

**MINUTES OF 2<sup>nd</sup> MONTHLY MEETING OF THE  
MAYOR& COUNCIL  
HELD TUESDAY, APRIL 27, 2010**

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The meeting was called to order by Mayor Hipp at 7:00 p.m. with the following Councilmembers present:

Councilwoman Inguanti  
Councilman Sasso  
Councilwoman Birdsall  
Councilman DeSalvo  
Councilman Genovesi  
Councilman Parnofiello

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

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

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**PRESENTATIONS**

- Rutherford Downtown Partnership "Keep Rutherford Clean Day" Poster awards
  - Winner - Tiffany Chong
  - Honorable Mentions: Katelyn Onega, Brianna Hennessy, Meghan McLean, Jamie Lee, Emilia Szmancinski
  
- Schaefer Systems-Sanitation Containerization System:

Carla and Marino Iommetti, Distributor for Schaefer Carts proposed for the Borough a program that will allow the rear loaders of the sanitation trucks to be converted with a tipper application. This application is mounted on the back of the loading edge that will pick up 35-65-95 gallon carts. This means that the worker's will no longer need to do back breaking labor and reduce worker compensation claims. Some of the containers without lids can get very wet, adding tonnage costs to the dumping fees. These carts have an attached lid which also acts as a vapor barrier and can withstand up to 45 mile an hour winds and the cart will not tip over as easily. They could also offer a cart just for garbage, 95 gallon which is equivalent to three 32 gallon regular residential can that a resident could purchase as Home Depot. Roughly about 340 pounds could go into the 95 gallon carts. It also makes the Borough look cleaner and more uniformed as each resident will be given a cart. This is a more effective way of picking up trash so now instead of the

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laborers picking up 3-4-5-6 cans at a household they furnish them with one can. Also, as an option the residents could lease a second can and there forward.

Ms. Iommetti explained the how the equipment worked and noted that with the attached lids, it has been proven in other towns that it keeps the rodents away and the odors are down because of the vapor barrier.

Councilman Genovesi asked what the total investment for the Borough and was there a warranty. Ms. Iommetti responded the 95 gallon carts cost roughly \$52.50 which includes hand delivery of each cart to the residents; two tippers mounted on the back of the truck correctly \$11,000 per truck and they come with a two year limited warranty and the parts come with a ten year warranty manufacturers defect.

Councilman DeSalvo asked regarding other towns such as Hackensack and Paramus what length of time were they using this process. Ms. Iommetti responded Paramus for over ten years and last year they implemented an automated truck reducing the number of men from three to one and Hackensack is the same amount of time.

Councilwoman Inguanti asked if they had experience with commercial areas and are the containers bar-coded. Ms. Iommetti responded they handle both and reminded everyone that the entire Borough will need to be taught the process; each cart has a serial number and that corresponds to the residency.

Councilwoman Birdsall asked how many trucks were they speaking about for the Borough; the approximate cost; description of semi-automated and automated. Ms. Iommetti responded five, \$55,000 for the trucks plus the costs of the carts. The Councilwoman asked what reduction in worker's comp did they see from other municipalities. Ms. Iommetti responded probably around 30%. Mr. Iommetti provided a description between semi-automated versus automated system. Councilwoman Birdsall asked what would the number of men be per truck. Ms. Iommetti responded it would stay at three. The Councilwoman questioned if Rutherford would ever be able to become fully automated because of the street layouts. Ms. Iommetti responded if they chose not to go automated Rutherford would still benefit from workmen's compensation costs and dumping fees. Mr. Iommetti commented that the municipalities that have automation, they feel a serious comp case is the equivalent to the cost of two automated trucks.

Councilman Parnofiello asked how many carts would be given per resident. Mr. Iommetti responded one for garbage and one for recyclable, but they could always purchase more.

Councilman Genovesi asked where the trucks would be retrofitted and she responded in Paramus. He questioned the down time for a vehicle and who could make the repairs. Councilman DeSalvo explained that with five trucks retrofitted one is a spare and the Borough maintenance could fix the problem after the warranty so it wouldn't affect the pickups for that day. Mr. Iommetti noted that tippers don't go down often; it is possible to run for three-four years before any down time; for example Hackensack has 20 tippers and they probably see a tipper every other year.

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Councilman DeSalvo commented that Superintendent Seidler and Councilwoman Inguanti had spoke with PIA Insurance Rep. Frank Covelli who told him that it is in upwards of \$125,000 per year in workmen's comp savings for the Borough.

Discussion took place regarding the cost of purchasing versus the savings. The Council agreed to further review; Ms. Iommetti provided the Clerk with brochures with further information.

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- Green Team – Michael Forte spoke regarding the Energy Audit.

Mr. Forte said the Green Team reviewed the Energy Audit Report and looked at the Borough buildings and what would cost the Borough the least amount of money to implement the changes. The Team only looked at that recommendations provided by "Steve Winter's & Associates"; with those recommendations they put a price on implementing that work with the hope that perhaps the cost of implementing one of those buildings would be less than they actually paid for the audit being a positive return immediately.

