

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, APRIL 28, 2009**

The meeting was called to order by Mayor Hipp at 6:34 p.m. with the following Councilmembers present:

Councilwoman Keyes
Councilman Genovesi
Councilwoman Birdsall
Councilman DeSalvo

Councilwoman Inguanti (arrived at 6:36 pm)

Councilman Sasso (arrived at 7:00 pm)

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

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Councilwoman Inguanti moved the resolution for a closed session, seconded by Councilman DeSalvo with all members present at 6:37 pm 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, April 28, 2009 at 6:35 p.m. in the Committee of the Whole Room to discuss the following matter:

- Review of Closed Session Minutes
- Discussions of NJAC 4A:8 – Layoffs
- Review of RFQ's for Tax Counsel, Bond Counsel, Public Defender
- White Collar negotiations

The closed session ended at 8:10 pm and the meeting re-convened into open at 8:16 pm.

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

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The Borough Clerk introduced added agenda items.

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Mayor Hipp made the following presentations:

➤ **Multicultural Festival Day** – May 16th

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Mayor Hipp opened the hearing of citizens.

Yvonne Hassett, 92 Park Avenue asked if they could add to the Multicultural Festival by closing Park Avenue and provided the Borough Clerk with a map of what they were trying to accomplish in that regard. Ms. Hassett said they wanted to open the Festival to the businesses in town; they received a big response in regards to vendors for the Festival. She continued that a lot of Rutherford businesses are interested in coming out, along with other vendors and organizations approximately 50 interested parties have requested a table which is why they were requesting to have Park Avenue closed. Ms. Hassett said as they look at the map the reason they were figuring out to have Park Avenue closed from The Terrace down and a buffer zone from The Terrace up to East Passaic because they are worried about passing cars or buses that might be zooming down trying to maybe get through the barriers. She said they were going to face the stage up at The Terrace and have it face down the street and have Park Avenue closed from that point down to Ames Avenue and as a business owner she realizes that it is very difficult out there in the economy and she realizes a lot of people are not going to be taking long vacations, especially not in May and the Festival will bring out a lot of different people from outside Rutherford. Ms. Hassett said the Festival has always encompassed Bergen County not just Rutherford so they have a lot of people that are outside of Rutherford and with the economy she thinks a lot of people will go to a free Festival and bring more business to the town. She said usually on Saturdays they find a lot of the owners of the stores are parked outside on Park Avenue and she gets a lot of complaints by customers saying there is no parking. Ms. Hassett said she thinks when people see a free festival, they will make the effort and walk into downtown; she still has people coming from the Labor Day Festival saying they remember that she was singing and that she has a great voice and they wanted to go by and actually bought some things six or seven months later because they remembered. She said when they come back they say things like they didn't know there was a Cuban restaurant, a Mambo Tea House so what they would like to try to do is have a street festival and like all of the other towns having street festivals they close down a certain streets. Ms. Hassett asked that they vote on that and have it accomplished this year.

Roger Grenier, 165 West Newell Avenue said he is a Civil Rights Commission member, as well as a Multicultural Festival Member and this was going to be their sixth annual festival. Mr. Grenier said in conjunction with the sidewalk sale being held on

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Saturday, May 16 from 12:00 to 8:00 p.m. He wanted to say that the economic boom that the Festival brings to the area is beneficial and far reaching, they have people approach them during the Festival saying they are going to come back and they have come back at later dates saying that they came to the town at the Festival and they came back to enjoy the town. Mr. Grenier said he hoped that the Mayor and Council vote to approve the request to close the street for their Festival.

Hannibal Pharaon, 17 Ames Avenue of Gainville Learning Center said the first time he attended the Festival a couple of years ago as a civilian, they found it very interesting and they moved into town and they became part of the community. Mr. Pharaon said the Festival is in line with their business, encouraging, being a language center, being part of the Rutherford community, offering different languages. Mr. Pharaon said they feel the Festival is in line with their business and for that reason he asked them to consider closing the street only because their location is very strategic but it is off the main street, so they want to take advantage of Park Avenue. He said they were part of the East Rutherford Festival in the fall and they found it to be beneficial for recognition and anything in that regard would be help so he asked they consider closing Park Avenue for that portion of the day.

Robin Reenstra-Bryant, Manager of RDP said she was there to thank the Mayor and Council for moving forward the ordinance on the sandwich board signs as it was a long time coming and they are pleased through the Board to see movement starting to make the ordinance in fact a reality within the downtown. Dr. Bryant said she also wanted to bring to their attention for the annual "Taste of Rutherford" event and a new event called "Dining Under the Stars" which is being planned and they will have detailed information for them at next month's Council Meeting. She said "Taste of Rutherford" is going to be similar to last year's plan held on the last Wednesday of June, June 25th; "Dining Under the Stars" is being planned in coordination through the restaurants in the downtown district where a series of meetings have been held and they are looking to proposing it on Thursday evenings in the month of July and perhaps the first two weeks of August. Dr. Bryant said she will leave the discussion about the Board of Trustees for the RDP and their discussions from last week about the Multicultural Festival to Councilman DeSalvo who is a member of that Board and he could fill them in on that discussion.

Louis Nunez, 40 Vreeland Avenue said he moved to Rutherford about ten years ago, as he and his wife were driving by and saw the Labor Day Fair and it was something that attracted him. Mr. Nunez said they decided to move into Rutherford because of it and he has been part of the Multicultural Committee for six years and part of the Hispanic Heritage which was how it started seven years ago; he is very proud of the Committee. Mr. Nunez said he is a business owner in town and the Festivals bring so much, not only to the businesses but also to the community in bringing people together and he is very proud of presenting that to the town. He said he has other businesses in the city and it is very hard for him to actually spend time to help out with the Multicultural Festival and it is something he does from the bottom of his heart to find the extra time to put the work in for the Festival which they worked on for the past 6-7 months is very time consuming but they find the way to make it happen. Mr. Nunez said he was very proud to be part of the

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Committee and he urges them to find it possible to make it happen in closing the street, bring in more people and bring the community together.

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

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Council President Keyes moved approval of the Regular Meeting Minutes for February 24, 2009, seconded by Councilwoman Inguanti and unanimously approved on roll call.

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Council President Keyes moved approval of the Closed Meetings for February 17, 24-1st & 2nd, February 27 and March 5, 2009, seconded by Councilman Sasso and unanimously approved on roll call.

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Council President Keyes made a motion to move that all the items on the Consent Agenda be passed, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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4/22

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

RESOLVED: That bills in the amount of \$11,512,142.29 from the Current Account, \$191,138 from the Community Development Trust Fund, and \$194.50 from the Multicultural Account all as detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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

RESOLVED: That bills in the amount of \$7,008,128.10 from the Current Account and, \$23,000.00 from the Business Improvement Account, and 674.72 from the Multicultural Account all as detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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BOROUGH ADMINISTRATOR'S REPORT

The Borough Administrator Leslie Shenkler reported that the day before they had a kick-off meeting for the energy audit for Borough Hall as well as the Police building, three fire houses and the Ambulance Corp. building which should begin within the next two weeks. He said by the end they should have a better idea of how to insulate, light and heat all of the buildings at a much more efficient rate and once they had a plan in hand they expect to apply for grant money throughout the State and with the Federal Government.

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For, **FINANCE**, Councilwoman Inguanti reported they have been working on the budget and are beginning to focus on the capital budget; for members of the public the operating budget is for running of the Borough and the capital budget is a long term document that they use to plan capital improvements for the Borough. She said they are beginning to target improvements they need, some perhaps for the current year but it is more of a long range planning tool for the end of this year and next year. Councilwoman Inguanti said the CFO issued the annual debt statement and the total Borough debt is \$17,723,105; total Borough debt is a percentage of the assessed evaluation is .6%. She said the maximum debt they would be allowed is 3.5% so the amount they could actually have over \$85,000,000 based on the assessment which is why New Jersey is in such trouble because if the Borough was so inclined to gather that much debt they could have that much according to the laws. Councilwoman Inguanti said they are aggressively dealing with the debt, they have utilized for the capital improvements for 2008 and 2009; previous bond amounts they re-appropriated some projects which were achieved through different funding sources in the past which had freed up money to apply towards other projects and they are aggressively pursuing grants. She said the Borough Engineer provided the Council a spreadsheet that makes clear to the Council and the Administrator, various grants that are out there and obviously with the stimulus money and the budget money, the green grants that are becoming more and more available which Councilwoman Birdsall was very helpful in breaking it down. Councilwoman Inguanti said the spreadsheet is helpful to track the grants and what they could apply for so they may make even more changes to the capital budget as they move forward if they find a grant that fits a need and that they could apply for and get they might be able to amend the bond ordinances even more as the year progresses. She said that was the main focus for Finance the past month.

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Mayor Hipp said they introduced a municipal budget at the March meeting and they were going to open up the public hearings for comment on that budget as introduced. The Mayor opened the hearing on the 2009 proposed operating budget. As no one wished to speak, Mayor Hipp closed the public hearing.

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Councilwoman Inguanti moved the following Resolution, seconded by Councilwoman Birdsall; unanimously approved on roll call:

WHEREAS the following taxpayers has applied for and been granted a State Tax Court Judgment, reducing their assessment for 2006, 2007 and 2008, and;

WHEREAS this State Tax Court Judgment has resulted in an overpayment of taxes and the taxpayer is entitled to a refund;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a refund check in the amount of \$18,408.65 and charge the same to the Reserve for Tax Appeals.

Block	Lot	Name & Address	Amount	Year
222	8.02	Korkmaz Sons, LTD LC,	\$2709.87	2006
		Plaintiff, & The Irwin Law	\$5940.76	2007
		P.A.	\$9758.02	2008

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

WHEREAS, the Borough of Rutherford collected only 97.63% of the 2008 taxes due to a major taxpayer being delinquent in their tax payment for 2008, and

WHEREAS, the Borough of Rutherford's average collection percentage for the prior 3 years is 98.30%, as calculated below, and

	<u>Collection Percentage</u>
2007	97.79
2006	98.64
2005	98.46
Total	294.89
3-Year Average	98.3

WHEREAS, the lower percentage collected in 2008 has an effect on the "Reserve for Uncollected Taxes" in 2009, and

WHEREAS, the Governing Body desires to anticipate 98.30 % collection for 2009, to help reduce the "Reserve for Uncollected Taxes", with prior written consent of the

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Director of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Rutherford, County of Bergen, State of New Jersey, that the prior written consent of the Director of Local Government Services be requested to anticipate 98.0% collection of taxes in 2009 in figuring the "Reserve for Uncollected Taxes".

BE IT FURTHER RESOLVED that three certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilwoman Birdsall; unanimously approved on roll call:

WHEREAS, the Borough of Rutherford's 2009 Budget has not been adopted and the County of Bergen is unable to certify the Borough's current 2009 tax rate, and

WHEREAS, the Tax Collector will be unable to mail the 2009 tax bills in a timely basis, and

WHEREAS, the Borough is legally authorized to issue 2009 estimated bills for the 3rd quarter of 2009, which would save on appropriations for interest expense that otherwise would have to be raised in the 2009 Budget if estimated bills were not issued, and

WHEREAS, the Mayor and Council of the Borough of Rutherford therefore believe it to be in the best interests of the Borough if estimated taxes are issued,

NOW THEREFORE BE IT RESOLVED, that the Tax Collector be and she is hereby authorized to begin preliminary preparation of estimated 3rd quarter tax bills, and

BE IT FURTHER RESOLVED, that the estimated 3rd quarter rate and corresponding 3rd quarter levy, be calculated for the review and approval by the Governing Body by the Chief Financial Officer and Tax Collector for the May 18th 2009 Council meeting.

