounts in the capital budget. Councilwoman Inguanti said what the Borough Engineer suggested was that they engage in a meeting with him setting a priority list and gather the information regarding the open projects. She said she agrees with Councilman Fecanin that they do need to maintain the roads and hopes they can work together to get those items in the budget in a way the town can afford.

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Councilman Genovesi stated for the record that the Ordinance that was defeated earlier the AFIS Ordinance was made available, in fact through the packets, Ed Cortright had drafted it and he knows that Mary Kriston put in the packets or her office had put it in the packets. He said the idea that it was not supplied or that it was supplied at the last minute is not true.

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Mayor Hipp opened the second hearing of citizens.

Frank Wilson – 171 Montross Avenue said in regards to the ordinance that just got defeated, he had the opportunity to talk to a few patrolmen in the hallway regarding such. Mr. Wilson asked instead of defeating it could they have tabled it instead of saying no? He asked if anyone realizes that this cost four jobs, five law suits for a piece of equipment that cost \$24,000. Mr. Wilson said understanding that the problem stands if they don't learn from their mistakes it might repeat again, \$24,000, four jobs, five law suits, personally he is the most frugal person in the room about looking to spend money but he would not

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mind the capital expenditure raising his taxes up \$5 or \$10 to know that if he got arrested and sitting there that he would have to wait until the guys went over to Lyndhurst. He said if Lyndhurst was not doing something at the time and were able to give it to them and get back while he is sitting handcuffed, he thinks \$10 is cheap, so his opinion in regards to that is if it was defeated he would recommend everyone rethink again because that device would have saved them the headaches they had over the last three years. Mr. Wilson asked them to give it consideration again.

Joseph McAllister – 194 Mountain Way said Mr. Wilson just expressed some of his sentiments and thanked Mr. Genovesi for clear, concise, comprehensive, lengthy presentation on the automated fingerprint identification system. Mr. McAllister said apparently it is too lengthy for Councilman Sommer, not enough for Councilman Fecanin as was presented. He said four men lost their jobs and the impact of their families not being able to be hired, five law suits, attorney fees and then add on top of that; he would like to know where was their sense of civic duty that was expressed because he believes three of the four members here voted for that retirement agreement that the Chief received with one of the most comprehensive releases he has ever seen. Mr. McAllister said he believes three of them voted in support of that, he would like to know a simple answer from Councilman Fecanin, Councilman Sommer and Councilwoman Keyes when they voted for that did they read it, yes or no. He said he spent many years in contractual law from the nature of his business, that happens to be one of the most comprehensive releases he ever had eyes on or heard, so where was that sense of civic duty and did they think when they voted yes to give that to the retiring Chief and Captain, was that in the best interest of the Borough resident's. Mr. McAllister said he would like closure on Tim Stafford; the \$8,000 check which was in open session and the Mayor introduced it, it was tabled, it went to closed session for several times. He said when they came back, there was going to be an investigation and he would like to know who the investigating body is and he believes it is as simple as CFO Cortright, who told him to write the check for \$8,000, because in his mind, at worst it is embezzlement at best it is malfeasance. Mr. McAllister said there's misappropriation of public money. He applauded Councilman Genovesi again and it was Lt. Feliciano and Nunziato, they did the homework and he believes they have enough work to do, it was a very comprehensive presentation and he believes it will save a lot of headaches moving forward, it is a small expenditure.

Ms. Corcoran said going back to the Borough Administrator, they can agree to disagree but when the new administration came in they were going to get a new Administrator it was going to be a done deal then it feel apart not a done deal. Ms. Corcoran said she is glad that resumes are being put in but if they keep extending the deadline, they could hit December and poor Ed Cortright is doing two jobs and she doesn't think he should. She said if they have a great set of resumes which she was very happy last week that they were doing resumes and going through them but she is wondering about a deadline to collect resumes and say that is enough. Ms. Corcoran said she shares the sentiments of the two prior residents, she is shell shocked with a copy of the budget they were going to take out the vehicle for a savings of \$4,000. She said it is an expense that will make them money because the other towns around that don't have can go to Rutherford and they can charge them to fingerprint. Ms. Corcoran said they save money

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by taking the vehicle off and buying the equipment that they really should have from what she hears from another citizens the fingerprinting that they do now is very antiquated.