Mr. Forte reported that the Mortimer Avenue firehouse recommendations for electrical updates would cost \$7,000 and with the Public Service rebate of \$510 the net cost of implementation would be \$6,490. According to Steve Winter's & Associates that would give a \$957 energy savings yearly so the payback would be 6 years. Using Ames Avenue the cost would be \$10,000 and a 7.7 year payback. Mr. Forte commented the Green Team would like to see all the recommendations implemented but with the finances being a concern they chose four buildings. Mr. Forte stated that the buildings are great candidates for solar power and continued that a third party owns the solar panels and they pay 100% of the cost associated with installing and maintenance of the panels for 15 years. The third party sells the power that is produced by the panels to owner of the building for 20% less than the municipality would be paying if they bought the power from Public Service. Mr. Forte provided a drawing of what the panels would look like and the cost and explained the guarantee for 25 years; after 15 years it the third party donates the panels to the building. That building preferably the High School, after 25 years would have saved in energy savings \$447,000 without paying one penny. In respect to the police building which is a much smaller area, the town will have saved \$100,000 after 25 years.

Mayor Hipp added the Meadowlands Commission has been working with a number of municipalities to provide consulting services and research; as he attended a meeting with them and the Commission is moving forward with a program to look at all of the roofs on the buildings and they found that most of the public roofs are in bad shape so they are looking at land, etc. Mayor Hipp continued they are looking at putting a roof on top of the Kip Center Garage and they hope to have a report for the Council within the next 60 days; the Commission's efforts have free consulting and professional services design and implementation by a regional entity that will basically, by contract, cover everyone. The Mayor explained that legislature is being drafted to change some of the requirements

regarding bidding for these panels. Mayor Hipp confirmed a meeting for the audit's exit interview for the following week at which Councilwoman Birdsall and Mr. Forte would be invited.

Councilwoman Birdsall asked the Mayor the status about the pilot program the Borough was part of with the Meadowlands reviewing some of the Borough buildings for the structural integrity? Mayor Hipp replied that was expanded to all 14 municipalities and they were hoping by the end of summer to have implementation in place and he detailed the requirements needed to place panels on certain buildings.

Councilwoman Birdsall thanked Mr. Forte for his efforts and his knowledge. The Councilwoman stated that perhaps she and the public could see something that was written by the Meadowlands regarding the buildings and what was submitted for that pilot. Councilwoman Birdsall suggested they look into doing some buildings with the Meadowlands Commission and a few the Borough could handle on their own.

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### **HEARING OF CITIZENS**

Mayor Hipp opened the hearing of citizens.

Michael Fencik, 60 Park Avenue asked for clarification regarding when the commercial garbage schedule change will take effect.

Robin Reenstra-Bryant, 450 Riverside Terrace spoke as the Manager of the Downtown Improvement District asked for a public statement for clarification regarding the commercial garbage collection and stated that she spoke with the City of Hackensack regarding the semi-automated carting system they were using and offered to speak about such.

Dan Saxon, 21 Carlton Place asked the Council to reconsider the budget cuts to the Library as it would be a serious loss to the town.

Gerry Goss, 75 Morse Avenue spoke regarding the new collection schedule, stating that Section 2B will go nine days without a pickup when there is a holiday. Ms. Goss suggested that Monday be the day for metal and vegetation to solve that problem.

Steve Spano, Steve & Andrea's Restaurant spoke regarding the confusion of the commercial schedule being changed; no notification was sent to the businesses. Mr. Spano gave suggestions on how the business owners could work together to have one hauler pick up the commercial areas. Mr. Spano questioned the need for the BID stating the Chamber of Commerce could handle events.

Harriet Saxon, 21 Carlton Place spoke regarding the once-a-week garbage pick-up and how it could be a health hazard during the hot weather; expressed her concern about the commercial pick-up. Ms. Saxon commented that closing the library is detrimental to

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the Borough residents and they need to find the funds to keep the library open at least through the summer months.

Shimul Mehta, 48 Arthur Drive spoke regarding the noise walls expressing that there wasn't enough information shared regarding the project and the decisions being made. Mr. Mehta provided details from previous meetings that took place regarding the walls concluding that the sound engineers did not provide comparable sound test numbers to the ones they did 2005 and there is no noise reduction benefit, it could actually increase on the residential side.

Sue McLean, 85 East Pierrepont Avenue asked what grant writing processes are in place to help the Borough with the financial difficulties; what are the resources the Borough is in obtaining grants.

Charles DiNoto, 103 West Passaic Avenue asked the Council to accomplish the cost savings goals they set forth.

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

Councilman Genovesi responded that every Department was approached with cost cutting measures and he will provide that information in his monthly report.

Councilman DeSalvo confirmed Councilman Genovesi's comments stating that they are look at every Department and explained what Departments and positions they reviewed.