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Councilwoman Inguanti said they were reviewing the possibility of shared services with North Arlington court.

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Councilwoman Inguanti said they reviewed and reported on the Capital Budget Formulation.

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Councilwoman Inguanti introduced the resolution for lease of cell tower for 30 years at the price of \$276,400; it was a situation where they had to direct the Borough Attorney to begin the process of writing the resolution which they had only the month of April to act. She said the company gave a date and she asked the CFO to reach out to the company to see if there could be a slight extension on that since there may be some budget issues that they may have more information on in the next week or so but the CFO did not receive a return phone call. Councilwoman Inguanti said her concern was that it was a situation where they are giving up \$33,000 a year of income and increasing that about 3% a year for a one shot \$276,400 for 30 years. Councilwoman Inguanti said it is not the best deal in terms of the cost if they look at it in terms of an interest rate which is about 15-16%, it is an assumption in the budget as last year they were considering it for more money and for 10 years longer so it probably worked out to be the same. She said that she doesn't know if they should do it but she appreciates the fact that it is in the budget for this year and if they vote no on the resolution they had to come up with \$276,000; if they vote yes they are potentially putting themselves at a deficit in the upcoming years and they would still have to find that revenue for 2010. Councilwoman Inguanti said it is a one time only infusion of cash and she asked the Mayor to put the resolution up for a motion and then discussion.

Mayor Hipp said there was a motion to authorize the Borough Attorney to enter into a negotiated contract for the assignment of the cell tower lease \$276,400 for 30 years.

Councilwoman Inguanti made a motion to approve the following Resolution, seconded by Councilwoman Birdsall:

WHEREAS, Communications Capital Group has submitted a letter of intent to for an option to buy the assignment of the T-Mobile Wireless Lease for 30 years at a price of \$276,400 and,

WHEREAS, the Mayor and Council of the Borough of Rutherford have considered the assignment as a necessary part of the revenue structure of the 2009 Budget and believe it to be in the best interests of the Borough to consummate the agreement with Communications Capital Group,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough hereby agree to the Lease Assignment of the T-Mobile Wireless Lease to Communications Capital Group of 30 years at a price \$276,400 and authorize and direct the Borough Attorney to finalize the agreement with Communications Capital Group.

The Mayor opened for discussion.

Councilwoman Birdsall said as they spoke about last week at the work session, under normal circumstances she wouldn't advocate the sale of Borough property based on where they are financially on a global scale she is an advocate for the sale of this one lease and they will still have revenue source coming in from that property from the other two

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lease agreements. She said that would provide annual revenue but she believes they need strongly the one time infusion and with technology there is no guarantee that years down the road they would still be using that type of technology. Councilwoman Birdsall advocated that they approve the resolution for the lease assignment for the price of \$276,400.

Councilwoman Inguanti wanted to underscore what was said, it was a lease to assign the rights to the pole for 30 years, they are not selling the pole.

Councilwoman Birdsall wanted to clarify they still have the other two agreements creating a revenue source. Councilwoman Inguanti confirmed.

Mayor Hipp said they are also in the process of discussing the addition of at least one more cell site on the tower. No further discussion was requested.

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

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Councilwoman Inguanti asked the Borough Attorney as there were issues regarding the tax appeal of George Mesiha and if it had been clarified. The Borough Attorney responded that there were three tax appeals and he was unaware of any change in the status. Mayor Hipp said for clarification they are resolutions authorizing refund for judgment. Councilwoman Inguanti made a motion to approve the following Resolution, seconded by Councilman Genovesi:

WHEREAS the following taxpayer has applied for and been granted a State Tax Court Judgment, reducing their added assessment for 2004 and 2005, and;

WHEREAS this State Tax Court Judgment has resulted in an overpayment of taxes and the plaintiff's attorney has authorized a credit to taxes due;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a check in the amount of \$15,723.12 payable to the Borough of Rutherford and charge the same to the Reserve for Tax Appeals.

Block	Lot	Name & Address	Amount	Year
86	30.02	Mesiha, George	\$6,091.96	2004
		82 Montross Ave	\$9,631.16	2005

The Borough Clerk read the following roll call: Councilwoman Keyes, Councilman Genovesi, Councilwoman Inguanti, Councilwoman Birdsall and Councilman DeSalvo, voting aye and Councilman Sasso abstained.

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As Liaison to the Planning Board, Councilwoman Inguanti introduced the Resolution authorizing fee not to exceed \$10,000 for the continuation of COAH planning services.

Councilwoman Inguanti made a motion to approve the following Resolution, seconded by Councilman DeSalvo:

WHEREAS, the Borough of Rutherford has a need for ongoing Planning Services to meet the requirements of the State's Council on Affordable Housing (COAH) Round 3 regulations; and,

WHEREAS, the aforesaid project is to be performed by the Borough of Rutherford with funds available and has provided a Certification of Available of Funds (CAF) in accordance with law; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a) et. seq.) requires that the resolution authorizing "Professional Services" without bidding must be publicly advertised; and,

WHEREAS, Heyer-Gruel Associates of New Brunswick, New Jersey, a sub consultant to Boswell McClave Engineering, has prepared the Borough's Round 3 COAH plan and will perform the services of preparing planning documents, and supporting information as needed by COAH for a not to exceed fee of \$ 10,000 payable as the job progresses upon their certification that said planning documents and services have been completed.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rutherford that the Heyer-Gruel Associates, perform planning services, prepare reports and other documentation as needed to conform to the requirements of the COAH Round 3 regulations; and,

BE IT FURTHER RESOLVED, that the Borough Attorney William T. Smith, Esq. hereby is authorized to prepare the necessary documents; the Mayor and Borough Clerk are authorized to execute same on behalf of the Borough of Rutherford.

Councilwoman Inguanti stated that they all have tremendous concerns about the cost of complying with COAH and she thinks that having a good planner is going to be beneficial to the Borough having a consistent base of knowledge and being able to use them as a resource as they move forward making the decisions about any strategic decision as they deal with the requirements of COAH. She said it is very hopeful to have the professionals in their corner who could advise them on how to achieve the best result for the community and she strongly recommends approving the Resolution.

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Councilman Genovesi said he respects and admires Councilwoman Inguanti's comments however he completely disagrees; he remains 100% against the COAH regulations. He said they had the discussion a month ago when they were talking about the fact that Trenton was going to force them to hire someone to keep in Borough Hall to lease out apartments that they were going to build so that they get tax ratables and he knows at that time that Councilman DeSalvo shared the same feeling and he remembers his comments being that it was never going to stop. Councilman Genovesi said he agrees with the Councilman's remark, that it is never going to stop and there they are again for another \$10,000 for something Trenton wants and they as a community don't need and can't afford. He said it is strictly a financial matter and residents really need to understand that, more high density housing will cause them to lose money as a Borough and will make their taxes go up, there is no doubt about that. Councilman Genovesi said he remains against the COAH as one night in the Planning Board meeting he was joking around about the Soprano's but he is not joking any more. He said it is absurd and use things like affordable housing which people do actually need as a disguise to get what they really want, which is high density housing that is what the developer's care about and in his opinion that is the only thing Trenton cares about specifically Jon Corzine is the tax ratable base. Councilman Genovesi said they need to make Trenton and the State Government go around and the problem with that is the residents bear the brunt not them; to pay another \$10,000 for services that most people don't want. He said if they know what they are paying for those people are going to come in to further plan every little nook and cranny in Rutherford they will figure out a way to put an apartment there and the residents will pay for that which is absurd. He didn't hear one person go up to the microphone and say they had it on the agenda, thank God, they are in support of if, please spend more money to get something they don't want. Councilman Genovesi said it is not an affordable housing issue like they are making it, it is a financial issue that they cannot afford more housing. He said the town is fully built out and on top of that the residents aren't even asking for it, the State is mandating it, they are forcing them. Councilman Genovesi said that is not why he ran for office, that is not why he enjoys being a Councilperson, he sticks to his rules and guns, that is what he means and he will continue to vote against it.

Councilwoman Birdsall said unfortunately it is also a potential litigation issue with developer's who are really ready and waiting for them to leave any opening in the obligations they have in submitting that type of plan and she thinks a lot of folks are in agreement that it is not in agreement with COAH, she is not in agreement with COAH either but she thinks they have to go by the rules. She asked Councilwoman Inguanti if she could provide an idea where they are in regards to the completion of the job that the resolution states, \$10,000 payable as the job progresses. Councilwoman Birdsall asked if they are 90% complete, 60%. Councilwoman Inguanti said it is her understanding that they had a grant from the NJMC for the initial phase which they sent in at the end of last year, COAH responded back with some deficiencies they found in the plan. She said some of which they knew before they sent it in, but they wanted the new Council members to be involved in the COAH regulations and in talking with the Borough Engineer and the Planning Board Attorney and with Heyer and Gruel that they are pretty much there, the plan has been submitted and they are currently in the 45 day response period. Councilwoman Inguanti said they had answered all the deficiencies that were there, the plan was certified and now the process is the period where the public gets to respond to

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the plan and after they get the responses back there may be a need for additional help from the planner. She said so yes they are probably about 90% done and there may be answers they need help with after the review period. Councilwoman Inguanti said she thinks that with respect to Councilman Genovesi's points, there will be battles to fight and they have to choose those battles carefully and she thinks that having a planner could be a positive thing. She said there are areas of town that does need freshening to the extent that a planner could help them come up with a plan that minimizes their obligation to COAH or the impact the local impact on the community, that is a good resource to have. Councilwoman Inguanti said she completely agrees with Councilman Genovesi's objection to a Government funded real estate agent which is a pretty accurate assessment of that and that is one of the battles they do want to fight so she thinks that having the resources of the company for their use especially given the fact that the law keeps changing it is imponderable to her when they read A5 and contemplate the changes that the legislature is discussing and try to keep the thread on that. She said as volunteers it is very difficult and there may be time but they need to act quickly and they need the help, she didn't anticipate a significant amount more than that and if it is maybe that is battle they fight as well.

Councilwoman Birdsall said for clarification, the \$10,000 a good portion of the work has already been completed and the amount will take them through the completion of the rest of it. Mayor Hipp stated he wanted to cut the cross conversation there a little bit because he wanted any other Councilmember to be able to talk before they move on, he asked Councilwoman Inguanti to answer the question. Councilwoman Inguanti responded yes most of the work has been completed.

As no further discussion was requested Mayor Hipp said simply a couple of points for clarification. The Mayor said the original plan that was submitted, it was actually incomplete there weren't really deficiencies in the plan there were a couple of items that needed to be submitted and those items were submitted in a timely manner and the application was deemed complete by COAH which triggered the 45 day response period, they anticipate there will be responses from citizens as well as Linque Development Corp who will be objecting to the plan as proposed. Mayor Hipp said the services for Heyer Gruel will be to assist them in dealing with that process, he doesn't know how much exactly but the best estimate is under \$10,000 and until they see what the objections are everyone needs to understand it is not a guarantee but they are not going to be confronted with a \$30,000 bill after the fact. Mayor Hipp said if it doesn't get close to \$10,000 it will be money well spent and the money will be used in various ways because COAH isn't going to go away, they are going to have to fight to stop it and he urged the adoption of the Resolution.

The Borough Clerk read the following roll call: Councilwoman Keyes, Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall and Councilman DeSalvo voted aye; Councilman Genovesi voted no.