Joe Buccinio – 40 Courier Place said he wanted to clarify the pot hole repair, he didn't want it to be a project he wanted to be sure that it was budgeted as necessary repairs to maintain roads before they become a project. Mr. Buccinio said he would have added more if he had seen the budget, there should have been some carry over money from the snow removal and salting they didn't use in the budget. He said that could be applied to maintaining repairs for pot holes so that the roads don't get any larger than they are until they can get the adequate funding to do major repairs.

Mr. Buccinio said in regards to Councilman Genovesi on the procurement for the identification and listening device it was a nice proposal but the only thing that he felt in the dark about was why wasn't that submitted through home land security procurement and to bring the police department in line with homeland security there are communication upgrades for the PD. He said he thinks the technology today should be financed by the State to integrate communications between States and municipalities. Mr. Buccinio said that it was nice to do it on that level but the approach should have been through State procurement and integrating municipalities, especially when the FBI is involved. He said the compliance to keep the community from liabilities for identification for private citizen's rights and also protection of PD and their liability aspects and inquiring into background checks. Mr. Buccinio said some of that should have been protected in a way that it was mandated and that the State be behind it for compliance and for funding so that way no one could knock it down at a local level, not understanding the concepts for corrective action. He said he commends him for what he tried to do, he thought it was well done but the procurement part was a little weak as to where they could go to get the money to put it in place. Mr. Buccinio asked the Council to always look at anything regarding the legality to get someone from the State to give consultation.

Arie Moller – said the proposal for the technology make a lot of sense. He said the Police Director doesn't, there was 20 some municipalities that tried that and all of them had rescinded it. Mr. Moller said that should be a hint to them because he thinks in a year they are going to be rescinding this one to.

Peggy Letsche – 228 Prospect Place said Councilwoman Inguanti commented that there is still a project opened for the Kip Center. Councilwoman Inguanti responded that she misspoke, she believes it is the Kip Avenue road improvement.

Sharon DelVecchio – 347 Mortimer Avenue said that she was there as a rebuttal to Mr. Giordano, Galaxy Recycling has a very poor reputation. Ms. DelVecchio said that gentlemen had answered their RFQ last year, the current contract is not up yet but when it is, it is her understanding that the State does not require open or closed bidding when contracts on recycling are in-house pickups, curbs side programs are in-house and delivered. She said if it were a third party company then they would have to put it out to bid. Ms. DelVecchio said she would appreciate any input from the Borough Attorney but from what she knows, she said they have a new contract with the current vendor and there are other people looking but nobody is doing a better job that the current contractor.

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Ms. DelVecchio said they have another two months before it is up and she wanted to clear it up.

Dennis Letsche – said he applauds the group for changing the process because the non-debate was not a good thing. Mr. Letsche said he hopes they don't take it as being negative; first of all the issue is that the town put out an RFQ, he questioned every member of the Council as well as the Mayor, RFQ is an acronym for request for quotation and his first question is does everyone understand that it could not be met because the RFQ calls for numbers which could not be met because the way they have the situation setup, they could not get a quotation, he requested they all answer that. Mr. Letsche said question number two to that is if in fact they did understand that it was not a RFQ, what was it going to take, what were they looking for when they put it out to make a decision to move their decision as to who was going to be the Risk Manager Producer? He said he thinks he gave more than a multitude of reasons that he thought might make sense, so his question is those two and those two alone - Did they know it was an RFQ and if they did why did they allow it to go out; if they knew it was an RFQ and they were looking for something different, could someone please tell him what it is they were looking for to make the change because it goes beyond him. Mr. Letsche thanked Mayor Hipp for his explanation, Councilman Sommer he thanked him for his support but for the rest of the Council he would like to know what they were looking for to make that change because he thinks he laid enough things out especially the fact that they ran on a new set of eyes and they had the same set of eyes they had for 15 years. He said everyone accepted a piece of paper that said it saved them money, there was no documentation proving it, there was no substance behind it. Mr. Letsche said he thinks very highly of the people that are currently doing this but he would like those two questions answered.

Det. Garner – Rutherford PD thanked that Mayor and Council for listening to himself and the other persons and concerned parties that spoke to them on the issue. Det. Garner said he is very disappointed but they will move forward and as representative of the PBA if there are other future issues they can reach out to him and he will answer any questions they have and he will help them through any further issues that involves the PD. He thanked the Council members who supported the PBA, they appreciated it.

As no further citizens wished to be heard, Mayor Hipp close the hearing of citizens.