Councilwoman Inguanti responded in regards to grant writing, stating that the Citizens Finance Committee is looking into available grants and she explained the process of obtaining grant writer's and how they receive payments. The Councilwoman stated that in addition to the Finance Committee, various Departments and Committees pursue grants. Councilwoman Inguanti confirmed prior Councilmembers statements that they have been looking at other Departments and they have eliminated a number of positions in them and provided a description of how they are going forward.

Councilman Sasso suggested that it would be beneficial for the individual Departments to make suggestions to the Council instead of waiting for them because the money has to come from somewhere.

Councilwoman Birdsall stated they need to work together on a strategy for the Borough. The Councilwoman noted that one person should be out looking for grants and getting assistance from committees, etc. Councilwoman Birdsall explained some outstanding items that could be included in the budget. The Councilwoman spoke to Mr. Mehta regarding the noise wall and stated she would like to see how the residents in that area felt.

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Councilman Parnofiello spoke regarding the Federal grant they are receiving for firefighter equipment and noted that having a Borough Administrator should help in finding information regarding grants.

Mayor Hipp noted the receipt of grant funds for firefighter equipment and explained what the money will be used for. The Mayor explained why the Borough should hire a grant writer and that person could assist with the process in making it beneficial. Mayor Hipp stated that he hoped the Council will institute the once-a-week garbage in September not in May because of the weather and he agreed that Monday pick-ups are a problem and he hoped the Council would act on that. The Mayor hoped the Council will find a feasible way to assist with the Commercial pick-ups.

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Councilman DeSalvo moved the following Resolution for a Closed Session, seconded by Councilwoman Inguanti 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, April 27, 2010 at 9:03 p.m. in the Committee of the Whole Room to discuss the following matter:

- Borough Administrator Interviews
- Fire Department Personnel Issues
- White Collar Negotiations
- Police Director Contract
- PBA Labor Negotiations

The meeting re-convened to open session at 10:35 p.m.

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**REVIEW OF CHANGES TO THE PROPOSED AGENDA**

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**PRESIDENT OF THE COUNCIL**

Councilman DeSalvo brought forward his request from February 9<sup>th</sup> requesting the Mayor provide the copies of the "Sunshine Law" purchased by the Borough. Mayor Hipp responded they will be in their mailboxes the following morning.

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Councilman DeSalvo noted that the information contained in those copies was important information pertaining to a lawsuit that the Mayor has filed against four Council members. Mayor Hipp stated that was not government business. Councilman DeSalvo responded he believed it was as they were being sued as Council members. The Councilman asked who covers the attorney's cost for those Council members. Borough Attorney William Smith responded in general it would be provided by the Borough, he would have to look at the complaint and see what the basis of the complaint was, but since they were being sued for actions they performed as a council person they would be provided with Council by the Borough.

Councilwoman Inguanti stated she would like to see all ten copies of the "Law" as the Borough paid for ten.

Councilman DeSalvo asked the Mayor why and when they hadn't been served and what was the procedure. Mayor Hipp stated he was not going to respond to that question.

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Councilman DeSalvo requested a recess for five minutes.

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Councilwoman Inguanti made a motion to hire Conrad Gallo for the position of Borough Administrator with a salary 10% less than the prior Administrator with no health benefits required with a start date of May 3, 2010, seconded by Councilman DeSalvo.

Councilwoman Birdsall asked the Borough Attorney if the Council is able to move forward on appointing an Administrator. The Borough Attorney replied yes.

Councilman Genovesi noted he was against how they got to the point and he didn't agree how they handled the removal of Mr. Shenkler however, he agreed they need to appoint someone. The Councilman stated that he was in favor of giving Mr. Shenkler his job back. Councilman Genovesi agreed with the motion.

Councilman Sasso stated that if the motion passed everyone needs to provide Mr. Gallo with the support that he needs to succeed.

Councilwoman Birdsall and Councilman Parnofiello commended the committee for their efforts.

The Borough Clerk read the roll call; unanimously approved.

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**Finance: Councilwoman Inguanti**

Payments of Bills:

Councilwoman Inguanti made a motion to approve the following resolution, seconded by Councilwoman Birdsall. The Borough Clerk read the roll call: unanimously approved on roll call:

**RESOLVED:** That bills in the amount of \$7,682,943.08, from the Current Account, detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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Councilwoman Inguanti made a motion to approve the following Resolution, seconded by Councilwoman Birdsall. The Borough Clerk read the roll call: unanimously approved on roll call:

**WHEREAS** a lien on the parcel of property referred to as Block 152, Lot 18, more commonly known as 229 Orient Way and assessed in the name of Mark & Frank, LLC/FM Mason was sold at the Borough's Tax Lien sale on the 15<sup>th</sup> of March, 2010 to R. Rothman and;

**WHEREAS** the necessary arrangements have been made with the Tax Collector's office for the redemption of this lien and a check in the amount of \$7,648.73 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$3,600.00 was deposited in the Premium Trust Account on the day of the sale;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to in the amount of \$11,248.73 made payable to R. Rothman in settlement of Tax Title Lien # 0201030.

