

**MINUTES OF A REGULAR MEETING OF THE  
MAYOR & COUNCIL  
HELD TUESDAY, MAY 26, 2009**

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The meeting was called to order by Mayor Hipp at 8:20 p.m. with the following Councilmembers present:

Councilwoman Keyes  
Councilman Genovesi  
Councilwoman Inguanti  
Councilman Sasso  
Councilwoman Birdsall  
Councilman DeSalvo

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

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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:

- **Firefighter Michael Cassidy** – appointed member of Fire Company No. 3

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**(7:35 pm)**

Councilwoman Keyes moved the following resolution for a closed session, seconded by Councilman DeSalvo and unanimously approved on roll call:

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

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**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, May 26, 2009 at 7:35p.m. in the Committee of the Whole Room to discuss the following matter:

- Litigation – tax appeal settlement
- Library salary ordinance

There being no further closed session discussion, Councilman DeSalvo moved to open session at 8:10 pm, seconded by Councilwoman Birdsall and unanimously approved on roll call.

Mayor Hipp opened the hearing of citizens.

Joe Pantoliano, 311 Feronia Way said there was a piece of property owned by the city and there was a large tree that in August of the past year a part of it came down and he is living with a rotten mess of garbage, mosquitoes and rodents for eight months and he was waiting for them to do something about it. Mr. Pantoliano said he didn't know if Mr. Smith was aware of it and asked if he had correspondence with Rich Mackowitz from Hoboken. Mr. Smith Borough Attorney responded no. He then said that Lane Biviano was handling it and assured him in November that before the holidays it would be resolved and now it is long after the holidays and his family has a right to live without fear of a tree coming down on them. Mr. Smith apologized and stated that he did receive a letter from an attorney talking about a tree that was endangering people, he didn't recognize the name. Mr. Pantoliano said if it was in someone else's yard it would have been taken care of already. Mr. Smith said that the attorney didn't mention anything about mosquitoes and rodents he just made it sound like a tree was going to fall over. Mr. Pantoliano said on the weekend he tried to sit in his backyard but he had to leave because of the mosquitoes, he killed 23 mice. Mr. Pantoliano said the city left the rotten mess sitting for months not to mention the tree could come down at any time.

Councilwoman Inguanti said it was her understanding that it was an area of land adjacent to his property that was owned by the town. Mr. Pantoliano said he knows the town is hurting for money if they can't take it down to protect him, deed it to him and he will protect himself but please do something. Councilwoman Inguanti asked if it would be appropriate to direct to the tax counsel. Mayor Hipp said prior to them coming on board the tax assessor did prepare a list of properties owned by the Borough and also whose ownership is unknown and he had to confess he didn't have details of that particular situation. Mr. Pantoliano said he did send the Mayor a letter last August. Mayor Hipp said the property which was in question is what he meant as he didn't know if it was owned by the Borough or if it was part of the unknown. Mr. Pantoliano said he was told it was owned by the Borough. Mayor Hipp said that is where they had left it off but in terms of removal of the tree he didn't imagine there would be a difficulty in having DPW take a look at it. Mr. Pantoliano said the problem was that DPW wanted him to give a hold harmless and he told them he wanted a certificate of insurance from them, he wasn't going to give them a hold harmless. Mayor Hipp said he would have the Borough Attorney look into it

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and get back to him in five days. Mr. Pantoliano thanked him. The Borough Attorney suggested that the DPW report to the Administrator regarding the status of the tree and the property.

Odalys Lescano, 25 Monona Avenue stated she was a resident of Rutherford for over 23 years and a member of the Multicultural Committee for seven years; when she and her husband decided to purchase their home they researched the community, the life style along with the school systems and after much research they settled in Rutherford. Ms. Lescano said they choose Rutherford for the diversity of the Borough and now she like some of the other members of the committee are upset because some of them went together when Martha Lozada placed a little ad in the Bergenite asking for volunteers. She said she was looking to put a group of people that would help the community show the equality of the human race in a celebration and all the groups became one with all the help and guidance of their elected officials, they started with a gathering of a few hundreds now to thousands like the past event which she was very proud of. Ms. Lescano said herself, Barbara, Bea, Louis, Roger incorporated their families as part of the volunteer team. The festival is not about the politics of the town it is to remind all of them not to judge people, it is a celebration of all diverse cultures in the community and not to forget that. She asked them for their continued support like the administration before them had in previous years; it had been said that some of them get involved because of personal gains. Ms. Lescano said in the past the committee paid performers, donated food, certificates and more all out of their pockets with nothing in return, she personally gets involved because she sees what her little girls sees and she wants everyone else to see a community that works together no matter what the color of their skin. She said there is no personal gain, they work in their town, have businesses in town, they are the community, it is not the era where volunteer work is for people who have nothing to do as they see, everyone has jobs, responsibilities but they take the time and get involved and as the festival grows they will need more help from town officials. Ms. Lescano said the town closes the streets for block parties all time as she lives on Monona and they have the biggest block party and she loves it, the Taste of Rutherford, Dining Under the Stars, Park Avenue will be closed, if anything that kind of publicity to the town should be encouraged, she thinks the Downtown Partnership should be encouraging the members to become volunteers and help out. Ms. Lescano said there were mishaps during the setup but remember they are a committee of ten people putting the festival together and as they grow they will have problems and solutions as they had a moving forward they will need the help of the elected officials to overcome those challenges.