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For, **POLICE**, Councilman Genovesi wanted to offer his condolences to the Mayor for his loss. He commended the members of the Civil Rights Commission and Multicultural Festival Committee as everyone has a lot of jobs and they put a lot of effort into what they do and it is because they care and he doesn't think there is any better defender of anything whether it is the country, home, whatever than somebody that really cares. Councilman Genovesi said they volunteer and completely enrich the community with their Festival as he enjoys it each year and he wanted to thank them for that opportunity. He had some sense that something was going to be discussed under Councilman DeSalvo's agenda apparently, he would have liked to have made the motion himself to close the street for the Festival pending Police and Traffic advisement; they always want that, but the Borough Attorney said it may conflict with the by-laws so he won't be able to do that unless, if it is not clear, if there are questions, he cannot do it but they will wait to see what is under Councilman DeSalvo's agenda.

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Councilman Genovesi reported for the month of March there were 25 adult arrest; 3 drug related arrests; 5 DUI arrests; 1 reported missing person and located; 150 - 911 calls; 55 reportable auto accidents; 5 non-reportable; total summonses issued parking 892 and moving 320.

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Councilman Genovesi read a letter from a grateful resident which is part of a program that he actually took a lot of interest in, his family went through a lot with his grandfather who lived his whole life was a very intelligent person, like he thought he was the smartest person in the world but unfortunately as one gets older situations happen and Alzheimer's and dementia set in. He said there was always a fear that he may leave the house and not knowing where he went so the Police Dept. started a program and Sgt. Rob Arnold spearheaded it and the goal of the program was to help the situation should a person go missing and part of it was registration of individuals who unfortunately are afflicted with that type of disease. Councilman Genovesi said it is from a family that the Police Dept. helped in locating one of their family members.

"Dear John Thompson,

It has been about a month since the day our dad Michael disappeared and subsequently found. We are still recovering from this heroing experience but now that we have had a chance to catch our breath and get reorganized we wanted to take the time to express our enormous gratitude to your entire staff.

As you know it was a terrifying experience for all of us and your department handled it with the utmost professionalism. They were compassionate and courteous and patient when we were so worried. From the first time we called to register him missing until that moment almost 48 hours later we were treated with extreme care and concern.

We will always be grateful for all you did and your tireless effort all around to help us and ultimately help our dad. While we realize it is a true team effort and for sure we cannot

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possibly know what was going on behind the scenes. We did want to make special mention of the officers who really went above and beyond their call to make sure they could do everything possible to help us. These include Officers Louis Arnold and Rob Arnold, Officer Nicholas Loizzi, Officer John Russo, Officer Wilkinson and Officer Anderson. Please forgive us if we have omitted anyone most of that time period is much a blur and we want everyone to know that we are so appreciative. We are grateful to Officer Feliciano and Batchelor for the kindness and concern and for driving us out to get him in Long Island.

This was an extremely difficult task for us and very emotional and they were so patient and understanding and it made it so much easier for us. Sgt. Rob Arnold has followed up with us regarding your ESP program and we have taken the first steps to getting him registered and equipped with the project lifesaver program. We have also taken the steps to acquire a full time caregiver for him as well.

We hope that in the future we will not have to call on your help again but we are very confident and grateful in knowing that if we need you you're all there to help.

Thank you so much again for everything.

Sincerely,

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4/22

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

**St. Mary High School
Meadowlands Museum**

**Off-Premise Merchandise Raffle
Draw Raffle**

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Councilman Genovesi said following were renewals for the taxi cab licenses, seven for Rutherford Taxi and one for Captain Cab.

Councilman Genovesi made a motion to authorize the issuance of license renewals for Rutherford Taxi and Captain Cab, seconded by Councilman Sasso; unanimously approved on roll call.

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Councilman Genovesi said the next item was a project he started last year, with many twists and turns, mainly in the beginning it was financial; they had to do the best they could with very limited funding. He said they actually took funding that was authorized but not issued and reapplied it towards necessary repairs within the building and since that time they were very fortunate to have the Borough Administrator Les Shenkler come on board and help them out. Councilman Genovesi said Les has great, an immense background in architecture and is very knowledgeable so Les was able to go back in and work with the engineer on focusing on vital, important things that needed repair. He said now they are at the point where they have to go out for bid on the individual projects. Councilman Genovesi asked the Administrator if everything was completed with Les' satisfaction as far as Berge. The Administrator responded that the only thing he didn't see was the canopy sign on the outside but everything else has been included in the drawings.

Councilman Genovesi moved to approve authorization to advertise for bids for Police Department building repairs and improvements, seconded by Councilwoman Birdsall.

Councilwoman Keyes asked if there was a list of the improvements. Councilman Genovesi responded yes, they voted on most of them last year when they passed the capital project, they've just been tweaked but if she wanted another list. Councilwoman Keyes asked if at the next meeting he could just update them. Councilman Genovesi responded no problem.

Councilwoman Birdsall said at the meeting to discuss the project, she believed that there were some decisions where the information would be provided as benchmarks so that there could be a base as well as additional items to the Council. She didn't know that status of that.

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

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Councilman Genovesi said the next Resolution was for two police vehicles. Each year they use a grant through the NJMC and it is designed to help communities out with things they need. He said typically the Borough purchases two vehicles for the Police and standard has always been the Crown Victoria which is a fine vehicle but it is a gas guzzler and looking at the budget constraints it was very important to have a different philosophy on things especially when it comes to spending in one of the largest departments. Councilman Genovesi said they want to do more with less and that often happens by improving the type of equipment they have and making better decisions on equipment purchasing and if the equipment is better one tends to do their job a lot easier. He said the fuel consumption was what they were looking at so they broke from tradition and they opted to under advisement of the Police Dept. examine the use of hybrid and after few months review they found the hybrid they think that would be most suitable for the Police

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Dept. needs. Councilman Genovesi said the vehicle they chose he believes there was only three left on State contract so they really need to move and the vehicle in question is the Toyota Highlander and in reviewing the needed power and space, towing capacity the Highlander was a far superior vehicle in those respects it has almost 300 horse power and the other vehicle Escape has less than 200, fuel consumption they were relatively the same; towing the Highlander has about 6,000 pound; 6 cylinder and the Escape 4 cylinder; there was a few reported transmission problems with the Escape. Councilman Genovesi said after all that, they arrived at the vehicle the Police Dept. felt most comfortable with so when they make the purchase of the vehicle it will be from the Borough and then the money will be returned by the NJMC.

Councilman Genovesi made a motion to award a contract for Police Dept. vehicle in the amount of \$22,376.55 awarded to **WARNOCK FLEET** of East Hanover for a 2009 Ford Crown Victoria, seconded by Councilwoman Birdsall; unanimously approved on roll call.

Whereas, the Borough of Rutherford, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

Whereas, the Borough of Rutherford has the need to purchase one (1) 2009 Ford Crown Victoria Police Interceptor for the Rutherford Police Department from Warnock Fleet at a price of \$22,376.55 under NJ State Contract # 72468; and

Whereas, *Warnock Fleet, 175 Route 10, East Hanover, New Jersey 07936* has been awarded a contract for one (1) 2009 Ford Crown Victoria Police Interceptor by the Borough of Rutherford; and

Now Therefore Be It Resolved, that the Borough shall award the purchase of one (1) 2009 Ford Crown Victoria Police Interceptor from Warnock Fleet of East Hanover and that the funds for same have been certified by the Chief Financial Officer as seen by said attachment.

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Councilman Genovesi made a motion to award a contract for Police Dept. hybrid in the amount of \$35,854.00 awarded to **HUDSON TOYOTA** of Jersey City for a 2009 Toyota Highlander Hybrid, seconded by Councilwoman Birdsall:

Whereas, the Borough of Rutherford, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

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Whereas, the Borough of Rutherford has the need to purchase one (1) 2009 Toyota Highlander Hybrid for the Rutherford Police Department from Hudson Toyota at a price of \$35,854.00 under NJ State Contract # 73671; and

Whereas, *Hudson Toyota, 585 Route 440, Jersey City, New Jersey* has been awarded a contract for one (1) 2009 Toyota Highlander Hybrid by the Borough of Rutherford; and

Now Therefore Be It Resolved, that the Borough shall award the purchase of one (1) 2009 Toyota Highlander Hybrid from Hudson Toyota of Jersey City and that the funds for same have been certified by the Chief Financial Officer as seen by said attachment.

Councilman DeSalvo said he has great concern for the country when the local municipalities start buying foreign vehicles; he is not in favor of the Toyota Highlander and he thinks they could have gone with the Ford for the police also. He said there are many uses they could have used that for.

Councilman Genovesi responded that while he did take an oath to be fair and impartial one of the things he won't engage in is descriptions of nationalities, anything that an elected official should be impartial to and with that said please realize that the Ford Escape that Councilman DeSalvo was describing was produced in Canada.

Councilwoman Birdsall said the purchase date of that vehicle is May 5th and regardless it needs to be passed at that meeting in order for the purchase to go through. Councilman Genovesi said yes.

Mayor Hipp urged the passage of the Resolution, he is also sensitive to foreign cars unfortunately it seems with that kind of technology nobody is building them in the United States as yet, regardless of the maker and GM isn't building them at all. The Mayor said he drives a GM Trailblazer and he loves the vehicle but one of the purposes of their efforts that night was to not only buy hybrid to save fuel but as part of a larger goal that the Council has expressed in a lot of different means through the last year and half is to be more environmentally sensitive and cost conscientious. Mayor Hipp said there will be applications and motions made that night for sustainability purposes; the Borough of Rutherford had already been chosen by the NJMC as one of four municipalities to receive free consulting services for solar panels and there are a whole host of things as they are performing an energy audit on their buildings. The Mayor said all of that is an effort to basically conserve resources and these are recurring savings and so the hybrid vehicles that are being one of which he understands was already authorized the Ford Escape and the one that was being offered that night is part of a larger program which they are attempting to implement in the community for energy efficient cost saving equipment and services that will bestow blessings and benefits on the community for years to come. Mayor Hipp urged that the Council approve the Resolution.

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

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Under the Consent Agenda, Councilwoman Keyes moved to approve the request for an ordinance amendment for the expansion of No Parking areas at Borough Hall lot, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Under the Consent Agenda, Councilwoman Keyes moved to approve the request to close Carmita Avenue for the Wounded Warrior Project fund raiser on Saturday, May 9th, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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As Liaison to **Office of Emergency Management**, Councilman Genovesi announced that there was a report available in the Borough Clerk's Office.

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For, **PUBLIC WORKS**, Councilman DeSalvo reported for the month of April the DPW began to investigate a tub-grinder machine that will virtually eliminate disposal fees for vegetation waste; preliminary discussion started with the Borough of East Rutherford and Carlstadt for a shared service type of agreement. Councilman DeSalvo said the shared service is working well with the NJMC sharing the equipment to clean sanitary sewers which had happened two times one on Vanderburgh Ave and Riverside Ave where there were problems with the sewer lines. He said the DPW worked through the night on March 29 to clear the intersection at Union and Jackson Avenues where a large private tree fell and blocked the roadway; the tree was estimated to be in excess of 180 years and 65" in diameter; the costs for overtime were submitted to the homeowner's insurance so they should be getting reimbursed for that. Councilman DeSalvo said they also assisted in Sunset Park for Gavin Davis' Eagle Scout Project and the tree department are readying the two sites that the Council approved for the nurseries and the Shade Tree Committee was very thankful that it was approved so they will move on with it on May 2 and start to plant the trees to which everyone is invited down to lend a hand if available.

The Administrator added with respect to Sunset Park the young man Gavin Davis had been awarded volunteer of the year for Rutherford by Bergen County and the reception and award presentation will be May 7 at 6:30 in Hackensack at the Church on the Green which is opposite the County Court House.