Principal.....	\$ 7,448.28
Interest & Penalty.....	\$ 145.45
Fees.....	\$ 55.00
Premium.....	\$ 3,600.00
 TOTAL.....	 \$11,248.73

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Councilwoman Inguanti made a motion to approve the following Resolution, seconded by Councilwoman Birdsall. The Borough Clerk read the roll call: unanimously approved on roll call:

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**WHEREAS** a lien on the parcel of property referred to as Block 34, Lot 18.02, more commonly known as 70 Donaldson Avenue and assessed in the name of Ricardo Da Cruz was sold at the Borough's Tax Lien sale on the 15<sup>th</sup> of March, 2010 to Havid Developers and;

**WHEREAS** the necessary arrangements have been made with the Tax Collector's office for the redemption of this lien and a check in the amount of \$6,596.63 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$8,000.00 was deposited in the Premium Trust Account on the day of the sale;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to in the amount of \$14,596.63 made payable to Havid Developers in settlement of Tax Title Lien # 0201010.

Principal.....	\$ 6,425.51
Interest & Penalty.....	\$ 116.12
Fees.....	\$ 55.00
Premium.....	\$ 8,000.00
 TOTAL.....	 \$14,596.63

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**CONSENT AGENDA ITEMS**

Under the Consent Agenda, Councilman DeSalvo made a motion approving the following items, seconded by Councilman Genovesi and unanimously approved on roll call:

**WHEREAS**, N.J.S.A. 40A:5-14 provides that the Governing Body shall designate as a depository for its moneys a bank or trust company having its place of business in this State; and

**WHEREAS**, it is necessary to add Ms. Andrews as a signatory on the below accounts for the operation of the Municipal Court,

**NOW, THEREFORE, BE IT RESOLVED**, that Lakeland Bank shall be the depository for the funds of the Borough of Rutherford held in the accounts named below; and

**BE IT FURTHER RESOLVED**, that all withdrawals shall be made as indicated herein:

Borough of Rutherford  
Municipal Court Account-Fine Account  
Checks signed by Court Administrator,  
Deputy Court Administrator, Jillian Andrews or Judge  
(any two)  
Acct # 4009-011913

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Borough of Rutherford  
Municipal Court Acct.-Bail Account  
Checks signed by Court Administrator, Deputy Court Administrator,  
Jillian Andrews or Judge (any two)  
Acct.#61-00000 1103

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Under the Consent Agenda, Councilman DeSalvo moved to accept with regret the letter of resignation from June Flippin from the Local Assistance Board, seconded by Councilman Genovesi and unanimously approved on roll call.

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Under the Consent Agenda, Councilman DeSalvo made a motion to approve the following Resolution, seconded by Councilman Genovesi and unanimously approved on roll call:

**WHEREAS**, certain organizations have applied for a Raffle/Bingo License and have been approved by the Police Director and paid the required fees;

**NOW, THEREFORE, BE IT RESOLVED** that License be issued to:

- **Meadowlands Museum                      Off Premise Draw Raffle**

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Under the Consent Agenda, Councilman DeSalvo moved to accept the request for street closure on May 2<sup>nd</sup>, for HANDS Party, seconded by Councilman Genovesi and unanimously approved on roll call.

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Under the Consent Agenda, Councilman DeSalvo moved to accept the request from Golden Age Club for use of the mini-bus on June 9, 2010, seconded by Councilman Genovesi and unanimously approved on roll call.

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Under the Consent Agenda, Councilman DeSalvo moved to accept the request from 55 Kip Center for use of the mini-bus on June 1, 2010, seconded by Councilman Genovesi and unanimously approved on roll call.

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Under the Consent Agenda, Councilman DeSalvo moved to accept approval of membership for Corey Mustac to Fire Company 3, seconded by Councilman Genovesi and unanimously approved on roll call.

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Under the Consent Agenda, Councilman DeSalvo moved to accept the request for exempt status for Mike Kucevik, Michael Lee, Steven Sartori and Craig Scott on Rescue Company 5, seconded by Councilman Genovesi and unanimously approved on roll call.

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Under the Consent Agenda, Councilman DeSalvo moved to approve the following Resolution for a joint application for federal grant for firefighter equipment, seconded by Councilman Genovesi and unanimously approved on roll call.

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Councilwoman Inguanti moved to extend the meeting for 20 minutes, seconded by Councilman DeSalvo and unanimously approved on roll call.

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**COMMITTEES**

**FINANCE**

Councilwoman Inguanti stated that the monthly report is on file at the Borough Clerk's Office.

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Councilwoman Inguanti made a motion to reject the settlement for tax assessment reduction at 47 Orient Way, seconded by Councilman DeSalvo. Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall, Councilman DeSalvo and Councilman Parnofiello voted aye; Councilman Genovesi abstained.

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The resolution for award contracts for Tax Appeal Attorney and Tax Appraiser was held for the May 11 meeting.

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Mayor Hipp explained the item in regards for the 2008 LOSAP Engagement Letter. Councilwoman Inguanti responded that she was going to discuss the issue with Garbarini & Co. and update the Council at the May 11 meeting.