Councilman Genovesi said to the gentlemen that was inquiring about the payment methods for it, was in fact through a State program like he was saying. He said the problem was that they wanted to get it into the Department because it would require some training, which requires a few months of learning the process of how to use the machines, they felt to put it on capital expenditures would make the purchase far more quickly than to wait for money to come in from forfeiture funds from homeland security. Councilman Genovesi said they did check the DCA's website, they checked the homeland security website, they did an extensive search and they were planning to move ahead and that is when he said to all that they were searching for mechanisms for employ the payment. He said unfortunately it did not pass, it is a great loss for Rutherford, \$31,000 for equipment and the AFIS itself was \$24,000; it cost them \$1,750,000 in a lawsuit settlement and \$250,000 from the Borough. Councilman Genovesi said he is very upset and the thinks

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that information was put out in enough time, he thinks if they looked at the ordinance and seen the words automated identification system, they could have asked what it was or googled, they could have done many things, they could have read three or four of the case files from the officers that lost their jobs in which AFIS was clearly delineated what AFS was. He said the funding was done that way for a reason.

Councilwoman Inguanti said the advertisement for the Borough Administrator is going to be coming off line at the NJ League of Municipalities at the end of March. She suspects they will be engaging in interviews very soon and there will be a natural dwindling in the process of receiving of resumes once the advertisement is no longer in the public.

Mayor Hipp said with respect to Mr. McAllister's comments regarding Tim Stafford, he hates to say that it is a sensitive issue and it is still in closed and they hope to have something next month for the public. The Mayor said the investigation is not complete and that is all he thinks he can say and he asked for patience.

Mayor Hipp said with respect to Bonnie in regards to the crossing guards question, he missed the question earlier but he emailed to Ms. Bueller there is a salary increase included in the budget but apparently someone is under the impression that there is a separate line item for crossing guards, which is not correct. Mayor Hipp said since this is an introduced budget, they haven't finalized it yet the details of that increase are not yet disclosed and he said that to her and thought she was satisfied with that explanation because she hasn't responded but they have put in a salary increase in recognition of the fact that the crossing guards have not received one in the last few years. The Mayor said the amount is subject to change and he is not going to kid around about that, it's an introduced budget and they may have to play with it but there is provision for it and they recognize the fact that they do need and deserve an increase. Mayor Hipp said it is a long process and he cannot unfortunately make it happen faster so he asks for patience.

Mayor Hipp said to Sharon he appreciates her comments regarding Mr. Giordano and their efforts, but he does think it would be appropriate for them to look into it just to make it clear. The Mayor asked that be cleared up for them so that the rest of the members of the Council understand what was going on and he thinks that she be included.

Mayor Hipp said to Dennis he is not going to comment anymore apparently the rest of the Council doesn't want to comment, he has said his peace with it. The Mayor said as he said before he thinks it is a process that is going there and he does understand what an RFQ was to the extent that he didn't answer that.

Mayor Hipp said to Peggy, he takes it there is a problem with the roof, they will look into that. Councilwoman Inguanti said to that part that is some of the things they need to discuss. Mayor Hipp said they would look into that and thanked her for bringing it to their attention.

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MINUTES OF REGULAR MEETING HELD MARCH 25, 2008

The following Resolution is from the March 18, 2008 work session meeting.

3/18 Councilwoman Keyes moved the following Resolution, seconded by Councilwoman Inguanti 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 meeting on Tuesday, March 18, 2008 at 9:15 p.m. in Borough Hall to discuss the following matter:

- ◇ Litigation – Four police officers

*

Councilman Sommer made a motion to reopen the meeting at 11:15 p.m., seconded by Councilwoman Keyes and unanimously approved on roll call.

*

The following Resolution is from the work session meeting held on March 25, 2008 prior to the start of the regular meeting.

Councilman Genovesi moved the following Resolution to close, seconded by Councilwoman Keyes and unanimously approved on roll call.

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, March 25, 2008 at 8:00 p.m. in Borough Hall to discuss the following matter:

- ◇ Litigation – Three police officers

*

Councilman Sommer made a motion to reopen the meeting at 8:38 p.m., seconded by Councilwoman Keyes and unanimously approved on roll call.

*

Councilman Genovesi moved to adjourn at 12:05 p.m., seconded by Councilwoman Inguanti and unanimously approved on roll call.

Borough Clerk