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Under the Consent Agenda, Councilwoman Keyes moved to approve the recommendation to award bid to **Joe Bell Enterprises** for DPW Uniforms, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Under the Consent Agenda, Councilwoman Keyes moved to grant permission for the Jr. Girl Scout Troop 1 project to maintain the grounds of the 911 Memorial for their Bronze Award Project, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Under the Consent Agenda, Councilwoman Keyes moved to approve the request from 55 Kip Center to use of the town bus on April 24th, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Councilman DeSalvo announced the Borough Engineer came up with a plan of 7-8 items such as traffic control, concrete sidewalks at certain locations which is a plan for Pedestrian Safety Improvements.

Councilman DeSalvo made a motion for authorization to submit an application to the New Jersey Dept. of Transportation for a Transportation Enhancement Program under Pedestrian Safety Improvements in the amount of \$137,000 due May 13, 2009, seconded by Councilman Genovesi and unanimously approved on roll call.

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Councilman DeSalvo introduced the review for an application for the Municipal Aid Applications from the NJDOT which was discussed last week and it is June 12th; the Borough Engineer was going to bring back some ideas once it was reviewed but it wasn't ready to go further at that point but will be ready sometime in May.

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Under the Consent Agenda, Councilwoman Keyes made a motion to approve the award of contract to **English Paving** for improvements to Mortimer Avenue, seconded by Councilwoman Birdsall and unanimously approved on roll call.

WHEREAS, the Borough of Rutherford received bids for the Improvements to **Mortimer Avenue Section 2** Project on April 16, 2009; and,

WHEREAS, the aforesaid project is to be performed by the Borough of Rutherford with funds available by Ordinance and has provided a Certification of the Availability of Funds (CAF) in accordance with law; and,

WHEREAS, this project is funded by a \$200,000 NJDOT Local Aid Grant; and,

WHEREAS, Berge V. Tombalakian, P.E. of Boswell McClave Engineering, Borough Engineer, has reviewed the bid from English Paving Co., Inc. to construct the improvements for a price of \$166,262.34 (base bid and alternate bid), which is the lowest of the nine (9) bids received at the time of the bid opening and finds it to be acceptable; and,

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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 English Paving Co., Inc., 650 Route 46 West, Clifton, New Jersey 07011 in the amount of \$166,262.34 (base bid and alternate bid) is hereby accepted; and,

BE IT FURTHER RESOLVED, that the Borough Attorney William T. Smith is and he 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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Under the Consent Agenda, Councilwoman Keyes made a motion to approve the award of contract to **AJM Contractors** for improvements to **Grand Avenue**, seconded by Councilwoman Birdsall and unanimously approved on roll call.

WHEREAS, the Borough of Rutherford received bids for the Improvements to Grand Avenue Project on April 16, 2009; and,

WHEREAS, the aforesaid project is to be performed by the Borough of Rutherford with funds available by Ordinance 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 AJM Contractors, Inc. to construct the improvements for a price of \$ 69,700.00, which is the lowest of the nine (9) bids received at the time of the bid opening 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 AJM Contractors, 300 Kuller Road, Clifton, New Jersey 07011 in the amount of \$ 69,700.00 is hereby accepted; and,

BE IT FURTHER RESOLVED, that the Borough Attorney William T. Smith is and he 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 made a motion to issue Rice Notices to Construction Official John Uhl, Assistant Construction Official Charlie Flenner, Electrical Sub-Code Inspector George Sassoun, Code Enforcement Officer Richard Minervini, seconded by Councilwoman Inguanti.

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Councilwoman Birdsall said that in order to gather information and for everyone to be well educated she thinks that due process needs to occur and that information needs to be gathered from all areas.

Mayor Hipp said the notices will be for the Regular Meeting on May 26.

Councilman DeSalvo said he thought it was going to be a Special Meeting. Mayor Hipp said yes there will be a Special Meeting on May 13 and the public notices will be sent out for the purposes of the individuals who were being noticed have the right to have the meeting in public so they will not be able to say that night whether or not it will be in open or closed session.

Councilwoman Keyes said that it is a step the Council is taking in looking further at the budget and something they will be looking at across the board.

The Borough Clerk read the roll call; unanimously approved.

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As Liaison for **55 Kip Center** there will be events occurring: May 11th the Kip Fitness Day sponsored by Kearney Federal Savings Bank; May 11th Atlantic City Bus Trip; 14th Annual Golf Outing at Valley Brook Golf Course which is their biggest fund raising event and he invited all to support that event on May 18th.

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As Liaison to the **Downtown Partnership**, Councilman DeSalvo reported that a few new businesses have opened such as 12 Sylvan Street Cili's, the Rutherford Pancake House at 40 Park Avenue, Pool and Spa at 55 Park Avenue. He said the Taste of Rutherford June 24th; Farmer's Market every Wednesday June through October in the Williams Plaza; Dining Under the Stars Thursday night throughout July.

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Councilman DeSalvo said in regards to the Multicultural Festival which he is in favor of, the only issues are the Board of Trustees at the RDP meeting last Thursday night they discussed the Festival and were a little concerned about the amount of people. He said when they asked to closed the street it takes a big presences and a lot of vendors to make up that space and it was their recommendations that the streets will not be closed the Festival would be contained in the Williams Plaza, that was the recommendation of the RDP.

Councilman DeSalvo made a motion to not close Park Avenue for the Multicultural Festival and allow them to be contained to a certain area in the Williams Plaza that they did in the past, seconded by Councilwoman Inguanti.

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Councilwoman Keyes said in the past she thinks they closed Glen Road partially so she would encourage that giving them more room.

Councilman Genovesi directed to Councilman DeSalvo that he was reporting an advisement that somebody had given him. He said he doesn't understand the point that was raised earlier that said the business owner's are concerned; with the streets closed off there is a lot of people that are going to be spending money in the stores and the other point raised was that the RDP wanted to do dinner nights where they were going to close the streets so what is good for the goose is good for the gander he didn't understand what the issue was. Councilman Genovesi said if the Police Dept. came back and says it is a hazard or dangerous he doesn't believe they would consider it as they shut it down for the Labor Day Street Fair. He said it is an all day event and they get a lot of people who would shop and he doesn't see the downside of letting it happen within that corridor there unless they are getting advisement from Dept. Heads or the Police Dept. saying it is dangerous but no one is telling them that so what are they basing their decision on. He said it looks bad letting one group do it and not the other so he would vote in support of it.

Councilwoman Birdsall said it is important to try new things and draw people into the community and she thanks the people from the Multicultural Committee who were present as well as the comments made from the RDP and she thinks there is a benefit for the whole district. She had some questions regarding the map, she was wondering if the coordinators of the event would be open to perhaps moving the stage down further on Park Avenue and keeping the Terrace and Ridge Road open and her other question was where are the vendors located. Councilwoman Birdsall asked if they were planning on having vendors in the center of the street so that there could be free access into the store fronts that don't have anything to put out; that would be her suggestions and she thinks it is a great opportunity. She said her other suggestion was that there is another event going on that date the Passaic River Paddle Relay which ends at the Nereid Boat Club at noon which coincides with the start of the Multicultural Event and she wondered if there could be a coordination with that organization to see if they would be open to having a table to draw more people to the event or perhaps a shuttle. Councilwoman Birdsall said she would be in support that it could be altered a little bit.

Councilman DeSalvo said they are all good ideas and he wished it was brought to him sooner, it is the last meeting before the Multicultural Festival and that is what made it a little more difficult to bring up as he was made aware of it on Thursday night with the RDP meeting but the Council received it in their agenda that day. He said he doesn't really know if the Police are on board, there are a lot of unanswered questions and he wished they had more time to sort through it.

Mayor Hipp said there is a Special Meeting on May 5th and if the Council wanted more time the Festival Committee could probably hold off at it is only one week for a final decision. Councilman DeSalvo said if that is okay to put on the agenda he made a motion to table the request to close Park Avenue for the Multicultural Festival until the May 5th Meeting, seconded by Councilwoman Keyes.

The Borough Clerk read the roll call: Councilwoman Keyes voted aye.

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Councilman Genovesi asked for an explanation. Mayor Hipp explained the motion is to table the request to close Park Avenue. Councilman Genovesi said tabling the motion to check a few things, he voted yes.

Councilwoman Birdsall said she had a concern about tabling because as was discussed there are several members of the Council who may not be able to attend on May 5th. Mayor Hipp said she could vote no, he understands and apologizes but there is a motion to table and it is non-debatable.

Councilwoman Inguanti, Genovesi , Keyes and Councilman DeSalvo voted aye; Councilman Sasso and Councilwoman Birdsall voted nay. Motion carried.

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For, **FIRE**, Councilwoman Keyes reported the Volunteer Fire Department stats for the first quarter were 142 incidents, 3 structure fires, 4 vehicle fires, 7 fires considered brush or trash, 68 false alarms, 54 other alarms, 1 death, estimated dollar loss \$73,400; 6 mutual aid calls, total man-hours for the quarter 1,179. Councilwoman Keyes noted that the Fire Dept continues to work on applying for grants to supplement the money that the Borough supports the Fire Dept with and they hope to be successful.

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Under the Consent Agenda, Councilwoman Keyes moved to accept the request for Rescue Co. 5 to attend a wet down in Franklin Lakes on June 13th, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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As Liaison to the **Health Department**, Councilwoman Keyes reminded all about the swine flu as everyone has heard in the media and Brian O'Keefe had given information such as some of the symptoms are fever, lack of appetite, coughing, sore throat, nausea, vomiting and diarrhea and one can not get the swine flu from eating pork. She said it is imperative that everyone wash their hands constantly and use the disinfectant although there hadn't been any cases in New Jersey as of then. Councilwoman Keyes said another item the Health Dept had been working on recently, the Bergen County Dept of Health Services had been looking around for additional revenue and they were looking at the Borough of Rutherford for an increase in cost of about 21% and thanks to Brian O'Keefe and Freeholder McPherson they were able to go back to the County and give them their statistics of what they do in Rutherford and they actually backed away from trying to increase the cost which saves everyone some money.

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Under **President of the Council**, she was happy to report that the Bylaws Committee, consisting of herself and Councilwoman Inguanti with the help of the Borough

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Attorney brought to the Council at the work-session a draft of the amended and proposed by-law changes. Councilwoman Keyes said at the next meeting they will be able to have another set for the Council; one of the things they were talking about was having two regular meetings a month and that would mean they would have a work-session and then followed by a regular meeting and in another two weeks have a work-session and a regular meeting. She said they feel that they would be able to get more accomplished that way, they would be able to move forward on things that currently might take another month to move forward on and she thinks that is one of the proposed changes that the rest of the Council was happy to entertain. Councilwoman Keyes and Councilwoman Inguanti spoke the previous day about doing a trial run to see how comfortable they are with that so as they bring the by-laws to the Council next week they will expect to pass the bylaws as they are and then work on a trial run for the meetings and then they could amend again. She said the other thing was not having them back to back but maybe the first and third week of the month and she will report on them at the next meeting. Mayor Hipp said that is welcomed news, great idea.

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For, **BUILDINGS AND PUBLIC UTILITIES**, Councilwoman Birdsall reported for the month of March a total of uniformed construction code revenue \$40,165; construction department revenue \$2,935 with a grand total \$43,100; total value of construction for the month of March \$1,507,896.51; 136 permits issued; total construction department inspections 642.