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As Liaison to the LOCAL ASSISTANCE BOARD, Councilwoman Inguanti announced the retirement of June Flippin from the Board. She expressed her gratitude to her for the many years of service she provided while serving in this position.

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For, **POLICE**, Councilman Genovesi stated the monthly report is available on file in the Borough Clerk's Office. Councilman Genovesi reported that there will be a sit-down with the PBA to discuss the possibility of volunteer furloughs. The Councilman thanked all the Police members who participated in the Junior Police Academy.

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Councilman Genovesi made a motion to approve the following Resolution regarding separation of employment agreement for Kathleen Laudicina, seconded by Councilman DeSalvo and unanimously approved:

**WHEREAS**, Kathleen Laudicina, the Court Administrator of the Borough of Rutherford since August 28, 2000, has retired effective April 1, 2010 and

**WHEREAS**, Ms. Laudicina is entitled to terminal leave pay consisting of 9 vacation days from 2009. and 7 vacation days from 2010 (prorated) and 5 personal days, and

**WHEREAS**, the total of the above terminal leave pay is \$7,211.82; and

**WHEREAS**, the Chief Financial Officer has certified that this is the accurate time owed as per the Department Head contract and Borough policy,

**NOW THEREFORE BE IT RESOLVED**, that the Chief Financial Officer be and he is hereby authorized and directed to pay out the sum of \$7,211.82 to Kathleen Laudicina in the first payroll of May 2010.

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Councilman Genovesi made a motion to accept the letter of retirement from Captain Joseph Merli effective May 1, 2010, seconded by Councilman DeSalvo and unanimously approved.

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Councilman Genovesi made a motion approve to enter into an agreement with Bergen County Division of Emergency Management Countywide emergency notification system, seconded by Councilman DeSalvo and unanimously approved.

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For, **PUBLIC WORKS**, Councilman DeSalvo stated the monthly report for the Department is on file with the Borough Clerk.

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Councilman DeSalvo made a motion to amend the prior resolution authorizing the elimination of commercial garbage starting May 3 to begin June 1, 2010, seconded by Councilman Parnofiello.

Councilman DeSalvo stated the motion was to clarify the original motion and stated they were continuing to review other options available to commercial pickups.

Motion was unanimously approved.

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Councilman DeSalvo made a motion to award the contract to BUCKLER ASSOCIATES, INC. for curb replacement for \$67,163.40 includes the Alternate bids A & C, seconded by Councilwoman Inguanti and unanimously approved:

**WHEREAS**, the Borough of Rutherford received bids for the 2009 Curb and Sidewalk Replacement Program project on January 28<sup>th</sup>, 2010; and,

**WHEREAS**, the aforesaid project is to be performed by the Borough of Rutherford with funds available by Ordinance, a NJMC MAP grant in the amount of \$38,915.00 and has provided a Certification of the Availability of Funds (CAF) in accordance with law; and,

**WHEREAS**, Berge V. Tombalakian, P.E. of Boswell McClave Engineering, Borough Engineer, has reviewed the bid from **Buckler Associates, Inc., 182 Wycoff Way. W., East Brunswick, NJ 08816** to construct the improvements for a price of \$67,163.40 (alternate bid(s) A and B), which is the lowest of the eleven (11) bids received and finds it to be acceptable; and,

**WHEREAS**, it is in the best interest of the Borough of Rutherford to accept the proposal aforesaid:

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rutherford that the proposal of Buckler Associates, Inc. in the amount of **\$67,163.40**(alternate bids A&B is hereby accepted; and,

**BE IT FURTHER RESOLVED**, that the Borough Attorney is hereby authorized to prepare the necessary documents and that the Mayor is hereby authorized to execute same on behalf of the Borough of Rutherford.

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Councilman DeSalvo authorized the Borough Attorney to request the possibility of a 10% reduction in fees from the C-3 Collection System Operator.

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As Liaison to 55 KIP CENTER, Councilman DeSalvo announced their Annual Golf Outing on May 17, 2010.

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Councilwoman Birdsall made a motion to extend the meeting to 12:00 a.m., seconded by Councilwoman Inguanti and unanimously approved.

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For, **FIRE**, Councilman Parnofiello noted that his items were on the consent agenda.

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For, **BUILDINGS AND PUBLIC UTILITIES**, Councilwoman Birdsall stated the monthly report was on file in the Borough Clerk's Office.

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Councilwoman Birdsall read the following memo from John Uhl, Construction Official regarding "Impact of Reduced Staffing Levels":

"TO: Councilwoman Birdsall, Liaison  
FROM: John J. Uhl, Construction Official  
DATE: April 26, 2010  
RE: Impact of Reduced Staffing levels

The following areas will be significantly impacted by the reduction of staffing levels and reduction of hours of staffing.

**Non-Uniform Construction Code (UCC) Issues**

**OPRA**

OPRA request have been time consuming and cumbersome. The remaining staff will be able to retrieve some of the files. The remaining files must be gathered from the storage area in the basement. Staffing performing this retrieval will be unable to assist patrons at the counter or take away time from inspections.