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Under the Consent Agenda, Councilwoman Keyes made a motion to award contract to **WARNOCK FLEET** for a Ford Escape Hybrid for the Building Department, seconded by Councilwoman Birdsall and unanimously approved on roll call:

Whereas, the Borough of Rutherford, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

Whereas, the Borough of Rutherford has the need to purchase one (1) 2009 Ford Escape Hybrid 4WD vehicle for the Building Department from Warnock Fleet at a price of \$29,872.00 under NJ State Contract # A73671; and

Whereas, *Warnock Fleet, 175 Route 10, East Hanover, New Jersey 07936* has been awarded a contract for one (1) **2009 Ford Escape Hybrid 4WD** vehicle by the Borough of Rutherford; and

Now Therefore Be It Resolved, that the Borough shall award the purchase of one (1) 2009 Ford Escape Hybrid 4WD vehicle from Warnock Fleet of East Hanover and that

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the funds for same have been certified by the Chief Financial Officer as seen by said attachment.

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Councilwoman Birdsall made a motion for a Change Order to SMAC Corp. for Borough Hall ADA Improvements for a total amount is \$13,950, seconded by Councilwoman Keyes.

Councilman Genovesi said he wanted to be clear that he is not against ADA improvements, it has nothing to do with ADA improvements and in fact he was trying to find a way to get \$40,000 to do the same thing in the police station; it has to do with contractors and people who are supposed to be knowledgeable enough to read a blue print and constantly coming back to the Borough and using the word unforeseen. Councilman Genovesi said it is ridiculous they did it with the library, how do they not know there is a pipe behind the wall he doesn't understand it; if the wall was there when the building was built it had to be in the blue print, they went to college for that, they have a degree in that shouldn't they know something is there. He said it is not the ADA improvements it is important it is the fact that people who have degrees should also be held responsible to exercise the knowledge that they have and not go back to the Borough for unforeseen charges.

Councilwoman Inguanti said the Borough Engineer did send pictures of the unforeseen pipe and it was for clarification, the pipe was embedded in the masonry the bricks were around the pipe so the cost to move the pipe they would have had to take down the brick wall separating the bathroom from the RDP office and upstairs would be the Building Dept. She said the building is over 100 years old and it is an unusual construction practice that she didn't think could be easily anticipated by anyone regardless of their degree and it happens when they open up a 100 year old building having lived through renovations in her 50 year old house there are things that aren't expected. Councilwoman Inguanti said she thinks it is important to move forward with the changes and to her knowledge to the Engineer's defense there was a change order that he brought a few months ago where he actually saved several thousands of dollars. She said the engineering firm that had done the work at the library where there were a significant number of change orders that increased the cost, that has not been the case with the current engineering firm and she was appreciative of the fact that the Engineer is keeping a sharp pencil point on the projects for the Borough.

Councilwoman Birdsall said there was a wonderful breakdown from the Engineer's firm explaining each item they are requesting a change order for, she advocates that it be approved.

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

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

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Rutherford, strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Borough of Rutherford hereby acknowledges that the residents of the Borough of Rutherford desire a stable, sustainable future for themselves and future generations; and

WHEREAS, by endorsing a sustainable path the Borough of Rutherford is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Borough of Rutherford, we have significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community;

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within the Borough of Rutherford on matters of sustainability, the Mayor & Council wishes to pursue local initiatives and actions that will lead to **Sustainable Jersey** Municipal Certification.

BE IT FURTHER RESOLVED, by the Mayor & Council of the Borough of Rutherford that we do hereby authorize Les Shenkler, Borough Administrator to serve as Rutherford's agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf of Rutherford.

Councilman Birdsall asked for recommendations from the Governing Body whom should be on the Green Team for the meeting next month.

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Councilwoman Birdsall wished to thank all of the residents who came to the Citizen's Round Table Forum on March 21, 28 and April 4; a report was compiled as it was essentially summary of what was discussed and she would like to point out that there are a tremendous amount of positives in the Community and they tend to focus on the negatives. She said the report addresses positives and recommendations of potential avenues to create those things into assets for the community. Councilwoman Birdsall wanted to briefly point out the pros: the Recreation Dept., the potential of the Business Districts in the town, good ordinances that are in place, services and food issues that are

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provided by the Health Dept., the Ambulance Squad, Fire Dept, School System, Citizens Forum, dry town, restaurants, transit village, last stop on the train, Borough of Trees, talent within the community, local newspapers, library, people who live here, unlimited ways to become involved within the community, strong level of volunteerism, all of the departments within the Borough as they work so hard and they could use more training and be able to do an even better job, master plan, historic preservation of the community, Board of Aesthetic Review, embracement of the history of Rutherford, parks, potential of the Williams Center, Kip Center, Senior services that are provided, special note of praise that was given at the Forum was for the Borough Clerk Mary Kriston and Kathy Hildebrand in Social Services. Councilwoman Birdsall said this was not a complete list of the positives but she wanted to put those on the record because it is important to put it on the record all the wonderful things that the Borough does and has.

Councilwoman Birdsall said as they spoke of last week, there would be a formation of two citizens committees based on discussions at the Citizen's Round Table-1 for the West End Committee consisting of any citizens, area residents, business owners, building owners in that area of town and the goal would be to actively pursue some solutions to the problems in the area including any potential funding sources or programs or activities that could be brought to that area to improve visibility and increase the economic opportunities there. She said that Committee would work with the Governing Body and other standing Committees to coordinate efforts and there will be more information on who they should contact. Councilwoman Birdsall said additionally there will be a community Quality of Life Committee; one of the sub-divisions at the sessions was tasked with that area and issues that had been identified for the community and they would like to meet monthly with a goal of making the town more pleasant. She said they hope to have projects including getting information out because there is so much done in Rutherford but a lot of people don't know about it and they would like to take on that task. Councilwoman Birdsall said it was also recommended that a document be available containing all recommendations with the goal of some progress to be made on as many items as possible and she hoped to hold an additional Round Table Forum in September 2009 if that meets to the approval of the Governing Body.

Mayor Hipp informed Councilwoman Birdsall that if she submitted the names then he could make the appointments. Councilwoman Birdsall said she will have the information available for the next meeting.

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Councilwoman Birdsall said an application for Sustainable Jersey Grant funded by Wal-Mart with a deadline of May 6th and she anticipates they will receive their finalization as to their registration by that time. She said there are two proposals on the table for projects that they feel could use funding within the community: Grant available through Wal-Mart and the two categories are for \$10,000 or \$25,000 which they can only apply for one not both. She said the two potential projects through the Forum and the Shade Tree Committee should they apply for the grants and be awarded the funds and carry out the project they will also obtain points for their certification of Sustainable New Jersey therefore it is a win-win situation. Councilwoman Birdsall said she would like the Council's

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input on which project they feel would be the best one to pursue for the grant and after that determination they could adopt a resolution to move forward. She said the first project is a Community Garden and apply for \$10,000 for that; there was a plan several years ago which was in their packet and a diagram which is a quick snapshot not the application in conjunction with the Shade Tree Committee encompassing the area around Katie's Corner. Councilwoman Birdsall said a flower planting area, potting table with a corrugated roof, compost area, produce outreach garden and she has asked the appropriate departments if possibly they could donate the produce from the garden to organizations. She was advised they could work some program out with certain regulations, they can not accept produce at the Food Pantry but if there were to pick that day and provide they could utilize that. Councilwoman Birdsall said the other is Cultivating Community Garden along with Local Government in creating healthy livable neighborhoods, additionally if they were to pursue the community garden and there was a flower area potentially they would be able to coordinate flowers that are grown there and transplanted throughout the town as opposed to spending funds on that. She said there would need to be a large amount of coordination, a garden manager either voluntary or stipend through the grant depending on how it works.

Councilwoman Birdsall the Shade Tree also provided a proposal for the \$25,000 category and the overview from them was the Borough of Trees, Rutherford was heavily planted with a great variety of shade trees between 1908 and 1950 and the glorious tree canopy, unique in the town is so close to New York City is now in serious decline and a substantial amount of large trees are becoming hazardous and need removal and replacement. She said they conducted a GPS urban forest assessment survey in current process and the simple observation by Shade Tree Committee is the decline of the canopy has accelerated far beyond the ability of the municipal budget to offset it so the goal of the project would be to use the \$25,000 grant fund to plant approximately 125 trees in replacement in a dual effort to replace hazardous trees and sustain the urban forest cover. Councilwoman Birdsall said the greatest need is in the West End of Rutherford which was identified as an area they would like to pursue from the Forum as well where severe decline has been noted and there is also a need to replace trees that were removed over the past few years but due to funding have not been replaced leaving vacant plants, sites in the tree canopy. She said half of the total trees would be planted in fall 2009 and majority of the remainder March 2010 and the project would be entirely completed by fall 2010; this project would not be able to be done in-house or through volunteer programs it would require those funds the grant would significantly offset any potential disasters for the urban forest and restore a great deal of the tree canopy in Rutherford. Councilwoman Birdsall stated those are the two projects and she believed that the Shade Tree Committee would advocate the tree and woodlands management project as the direction they should apply for funds but she asked for the Council's direction as to what project would be better suited.

Mayor Hipp said he thought she had a resolution ready. Councilwoman Birdsall responded she did have a resolution ready however, it is authorizing the Borough to apply for the grant but it doesn't indicate what category to apply for and she wouldn't want to go ahead and make that decision on her own, she thought it would be a Governing Body decision. Mayor Hipp said if he may suggest what she should do is the resolution would be

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to apply for the \$25,000 grant as proposed by the Shade Tree Committee, the Council votes that down then she has the other grant. The Mayor said but they have to do it in a yes or no type of way. Councilwoman Birdsall said could absolutely propose it that way.

Councilwoman Birdsall made a motion for the adoption of the Resolution to apply for the Sustainability New Jersey Grant funded by Wal-Mart in the amount of \$25,000 for the project of the Tree and Woodland Management Project for the replacement trees in the Borough, seconded by Councilman DeSalvo and unanimously approved on roll call:

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Rutherford strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Rutherford is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

THEREFORE, the Mayor and Council of the Borough of Rutherford have determined that Rutherford should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Borough of Rutherford's Mayor and Council State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

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Councilwoman Keyes noted she thought it was a great idea and well presented as it is a great opportunity to replenish the trees in town. Councilwoman Birdsall said she didn't think the community garden would be completely off the table that it maybe something down the road they could accomplish.

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As Liaison, **Board of Aesthetic Review**, Councilwoman Birdsall mentioned the success of the Arbor Day Celebration, Keep Rutherford Clean Day was successful however there was a smaller turn out than other years so hopefully next year they could get more people out. She said April 27 another tree was planted with again a beautiful ceremony; a tree symposium on April 25 with a good turnout at the Library.

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As Liaison, **Historic Preservation Committee**, Councilwoman Birdsall said on April 26 a meeting took place with a presentation from New Jersey Transit in discussion as to the renovations at the train station; the World War I monument renovations will begin in the future.

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As Liaison to the **William Center**, Councilwoman Birdsall said there is construction that is occurring in the Center on the County level and she met with them regarding comments with the plans for the plaza renovations and she will set up a meeting with Berge to discuss.

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For, **HUMAN RESOURCES**, Councilman Sasso reported that the Spring Season began for the Recreation Dept.; girl's softball, men's softball, tennis lessons, track, traveling soccer. Councilman Sasso said one important note that was being changed was the Summer Day Camp from June 29 through August 7 being held indoors at Union School where they would take trips down to the field during the day but to avoid the issues of the past where it rains and camp is canceled or stopped mid-day the Rec. Dept. listened to the feedback from the parents and tried to make that change for this summer. He said the registration opened on May 4th, there will be a parent's information session on April 29th at 7:00 in the Council Chambers and a Family Fun day for information on June 21st from 1:00-3:00 pm at Memorial Field. Councilman Sasso said the renovations are completed for Diamonds 5 & 6 and they were ready for the opening day ceremonies for girl's softball April 18th. He said the Mayor and Council President Keyes threw out the first pitch; the Memorial Field locker house is being used by RHS baseball team. He said the Nereid Boat Club will be holding their annual Passaic River Paddle Relay on May 16th and the finish line is at the Nereid Boat Club.

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Under the Consent Agenda, Councilwoman Keyes moved to accept the Asbestos Abatement Project Management Proposal for the Memorial Field house, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Under the Consent Agenda, Councilwoman Keyes moved to approve the request from the Recreation Director to charge \$2.00 for credit card use, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Under the Consent Agenda, Councilwoman Keyes moved to accept the request of a formation of a committee for Wall Field and Tryon Field Concession Stand, seconded by

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Councilwoman Birdsall and unanimously approved on roll call. Councilman DeSalvo and Councilman Sasso will be on this Committee

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Under the Consent Agenda, Councilwoman Keyes moved to accept the request of a formation of a Rails to Trails Committee, seconded by Councilwoman Birdsall and unanimously approved on roll call. Councilman Genovesi and Councilwoman Inguanti will be on this Committee.

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Under the Consent Agenda, Councilwoman Keyes moved to approve the request from the Nereid Boat Club requesting to use the site as a finish line for the 4th Annual Passaic River Paddle Relay on May 16th, Councilwoman Birdsall and unanimously approved on roll call.

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MAYOR'S COMMITTEE REPORT

Mayor Hipp thanked the members of the Council for their expressions of sympathy and prayers for himself and his family.

Mayor Hipp announced that Thursday and Friday he will be at the Mayor's Conference and he planned to get updates on the status of COAH legislation and in particular he will be seeing several other Mayor's who feel similarly about the adverse impact that the current regulations have on the Borough. The Mayor said he would report back to the Council about that and on a positive affect the town of Fair Lawn has a citizens group being formed and they were going to see if they could assist residents in the Borough who would be interested in forming a similar committee and getting them in contact with the Fair Lawn group. Mayor Hipp said they were going to try to get a coordination of several Mayors in Bergen County going there and he was also going to see where their stimulus funds were. The Mayor said one of the things was that all the cabinet officers from the Governor's Office in addition to the Governor himself were going to be down there for the two days and he will have an opportunity to discuss the details with him and he hopes to have more information for the Council at that point.

Mayor Hipp said with respect to Highland Cross several people attended the two public hearings put on by the Meadowlands Commission last month and the next step being discussed was the redevelopment agreement that was entered into between the Borough and Linque. The Mayor said it was his belief that the agreement needs to be reviewed and discussed and the Council will have an opportunity to provide comment and ideas on it; his view is that the agreement has to be reviewed by the Governing Body prior to the Highland Cross Developer's efforts to take it before the Hackensack Municipal Mayor's Committee to review their proposal and accepted this month and he was assured that would not happen and if it does he will vote against it and they will be moving forward during the last couple of months and the members of the Council should have an opportunity to discuss the amendments that are being proposed.

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Mayor Hipp introduced the Rutherford Junior Football League electric bills to which he had received confirmation from CFO Ed Cortright there had been payments in the past; he asked the Council to authorize payment of the bills for electricity used by the Rec. Dept. during periods of time when the RJF building was closed. The Mayor said he was satisfied there was no dispute as to the amount of the bill and their use of the facility and past practice.

Councilman DeSalvo made a motion to approve to the payment of the Rutherford Junior Football Electric bills, seconded by Councilman Genovesi.

Councilwoman Birdsall said from past practice and information they received shows that the right thing to do was to provide payment, however, she looks forward to a better system in the future and she knows that there was work being done to perhaps tighten things a little thing. She said she supports payment but would like to see changes for the future.

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

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Mayor Hipp said the Library is undergoing review of a design study for major improvements to the interior of the building; they are a long way off as to making a presentation to the Council perhaps 60-90 days but they are proposing to do changes in phases and ultimately they will require Council approval. The Mayor said there hasn't been much thought given to funding but he believes the current thinking is that it will be driven by public funding as opposed to public bonding but he couldn't tell the Council then with certainty if that was going to be the case. Mayor Hipp said there will be more details to follow in the upcoming meetings.

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Mayor Hipp said the Youth Advisory Council met and they will be participating in the Walk for Life, which he encourage all to attend on June 5 & 6.

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MAYOR'S APPOINTMENTS

Councilman John Genovesi – Civil Rights Commission

Wolff and Samson – Bond Counsel

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Councilwoman Inguanti made a motion to appoint **Wolff and Samson** as Bond Counsel, seconded by Councilman Genovesi and unanimously approved on roll call.

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ORDINANCES ON 1ST READING

Councilwoman Inguanti stated she had a question regarding the first ordinance; there was some question as to if historically the Council had approved Salary Ordinance changes at the Library even though the Library Board of Director's approves and sets the salary guide and she asked the Borough Attorney for his response. The Borough Attorney stated that he received an email from Councilwoman Birdsall asking him about an ordinance to approve Library Salaries though he didn't know the history typically the Library as an independent agency, would set their own salaries. He said they receive an amount of money from the Borough that is required by statute and then the Borough could give any additional amount they choose but once they give them the funds they are free to spend those funds as they see fit including for salaries. The Attorney said he wasn't aware of any need of the Mayor-Council to approve their salaries.

Mayor Hipp said he believes that the practice in the community has been that they approve it as a record keeping matter; the town operates all of its salaries by ordinance and Library employees are still considered employees of the Borough even though for purposes of collective bargaining, they are under the jurisdiction of the Board. The Attorney asked if they pay them from Borough funds or Library funds. The Mayor responded they are paid from Library funds, pursuant to the requirement in the statute that they raise 1/3 of a million for Library purposes and whatever else they chose to give them on a discretionary matter but the money raised under the statute is required to be dedicated to the Library and they have complete discretion on how to spend it. Mayor Hipp said because they maintain salary ordinances for the rest of the employees and as a matter of record keeping they do it there; as a requirement of the law could they say no he doesn't believe they could, if a Council didn't want to continue the practice he didn't know what adverse consequences may happen but it is something that was done consistently by the Council for decades. The Attorney said he saw no problem in doing it as the Mayor said if they say no, he couldn't imagine the Library couldn't pay their employees anyway but for record keeping purposes and if it benefits the town there is no problem.

Councilwoman Inguanti said with that the following Ordinance is to approve the salary range for a number of Library employees, they were salaries negotiated by the Board of Directors by the Library they were not negotiated by the Borough Council or Attorney.

The Borough Clerk read the title: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE, AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD", UNDER THE PROVISIONS OF THE CIVIL**

SERVICE ACT (TITLE 11, N.J. REV STAT) OF NEW JERSEY, NO. 3173-08 ADOPTED DECEMBER 16, 2008.

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

Mayor Hipp opened the Ordinance for discussion.

Councilwoman Birdsall said given the financial situation of the Borough, she wanted to make it clear that the Governing Body is carefully analyzing all of the finances and to reiterate the decision for the salary increases was determined by the Library Board and the approval of the Ordinance would purely be for recording keeping purposes to keep within the standards.

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

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Councilman Genovesi introduced the taxi cab amendment with the insurance was still within the Borough ordinance but it was not necessary so technically there was a conflict because they would have to pay the same insurance twice so the Borough Attorney amended the Ordinance to reflect that they no longer needed to put the insurance disclaimer within their Ordinance.

The Borough Clerk read the title: **AN ORDINANCE AMENDING SECTION 113-20 OF THE CODE OF THE BOROUGH OF RUTHERFORD ENTITLED "TAXI CABS-INSURANCE; AMOUNT" ELIMINATING SPECIFIC MINIMUM AMOUNTS OF INSURANCE COVERAGE.**

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

The discussion was opened; with no one requesting discussion it was closed.

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

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Councilman Genovesi introduced the Ordinance prohibited parking and standing which was a request made by Police Director Thompson.

The Borough Clerk read the title: **AN ORDINANCE AMENDING CHAPTER 126 ENTITLED "VEHICLES AND TRAFFIC", SUBSECTION 1 ENTITLED "PARKING PROHIBITED IN CERTAIN AREAS TO EXPAND THE NO PARKING AREA ADJACENT**

TO THE ENTRANCE AND EXIT OF THE BOROUGH PARKING LOT ON DONALDSON AVENUE”.

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

Councilwoman Birdsall asked Councilman Genovesi asked if there were a large amount of accidents or issues to bring the Ordinance in that area. Councilman Genovesi said there was a concern exiting in the parking lot, restricted view, cars parked to close to the entrance and he thinks that coupled with the fact that the lane across the street is used for the 3-4 police vehicles that are always out there. He said it is more a maneuvering thing and a line of sight, he thought that was why the Director wants a little more space on the entrance. Councilwoman Birdsall asked how many parking spaces would be removed. Councilman Genovesi said probably one.

No further discussion was requested.

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

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Councilman DeSalvo introduced an ordinance to amend the sandwich board Ordinance to include sandwich boards, pedestal signs, benches and decorative flower pots.

The Borough Clerk read the title: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 65, ENTITLED OUTDOOR CAFES TO PERMIT SANDWICH BOARD SIGNS, PEDESTAL SIGNS, BENCHES, DECORATIVE FLOOR POTS AND TO DISPLAY OF ITEMS FOR SALE IN THE B3 ZONE.**

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

Councilwoman Keyes said some issues she had was that it doesn't discuss enforcement at all and she thinks they realize that enforcement in the Borough has become an issue specifically there is reference as the title reads outdoor cafes, but as they read on they could start to sell anything they want outside their stores. She said it would look like a sidewalk sale all the time, it just doesn't sit well with her and the mention in the ordinance of selling clothing and flowers and home decorations with the café tables, the benches, flowerpots it seems overwhelming and there isn't that much space on the sidewalks. Councilwoman Keyes said she would not be in favor of it but the big thing is the enforcement it doesn't speak about enforcement at all in the Ordinance.

Councilman Genovesi said he didn't share Councilwoman Keyes shanty town view of it but he wanted to ask Dr. Bryant for testimony. He said to Dr. Bryant that there were questions they had given her at the last meeting and he was wondering if she had gotten

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answers. Dr. Bryant asked for the specific things. Councilman Genovesi said they were talking about the distance from the storefront to the curb being 8' and his concern was that the average person is about 1.5-2' wide so there is that coming and going in a space of 4' and he went and took a look as there is even less space at the trees. He asked Dr. Bryant if she were able to make any headway to shrink that from 4' to 3' or she didn't think they would go for it. Dr. Bryant said she believes the way the Ordinance was drafted was there would be 4' of clearance from the curb line through and if a tree line is in the way there still must be 4' of clearance from the tree to the building so they couldn't go out by the tree. She said they would still have to provide that clearance for strollers, wheelchairs, etc. Councilman Genovesi said so the point of farthest obstruction is where the 4' would start.