**Zoning**

Any zoning permits for construction, fences and lot coverage will be significantly delayed. Staffing will review these applications after Uniform Construction Code issues are

completed. Zoning is not a function of the Uniform Construction Code and has no time limitations attached.

Fence reviews and inspections will need to be handled by remaining staffing, increasing the inspection loads and filling the schedules taking inspection slots needed for construction inspections.

Zoning plan reviews for lot coverage calculations will no longer be able to be performed. A resident will need to have verified the percentage of proposed, existing and total lot coverage by a design professional to detail and certify compliance with the zoning regulations. This service has been performed by the building department to relieve some of the financial burden from the homeowner.

### **Zoning Complaints**

Zoning is not a function of the Uniform Construction Code and inspections are not regulated by the time requirements of the Uniform Construction Code. Zoning is a prior approval to the Uniform Construction Code and will be a less priority after enforcement of the Uniform Construction Code.

### **Certificate of Occupancy Inspections**

Certificates of Occupancy Inspections for re-sale of a property is a local function and not under the jurisdiction or time limitations of the Uniform Construction Code. Scheduling of Certificates of Occupancy for both the re-sale and occupancy of new businesses will be a low priority after all required construction inspections are been completed.

The delay in these inspections may affect prospective owners from purchasing a home. The ability to schedule inspection in a timely manner may affect an individual's mortgage commitment.

The increase in short sales over the last few years has found this office in many time consuming inspections and negotiations to move these properties that have fallen into disrepair to the prospective ownership of individuals who are willing to purchase and repair the structures before occupying the buildings. These arrangements are unusually under scrutiny of the lending institutions and do not allow much variation from their rules. The number one issue is normally life safety issues and the issuance of a CO in a timely manner before the mortgage commitment expires.

The ability to do courtesy inspections will be limited. Limited staff will be unable to walk through a property to identify potential problems in the pending sale of a property.

### **Property Maintenance Complaints**

With the reduced staffing levels responding to and general observations of property maintenance complaints will be a low priority. This is a non-Uniform Construction Code issue and unless the complain deals with a life safety issue; it will be put on a list to respond to when staff is available.

### **Local Licensing and enforcement**

#### **Bid enforcement**

Staffing will only be able to respond to violations of the Downtown Partnership only after all Uniform Construction Code functions have been completed.

#### **Cafe Licensing and enforcement**

The inspection of Cafés for compliance to the café licensing and response to complaints is a non-UCC functions and will be addressed when time is available.

#### **Summons / Court appearances**

With the lack of enforcement of the above items, a loss of revenue can be expected. With less enforcement, more unapproved work will be performed without approvals. Less

enforcement will result in fewer summonses. The summons's that are issued will require a court appearance, taking a staff member away from his or her inspections to respond to the court ordered appearance.

### **Meetings**

Due to the limited time available on the full time and part time staff, the time available for meeting will be limited. The Building Department staff always made themselves available for meetings involving all phases of construction and enforcement.

Meeting to review and discuss alternatives to zoning issues and applications will not be able to be performed. This will result in applicants appearing before the zoning board of adjustment for a formal hearing concerning the discussion of the zoning officer.

Staffing will no longer be available to assist residents in preparing an application to the board of adjustment or planning board.

Time will be limited for meetings with architects and engineers to move projects forward through the approval process in a timely manner.

Preconstruction meetings with contractors will be limited. Contractors meet with the office to plan how to effectively and smoothly move a project through the inspection process and final inspections.

Residents will be unable to walk-in off the street and meet with an inspector. Staffing will not be available in the office due to the increased inspection load requiring more time in the field.

### **Uniform Construction Code (UCC) Issues**

#### **Plan Review**

Plan review time will be significantly effected by the staffing changes. The time for plan review will be reduced to the increased time to be spent in the field performing required inspections in a timely manner. Plan reviews are required to be completed within 20 days of the zoning approval. As stated above the zoning approval has no statutory limitations.

Plan review rejection letters will be less detailed and providing only the code sections in violation. Current letters are issued with more detail providing homeowners with a code reference and explanation. Professionals and homeowners will be required to research the code and provide updated plans address code deficiency identified. The reduced time to compile this technical letters will result in a delay in these reports being transmitted.

Plans which are re-submitted will be reviewed after all updates and revisions are received and reviewed in the order they are received.

Plan reviews for the Rutherford Board of Education will no longer be able to be performed by this office. The Board of Education will be required to have the state of NJ perform all the necessary plan reviews.

#### **Inspections**

All inspections will be needed to be performed in accordance with the Uniform Construction Code. Inspections from the reduced staffing levels will be assigned to the part time and full time staff. These inspections that include smoke detector inspections and tank abandonments will be added to the remaining inspector's workload. These inspections will fill slots in the inspection schedule resulting in delayed inspections of construction projects. Delayed inspections will result in contractors to stop work and wait to get an inspection before work can continue.