Councilwoman Keyes asked Dr. Bryant; one of the notations in the Ordinance is about the height of the sandwich board being 5'; she noted that she is only 5'4" that sounds like a high sandwich board. Dr. Bryant said basically it would have to be within the width allowance to make sure the clearance is there so it couldn't be really tall and really wide coming out in both directions from it so that it still provides the clearance on it. She said what they didn't want to see, the committee reviewing it initially took a very close look at what was known as pedestal signs that are on one pole and a base at the bottom and many of those are over 6' tall, some have caricatures on them or a simple sign to direct people to the business and they didn't want to see anything that would come as tall as a doorway. Dr. Bryant said that would block a fair piece of the sidewalk but most sandwich board signs, if they were looking to see what was placed out there without the Ordinance in place making it legal, they are generally about 3' tall to 4' but it depends on the angle and how far apart they are spread for standing up. Councilwoman Keyes said if so why would they have 5' in the Ordinance? Dr. Bryant said because the Streetscape Committee of the Downtown Partnership in spending lots of time looking at it determined that 5' was still reasonable as long as it had the width requirement and gave clearance as well. Dr. Bryant said one other comment regarding enforcement, she recognized there is no immediate on-going enforcement on the Ordinance, it was the intent that the town wanted to make a decision in terms of how that would take place, one thing it does is require an annual application form which guarantees the town that there is insurance coverage in case there is an accident with someone tripping over one of the items and it gives the town particularly the Building Dept. that currently reviews all the outside café licenses, would give them the opportunity to review whether or not the application going forward is in accordance and whatever was being applied for had been maintained in a proper way the previous year. She said she didn't think anyone in the Partnership would have a problem if they were looking at a Spring/Summer/Fall timeline and it didn't exist in the winter time because with snow on the sidewalks people aren't going to want that many things although the benches often do stay out all year round.

Councilwoman Birdsall asked if it was referred to the Planning Board. Dr. Bryant responded it hadn't but it was discussed with John Uhl at the Building Dept. as he sits on the Streetscape Committee so he was involved in all the discussions putting the perimeters of it together initially and connecting their Streetscape Ordinance to portions of the zoning code and making sure they fit. Councilwoman Birdsall said there was some discussion about a sign ordinance, had she looked into that. Dr. Bryant responded that the RDP had

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through the Streetscape Committee had it a couple of years ago asked Council and it was approved that the design manual for facades, signs and awnings in the downtown became an ordinance of the town and it was written into a separate ordinance. She said that ordinance parallels the zoning code as it relates to signage which refers to signs on the property and the building itself, and how many and how large they are allowed to be. Dr. Bryant said currently the sandwich boards signs are deemed to not fall under any of the ordinance allowances at that point and time because the signs that are allowed through the different ordinances of the town don't cover the items that stand on the sidewalk themselves so they are not covered any other way. Councilwoman Birdsall said conceptually it is a great idea but she thinks it needs to be tightened, she worked so hard with the streetscape component and to standardize everything on Park Avenue to make it look a certain way and she was wondering if within the ordinance it could include a few things such as sandwich boards that they had to be brought in at a certain time. She said maybe it could include that they had to select one as opposed to being allowed to have all of them and could it be standardized through the RDP where if they say someone wants a sandwich board this is the one they have to purchase; if they want a bench they would be told the one they would have to purchase so that it doesn't look like an outdoor sidewalk sale. Dr. Bryant replied when the request went through the members of the RDP a year ago with an issue of trying to find a way which some of the items might become legally acceptable and allowed through the town; on the books of the town for at least 10 years that she was aware of there was an ordinance to allow for sidewalk café. She said the town 20 years ago encouraged businesses to put out benches and floor pots but with no specific design although many of them did at the time start to look similar and were constructed by the same person. Dr. Bryant said over time many of those wooden benches have been put in place, different configurations for them but at the expense of the business owner for the benefit of the public that walk the distance along Park Avenue or for people waiting for a table inside a restaurant. She said they looked at whether they wanted a specific look for the benches and planters and determined in doing so they would be telling everyone who had invested in something there that is for the public benefit that they would have to replace it, the RDP was not prepared to make that request but they did want to find a way to make the items on the public sidewalk a legal acceptable option and at the same time provide the liability coverage to the town in case there was an accident with the location of them. Dr. Bryant said they talked with Paul Dansbach in the Fire Safety Office at the time and it was being drafted to make sure they were allowing for clearance of any fire safety equipment.

Councilwoman Inguanti said her concern is that there needs to be maybe two different ordinances; one governing benches or plants like decorative things versus things like signs and merchandise and the ordinance itself envisions two tracks because it has a \$100 fee for things that make money like the café, products for sale, flowers, home decorations but it doesn't envision a fee for decorative stuff. She said to keep consistent with the ordinances do they have a chapter about sidewalk sales or selling things, do they not have ordinances where they could sell and where they can't? Councilwoman Inguanti said the fear is that then it becomes subject to the taste of the person such as if they put a rack with clothes on it and it looks not so nice, is that something they could enforce? Dr. Bryant said the intent of the ordinance is that whatever the rack or display would be would have to shown in a diagram as part of the application so if it is a simple clothing rack it is

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not going to end up being multiple ones and if it is one set of product it is going to be defined within a specific area in front of the business in certain space perimeters. She said there was a very specific recognition as was pointed out but there is two streams within the ordinance as drafted recognizing some of the things do generate revenue for the business and therefore like a sidewalk café which they modeled most of the ordinance on there is a \$100 fee to the town for the application of that ordinance and the review of that and the business has the opportunity to raise some money from the product that was put on the public sidewalk. Dr. Bryant said other situations in other cases as benches, flower pots, signs are things that the businesses do not directly receiving revenue from they are against the building generally they are there as informational in the case of the signs or in the case of benches and flower pots for the benefit of the public that is transverse Park Avenue area and will either enjoy them or sit down on them. Councilwoman Inguanti asked that a picture or diagram would be submitted and that would go to the Building Dept. for determining or would it go before the Streetscape Committee of RDP? Dr. Bryant said it is envisioned that the Building Dept. since it currently reviews all the sidewalk café applications and that would fit right in with it so it was drafted as an extension of that ordinance to be handled in the same way.

The Borough Attorney said they have to be very specific. He said the point Councilwoman Inguanti raised that they could have all sorts of different racks can't be solved by simply having the Building Inspector decide what he likes and doesn't like so unless they specifically describe what is allowed or not in the ordinance they are going to be stuck with whatever the store owners decide to put out.

Councilwoman Inguanti said which most of the time is probably fine, but they never know what someone is going to do. Dr. Bryant said it is also fair to say in response to one of the other comments earlier that given the relatively small number of retail stores on Park Avenue, she doesn't foresee any mass increase in the amount of things that will go on the sidewalk other than what they see now. She said it is a matter of the retail stores that are there, what they want to monitor out there, if a store is a one person operation they tend to not want to put things out often because they can't see and control whether those items are staying on the sidewalk or not. The Attorney said one option might be to ask the RDP to come to the Council with specific types of benches and what not so that it could be incorporated into the ordinance.

Mayor Hipp said he wanted to note for the record that it is pretty descriptive in there already for benches, other than deciding on color schemes it says "it has to be made of wood, metal, composite materials and placed adjacent to the building, it may not exceed 5' in length, 30" in width, 36" in height and may not block the entrance, it may not extend". Mayor Hipp said a bench is a bench and if it is a certain type, it is not going to be one of those cheap plastic things that go out; so it is not a question whether it is a descriptive item he thinks the question is how descriptive do they have to be. He said that is an appropriate inquiry by the Council for deciding the ordinance but at some point unless they have a picture or some type of drawing of a specific bench, describing it in more detail of words will not be fruitful and he is not recommending that the ordinance be adopted in that way. He said it will be the first zoning ordinance that he ever read that he actually had it described in that fashion, none of the Borough's other ordinances go into

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that time of detail with respect to an item like a bench or planter so he does believe that is descriptive detail. Mayor Hipp said if the Council wishes to elaborate further it may be beneficial with the Council to give feedback to Councilman DeSalvo as to what they are looking for in terms of description as opposed to worrying about whether there is going to be some kind of bench or planter which was going to be obnoxious to the beholder that it shocks them.

Councilwoman Birdsall said she is inclined to support the Ordinance because conceptually she does like the idea if they added the word -or- such as pedestal signs or sandwich boards or benches, etc. because she believes the big concern is clutter and if it is too loose and there has to be a limit to that because the space doesn't allow for a barrage of things. Dr. Bryant said one of the things is that they have several businesses downtown that are very wide in their space and if they want a sandwich sign at one part of 75' of store frontage and they are denied to put a bench out the proportions are not there for that space or the ability to take advantage of use of the space that they had. Councilwoman Birdsall asked if they could add a perimeter like the average storefront is X amount wide so they could pick one if bigger they could choose two, etc. Dr. Bryant said they could look at that certainly and she agrees they don't want to encourage clutter on the Avenue and the last thing they hope it will stimulate is looking like a continual sidewalk sale flea market but they do recognize that there are things that make the downtown look more alive and friendlier. She said they had some generosity of business owners to put on benches and planters over the years and they wanted to make sure there was a legal way to make that happen. Mayor Hipp said there is a vested interest on behalf of the store owner and operator to make his store front as appealing as possible as opposed to obnoxious or offensive so at some point they might want to understand they could dictate exactly what has to go there or they could leave it up to the best judgment of the individual store owner who has a profit motive to make it look as good as he can.

Councilwoman Inguanti said one word is Zanadu; if they look at that and they had a profit motive and it is really ugly; the other concern is with the enforcement as with when the Boiling Springs Bank wanted to put their signs up it went to the RDP before it went to the Planning Board for their approval, the signs which made her perplexed that the sidewalk committee would not want to have some sort of place in the review process for what is going to be out there. She said there is a need for some checks on what could be put out. Dr. Bryant said in the process of going through the whole ordinance development there were extensive discussions within the Streetscape Members as to what the best vehicle for reviewing the applications and whether it should fit in with the RDP streetscape or with the Borough. She said given the ordinance already existing for the sidewalk cafes and that became the model for how it was being handled, the Committee identified if they put in some maximum size perimeters on the items, made sure the clearances where there and identified the space allocation in front of the businesses that could be utilized, they were content to leave it in the hands of the Building Dept.

Councilwoman Keyes recommended they go back to Councilman DeSalvo with some suggestions and then he could go to the RDP with those suggestions because it seems they are all of the same mind that things need to be tightened or clarified or more conformity

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because they did a great job over the years conforming the signs of the businesses and he thinks they would like to see a little more.

Councilman Genovesi said it was an ordinance on first reading, they could vote on it first reading that night and then revisit it next month and what they could do in that time period is the same thing they want to do then except they are not costing the RDP if it went through. He said summer is around the corner, he thinks the ideal time to put out the sandwich boards is now and if they cost the store owners an extra month they may be costing them extra business they didn't get. Councilman Genovesi said so they could use the current month to do the same they were doing and vote on it for first reading and revisit for second then they don't lose any time. Mayor Hipp said he gets the sense that there will be substantial changes so they would have to go through the process anyway because the only way they could be able to get a second reading out of it would be if there were only minor changes.

Councilwoman Keyes made a motion to table the Ordinance, seconded by Councilwoman Birdsall. The Borough Clerk read the roll call: Councilwoman Keyes, Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall and Councilman DeSalvo voted aye; Councilman Genovesi voted nay.

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ORDINANCES ON 2nd READING

Councilman Genovesi introduced the ordinance for an increase in renewal fees for club, distribution, and consumption; the State allows a maximum of 20% increase and that has been reflected in the 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 made a motion to approve the Ordinance be passed on 2nd Reading and advertised according to law, seconded by Councilwoman Inguanti.

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

No discussion was requested from the Council.

The Borough Clerk read the roll call: unanimous approval.

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Mayor Hipp opened the hearing of citizens.

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Beatrice Goldberg, 88 West Newell Avenue thanked the Mayor for appointing John Genovesi to the Committee and for the record to Councilman DeSalvo, they had two meetings previous at which they planned the road closure with the Fire Official and Robin to inform them. Ms. Goldberg said they waited until that day to get the response from the local merchants, it didn't make sense to close the streets if they didn't get a good response so they were asked to go before the Mayor and Council and say that. She said she wanted it for the record that there were two official meetings and she was sorry that he was not informed or present for those meetings. Ms. Goldberg said it was a lot of time and effort put into it and she will ask Councilman Genovesi to talk to the different departments because they were all there and planned the road closure. She said they said it was feasible and they are having a special children's area with a rock wall from the US Army and the Fire Official suggested they place it between Chase Bank and Subway so that area had to be closed and leaving one side open for emergency vehicles. Ms. Goldberg said it wasn't an over-night decision to close the roads they had been working on it for 2-3 months and she was sorry he was not informed.

Yvonne Hassett, 92 Park Avenue said to Councilman DeSalvo that she knew there were a lot of meetings, the RDP, regular meetings and board meetings how many has he attended? Councilman DeSalvo responded that he attended the last meeting due to a budget meeting that they had prior as they were both held on the same day at the same time. Ms. Hassett responded that she knew there were other meetings that he didn't attend; was there any communication between him and the Multicultural, obviously not. Councilman DeSalvo responded no, there wasn't. Ms. Hassett said she thinks there should be more communication with all the groups in town to try to make the business area successful and not unsuccessful. She asked if they could have a copy of the minutes from that meeting from the RDP as soon as possible; the meeting of last Thursday night. Councilman DeSalvo said either he or Robin could get them for her. Ms. Hassett said she thinks she would have been more informed but she and her partner Carl Hassett were at a charitable function otherwise they would have been there, it was a very important meeting. She said the sheet she gave to Mary Kriston, she wishes that they all look at that because there are 38 in town business and at least 12 with more on the way from outside organizations that is over 50 people. Ms. Hassett said they sent their money which is \$50 for each table, some have multiple tables and \$20 for people in town who need tables and chairs she doesn't want to be the one to tell them that Rutherford is unfriendly to street festivals and gatherings to bring business to town and have to give the checks back. She said Lautenberg and Corzine were notified by Bea and she received a call from Lautenberg's assistant so she doesn't want to call Lautenberg to tell them that Rutherford isn't going to have the Festival. Ms. Hassett said vendors that are unlisted are also Board Members of the RDP, they did not strong arm them to say they wanted to be on the Street, Little Treasurers, Goffins, Blimpies, Advanced Home Decorating; they are Board Members. Councilman DeSalvo said they did vote at Thursday's meeting against street closing. Ms. Hassett said on Friday and Monday they contacted her and said they did want to be involved so there is miscommunication there also; there was a copy of the letter from Bea to Mayor Hipp saying there is a lot of important facts specifically Robin attended the meetings and had provided the street to save the date and notice about information about the Multicultural Festival and sidewalk so she didn't know what happen in the last couple of weeks in regards to communication. Mayor Hipp asked if that was an email to

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him. Ms. Hassett responded no it was a letter that was sent to Mary Kriston via to him but she didn't know when that occurred she didn't know if he got a copy of that? Mayor Hipp said he will find out where it was. Councilman DeSalvo asked if he could have a copy. Ms. Hassett continued that since they almost have 40 people that want to be involved they need the street room, she doesn't think they would be able to fit down in the hole there by the Williams Center and she doesn't think they were going to fit everyone in town that wanted to be involved. She thanked Mr. Genovesi for his comments and he was right with what he was saying if they are having a Labor Day Street Fair, Taste of Rutherford and the streets are closed how can they say that the Multicultural Festival who wants to branch out and become bigger and bring more people and more business to the town so the businesses could survive. Ms. Hassett asked how many retail businesses are left in the town, they aren't going to bring people in instead of going to the malls, for something different, something exciting, to want to come back and they do come back after Festivals as they heard what was said about that of business owners who are part of the town and Multicultural Festival. She said they came and brought their businesses here because of the Festivals that they had attended, the look of the town whatever they could do to bring business to town they should do it and stop quibbling about parking and do whatever they could do to make American towns a place to go to again and Festivals, events bring a lot of people and PR. Ms. Hassett thanked the Council.

Robin Reenstra-Bryant, Manager RDP said she wasn't going to say anything further about the Festival but when her name is brought into it she had too; she was at two of the Festival meetings early on and when she was asked if she would contribute within guidance and coordination efforts with regard to the sidewalk sale; when she raised questions about the committee setting policy in terms of simply did they want to invite in vendors that compete with the local businesses or not, she was told she didn't need to go to any other meetings because they already had representation from a couple of their businesses. Dr. Bryant said at the RDP Board Meeting last Thursday when it was discussed the issue was never one on should there be a Festival or not, it was how to make it work well and the concerns were raised by the number of people who attended in the past and the number of vendors and exhibitors that would be at the location. She said she was asked at the time of the meeting for information about the number of actual spaces they had on the Labor Day Street Fair because it is their office that assigned the places for all the antique/craft/local businesses that are on Park Avenue, Williams Plaza, Glen Road and Franklin. She said between the Library and Ames Avenue there are 73 parking spaces where a 20' table could exist; it was her understanding that the spaces that are being allocated for the Multicultural Festival are 10' spaces because that was designated at the Williams Center. Dr. Bryant said with that they still have 49 spaces of vendors that would be there, the concern at the RDP meeting was one of will it be an event that will attract enough people and be populated enough as an event on the street to fill the street. She said the last thing that they need in the downtown is they need the public to believe that the downtown is an exciting place and full of energy and activity and if there is a way to place people at the event in a specific area as opposed to blocking the whole street she thinks the RDP Board might consider and look at that from the discussion that she heard the other night. Dr. Bryant said the question is one of making sure it is an event that brings people to go down and enjoy themselves and to see it is a vibrant place so they want to go back for other events and shopping. She wanted to reiterate that they never

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had been part of discussion that had looked at should there be that event or not, the businesses welcome the chance to have a draw of more people but are concerned for blocking off the Avenue for 10 hours of the day and keeping anyone who wasn't involved from keeping their customers from them. Dr. Bryant said she hears is from other businesses on every other event, the calls question why streets are closed and it was a legitimate discussion that the RDP had about the details of the Festival and one of the suggestions that came in the Board was that if it could be placed in the Williams Plaza and allow the retailers who wanted to be part of the sidewalk sales next to the store front for the day for a sidewalk sale but the discussion through the Board did not generate a sense that there was going to be enough people or enough vendors to make it look like a vibrant location.

Charlie DiNoto, 131 West Passaic Avenue said he was afraid to open his month but said the problem in the town that they had with the construction with the pipe for anyone who would have bid on that project should have known the construction of the building. Mr. DiNoto said building chases and putting lines inside of chases was a common thing and contractors should have known that as it never seems to amaze him that they don't understand that, they had to look into things before they put it out for contract. He said when people bid on things they bid on the entire thing and if they make a mistake they suck wind on it not the town and what they are allowing them to do is walk all over the Borough.

Mr. DiNoto asked if the Council knew how much time is spent discussing these things that should have been done in committee, there is no reason for all the time wasted here at these meetings; they either have more committee meetings or additional time. He said they are killing a lot of hours and accomplishing not a heck of a lot.

As no further citizens wished to be heard, Mayor Hipp closed the hearing to the public and opened for Council discussion.

Councilwoman Inguanti stated that there was no chase as she knows what a chase is, it was a bricked in pipe.

Mayor Hipp said with respect to Councilman DeSalvo, he wanted the record to be clear as he appointed Councilman DeSalvo in February of 2009 so it doesn't surprise anyone that he didn't make any meetings last year and it would have been inappropriate for him to have done so. The Mayor continued because of the budget crisis he was not able to attend a couple of meetings and so his first opportunity to attend a meeting was last Thursday night so he would not want anyone to have the wrong impression that Councilman DeSalvo in any way shape or form had failed to perform his obligations as a trustee. Mayor Hipp said beyond that he hopes that all who are interested in that will be able to get together between then and next week to get it fixed so that they could have a Multicultural Festival that everyone is happy with and all could enjoy it.

Councilman DeSalvo said it is true that he was appointed to the RDP one night before a meeting to which he couldn't attend that meeting and then they had a budget meeting the following month, so last Thursday was the first time. He said it was

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recommended to him that the street is not to be closed for the Festival, nothing against the Festival as he is more than happy to work with the RDP and the Festival within the next few days, whatever they needed to do to bring it back to the Council next week so that everyone is happy and it is a successful event. Councilman DeSalvo said he cares very much for the town and he wants everything to happen so it is successful and he'll reach out the following morning to get it straighten out; he was sorry it had to go down like that.

Councilwoman Inguanti stated there was no chase, she apologized but there was no chase and she will go to Mr. DiNoto's house and show him the picture and he will see there was no way to predict the construction.

Councilman DeSalvo said being in the construction business he understands Mr. DiNoto's concerns, he too was very concerned because he is not one for change orders also and he looked into and read through it and saw the situation which was a very unique situation where the drain pipe was actually bricked around so there was no way to get into that but he does know that concern.

Councilwoman Keyes said to Mr. DiNoto they didn't actually have a work-session that night so that is why there was a lot more discussion on the dais that night, they were in closed session for over an hour so that is why they had to do their regular business out there.

Councilwoman Birdsall said as she just reviewed some of the materials in regards to the Multicultural Festival, she thinks they just need some clarification and maybe there are issues they need to talk about. She said in one document it mentions closing Park Avenue from Village Gourmet to Chase Bank; the drawing seems to encompass more than that so she asked for clarification there. Councilwoman Birdsall said it appears in the minutes that were provided that there were discussions through the Police and that so if they are on board with it she doesn't have a problem she just wanted clarification on where the vendors will be and where the streets will be closed.

Councilwoman Inguanti said to the Multicultural Festival to a degree she feels she needed to defend the governing body, they have a lot of meetings with a lot of work to do and they can not be expected to know everything, it is just not fair. She said they approved the Festival months ago and there was a discussion on whether they could commit a future Council to approve the date but they did approve. Councilwoman Inguanti said the decision to close the street and turn it into a sidewalk festival seems to have happened fairly recently within the last couple of months; the comparison to the Labor Day Street Fair prove her point, the planning for the Labor Street Fair is going on now, months in advance and it is an obligation of any organization if they want to close the street they had to go to the Council and get permission to do that from the Council. She said they can't expect them to get it through different channels, she just felt it was unfair to expect them to know something that they can't know because there was no Council Liaison present at the meeting because one had not been appointed. Councilwoman Inguanti said she also thinks that the comparison to the Labor Day Street Fair which has been going on

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for 30 years, it is very well publicized and well known; she attended the Multicultural Festival the past two years for several hours and there were a lot of people but not more than a couple of hundred through the course of the day so while she was hopeful that more people will attend and maybe because of the Regatta at the river there will be more, she was very concerned about closing down the street as Dr. Bryant mentioned for 10 hours. She said the Labor Day Street Fair she thinks they end about 4:00-5:00 so she thinks that if there was a way to open it up so the sit down restaurants can be open with parking she thinks that might be helpful. Councilwoman Inguanti said everyone is trying their best and volunteers and people trying to do good for their business she absolutely applauds and respects that but they need to work together as a team and it's not really fair to change the horses in midstream and wonder why we fell off. She said the Council didn't know the street was going to be closed until last week.

Mayor Hipp said he did receive the letter just then and it was dated that day, April 28 so he didn't have a chance to read it but he would.

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Councilwoman Keyes moved to adjourn at 11:55 p.m., seconded by Councilman Inguanti and unanimously approved on roll call.

Borough Clerk