The Uniform Construction Code requires that inspections be performed in required order. Inspections of building inspections will need to be scheduled only after plumbing and

electrical inspections are performed. With the limited time for inspections for various disciplines, inspections may be delayed.

The ability to respond to courtesy inspections will be limited. Contractors will need to be ready for the inspections and call the design professionals to answers to questions they may have.

The practice of inspectors to return to the same project the same day for re-inspections will be eliminated. Re-inspections required as the result of a failed inspection will require the contractor to schedule a re-inspection with the office.

With the reduced staffing levels, coverage of employees out for sick or vacation days will be reduced causing contractors or homeowners to be delayed waiting for inspections. Inspections may have to wait until the staff member returns to work.

**Effects**

The staffing levels will affect the municipality's ISO rating. The reduced staffing may change the building department ranking, causing an increase in insurance rates for the residents. The letter of March 27, 2007 from ISO, identified the adjustment of the rating to a Class 3. This rating will most likely increase to a Class 4 or higher in the next evaluation. See attached letter.

The reduction in staffing is contrary to the state evaluation performed by the Department of Community Affairs. The report indicated a need for increased staff to perform the Uniform Construction Code duties only, not including zoning, property maintenance etc. See attached report dated August 11, 2009 from the Department of Community Affairs.

With the decreased staffing, will cause a lack of enforcement that will result in the loss of revenue. Resident will perform projects without permits. This will be a decrease in revenue but more importantly a potential safety issue for the occupants and responding emergency personal to an incident in the structure.

The reduced staffing levels will limit emergency responses as experienced the last storm in March. Matthew Ziemkiewicz, Deputy Emergency Management Coordinator, identified the actions of the building department's response as being a factor in Rutherford being selected to be evaluated by the FEMA Damage Assessment Teams in an effort to try and recover any funds that would be available. See attached letter Dated March 22, 2010, (which was distributed)."

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Councilwoman Birdsall expressed her concern regarding the appointment of Charles Flenner as Plumbing Subcode Official due to the extra work load.

Councilman DeSalvo moved confirmation to appoint Charles Flenner as Plumbing Subcode Official effective May 3, 2010, seconded by Councilwoman Inguanti. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman Sasso, Councilman DeSalvo and Councilman Genovesi voted aye; Councilwoman Birdsall and Councilman Parnofiello voted nay.

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Councilwoman Birdsall stated she spoke with Mr. Mehta regarding the Rte. 3 Noise Wall and expected to hear back by the May 11 meeting.

MINUTES OF 2<sup>nd</sup> REGULAR MEETING HELD APRIL 27, 2010

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Councilwoman Birdsall noted they needed to appoint a COAH Administrative Agent.

Councilman DeSalvo made a motion to appoint the Borough Administrator to the position of COAH Administrative Agent for Affordable Units, seconded by Councilwoman Inguanti.

Councilman Genovesi noted that he did not want to fill the position for COAH.

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

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As Liaison to the BOARD OF ADJUSTMENT, Councilwoman Birdsall noted a Notice to Property Owners for 7 W. Pierrepont Avenue & 324 Park Avenue. She also noted the need for a Mayoral appointment to the Board as there were a few larger projects coming into the Board. Mayor Hipp commented that the person he was going to appoint was unavailable. Councilman DeSalvo and Councilwoman Inguanti offered to assist the Mayor in the appointment. The Mayor responded he would take care of the appointment.

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Councilwoman Birdsall provided a brief report regarding her Liaison positions.

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For, **RECREATION**, Councilman Sasso stated the monthly report was on file.

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**MAYOR'S AGENDA**

**Committee Report**

Mayor Hipp announced he would hold the discussion regarding the BCIA Loans and DPW Grievances until the next meeting.

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Mayor Hipp stated they would wait to see what happens with the PBA before having the DCA conduct an audit of the Police Dept.

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MINUTES OF 2<sup>nd</sup> REGULAR MEETING HELD APRIL 27, 2010

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Mayor Hipp asked a resolution be prepared for the May agenda regarding the inter-local agreement with North Arlington for the dumping of garbage.

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Mayor Hipp spoke regarding the letter received from Nereid Boat Club reporting on the status of the remediation of the site.

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Mayor Hipp spoke regarding the Eruv project and that a Proclamation would be prepared for the next meeting.

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**HEARING OF CITIZENS**

Mayor Hipp opened the hearing of citizens.

Charles DiNoto, 103 West Passaic Avenue asked if possible they not go into a closed session on a regular meeting night because it was not fair for the public.

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

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**CONSENT AGENDA ITEMS**

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

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**ORDINANCES ON 1<sup>ST</sup> READING**

Councilman Genovesi introduced the ordinance for first reading for a handicap space at 129 Darwin Avenue.

The Borough Clerk read the title: **AN ORDINANCE AMENDING SECTION 126-69 OF THE CODE OF THE BOROUGH OF RUTHERFORD ENTITLED "VEHICLES AND TRAFFIC-DESIGNATION OF SPACES" ADDING HANDICAPPED PARKING.**

Councilman Genovesi moved the Ordinance be passed on 1<sup>st</sup> reading and advertised according to law, seconded by Councilman Parnofiello.

Mayor Hipp opened for Council discussion; seeing none the discussion was closed.

The Borough Clerk read the roll call; the Ordinance was unanimously approved.

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Councilwoman Birdsall introduced the ordinance amending regulations for smoke and carbon monoxide detectors.

The Borough Clerk read the title: **AN ORDINANCE AMENDING CHAPTER 34A, SECTION 13 OF THE CODE OF THE BOROUGH OF RUTHERFORD ENTITLED "SMOKE AND CARBON MONOXIDE DETECTORS"**

Councilwoman Birdsall moved the Ordinance be passed on 1<sup>st</sup> reading and advertised according to law, seconded by Councilman Sasso.

Mayor Hipp opened for Council discussion.

Councilman DeSalvo asked for clarification of the ordinance and stated that it was not mandated by the State to make the improvements. Mayor Hipp provided an explanation of the ordinance.

As no further discussion was requested the discussion was closed.

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

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### **ORDINANCES ON 2<sup>nd</sup> READING**

Councilwoman Inguanti introduced the municipal budget appropriation to establish a CAP bank.

The Borough Clerk read the title: **CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Councilwoman Inguanti moved the Ordinance be passed on 2<sup>nd</sup> reading and advertised according to law, seconded by Councilwoman Birdsall.

Mayor Hipp opened the hearing to the public; seeing none the discussion was closed.

Mayor Hipp opened for Council discussion; seeing none the discussion was closed.

The Borough Clerk read the roll call; the Ordinance was unanimously approved.

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Councilman Genovesi introduced the Ordinance for Alcoholic Beverages to increase the renewal fees.

The Borough Clerk read the title: **AN ORDINANCE AMENDING CERTAIN PORTIONS OF CHAPTER 7 OF THE CODE OF THE BOROUGH OF RUTHERFORD ENTITLED "ALCOHOLIC BEVERAGES" TO INCREASE CERTAIN FEES COLLECTED ANNUALLY BY THE BOROUGH OF RUTHERFORD**

Councilman Genovesi moved the Ordinance be passed on 2<sup>nd</sup> reading and advertised according to law, seconded by Councilman DeSalvo.

Mayor Hipp opened the hearing to the public; seeing none the discussion was closed.

Mayor Hipp opened for Council discussion; seeing none the discussion was closed.

The Borough Clerk read the roll call; the Ordinance was unanimously approved.

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Councilman Genovesi introduced the Ordinance for increase the renewal fees for limousine licenses.

The Borough Clerk read the title: **AN ORDINANCE TO AMEND CHAPTER 113 OF THE CODE OF THE BOROUGH OF RUTHERFORD ENTITLED "TAXICABS" TO INCREASE THE ANNUAL APPLICATION FEE**

Councilman Genovesi moved the Ordinance be passed on 2<sup>nd</sup> reading and advertised according to law, seconded by Councilman DeSalvo.

Mayor Hipp opened the hearing to the public; seeing none the discussion was closed.

Mayor Hipp opened for Council discussion; seeing none the discussion was closed.

The Borough Clerk read the roll call; the Ordinance was unanimously approved.

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Councilman Genovesi introduced the Ordinance to create a pilot parking permit program.

The Borough Clerk read the title: **AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE II, SECTION 126, OF THE CODE OF THE BOROUGH OF RUTHERFORD TO CREATE A PARKING PERMIT PROGRAM**

Councilman Genovesi moved the Ordinance be passed on 2<sup>nd</sup> reading and advertised according to law, seconded by Councilwoman Birdsall.

Mayor Hipp opened the hearing to the public; seeing none the discussion was closed.

Mayor Hipp opened for Council discussion.

Councilman DeSalvo noted that if or when the permit program encompasses different areas, RDP has requested they be included in on the discussion.

No further discussion was requested closed.

The Borough Clerk read the roll call; the Ordinance was unanimously approved.

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Councilman Sasso introduced the Ordinance amending regulations on establishing fees for use of park and recreation facilities.

The Borough Clerk read the title: **AN ORDINANCE TO AMEND AND SUPPLEMENT §73 OF THE CODE OF THE BOROUGH OF RUTHERFORD ENTITLED "PLAYGROUNDS, PARKS, OPEN SPACES AND RECREATION AREAS" SUBSECTION 8 ENTITLED "SCHEDULE OF FEES"**

Councilman Sasso moved the Ordinance be passed on 2<sup>nd</sup> reading and advertised according to law, seconded by Councilman Parnofiello.

Mayor Hipp opened the hearing to the public; seeing none the discussion was closed.

Mayor Hipp opened for Council discussion; seeing none the discussion was closed.

The Borough Clerk read the roll call; the Ordinance was unanimously approved

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Councilman DeSalvo moved to adjourn at 12:00 a.m., seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Borough Clerk