Mayor Hipp said he does agree that the Multicultural Festival is an invaluable event for the town and he will continue to support it during his administration; they do have to work some logistical problems but overall he felt it was a success and the formula that was adopted and applied should continue going forward and he supports it. The Mayor said he hoped a few lessons were learned for example don't put a vendor selling dried flowers in front of a floral shop because it is not like a block party closing a street, they are closing the downtown business district for a day and they will work it all out and get it done but overall it was a great success. Mayor Hipp said as it continues to grow it will become a very success spring event for the Borough and the downtown overall.

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Councilwoman Birdsall said it was fantastic event as she was there with her family and with some tweaks it could be even better and she thinks that moving forward a job for the governing body is to relook at the ordinance for street closures and perhaps provide better guidance to organizations to avoid miscommunication. She said kudos to the committee as it was very well done and the weather cooperated and she looks forward to a more successful one next year.

Councilwoman Inguanti said any concerns she registered at the work-session she wanted to explain that her objections were never to the Festival, it was to the timing of the way the Council found out about the street closures and her concerns that some of the glitches that happened could have been avoided if there were more communication earlier. She said her recommendation in general for the Council for those types of Festivals is to consider doing them on Sundays as they could get an exemption to the Blue Laws for a certain number of Festivals in a community and that might avoid some problems in the future in terms of store owners feeling like they are losing a day of business when in essence they might be gaining. Councilwoman Inguanti said her only other concern was that she read the grant agreement they had with the County and there is language in that indicates that no member of the organization whether a volunteer or someone being paid should get a benefit from it and in terms of advertising it has to be clearly separated. She never voiced it publicly before then but she did have some concerns that when they have people on the committee who are store owners and there is advertising that links it to a sidewalk sale, it is just a point of concern because she wouldn't want them to lose the grant if it was misinterpreted or misunderstood down the road.

Councilwoman Inguanti said she didn't think any line was crossed but people are very diligent about that if there is grant money, especially if it is direct from the taxpayers there is sometimes a concern about that. She said the language the way she understood it pertains to the advertising and again she enjoyed the Festival.

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

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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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Under the Consent Agenda, Councilwoman Keyes moved approval of the Special Meeting Minutes for February 27, 2009, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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**5/19**

Under the Consent Agenda, Councilwoman Birdsall moved the following Resolution, seconded by Councilwoman Keyes with all members present voting aye:

**RESOLVED:** That bills in the amount of \$1,267,619.89 from the Current Account and \$3,910.00 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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Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilwoman Birdsall and unanimously approved on roll call:

**RESOLVED:** That bills in the amount of \$2,999,318.70 from the Current Account and, \$219.90 from the Multicultural Account and \$10,000 from the Business Improvement District, 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 Keyes made a motion to move the following Resolution, seconded by Councilman Sasso.

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

In the amount of \$60.00 payable to Michael Inguanti for service as a softball umpire.

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

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For, **FINANCE**, Councilwoman Inguanti reported as residents know financially the Borough is in a difficult situation as well as the rest of the world economics; she said in looking at the budget and past budgets was that Rutherford had been living beyond its means for a few years and it wasn't so apparent when there was substantial amounts of extraordinary aid coming and with the Encap fees. She said now those monies are either non-existent in that case of tax dollars from Encap and the aid from the State is significantly decreased overall even though they are obligated to provide municipal aid they have cut that again. Councilwoman Inguanti said they hit a brick wall and what was

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being require of the Council is unfair and what is being asked of the employees and to say it is unfair is an enormous understatement; to say what is being required of taxpayers is unfair an enormous understatement they are being asked to do more for what will probably be less service and she doesn't see a quick and easy way out to save a significant improvement in the economy. She said the Borough employees are being hit in two ways, their taxes go up and the possibility of their wages being decreased, there is nothing particularly good to report currently and it is an extremely difficult time and as the CFO said he has never seen it that bad and she thinks that with the seven elected they were put there for a reason and she was trying to discern what that reason was because she felt very ill-equipped to do the things that needed to be done and she certainly doesn't look forward to any of them. Councilwoman Inguanti asked for everyone's patience and understanding that the things they had to do are not necessarily what they chose but what they are required to do.

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Mayor Hipp opened to the public the 2009 introduced municipal budget for their comments. As no one wished to speak, Mayor Hipp closed the public hearing.

Councilwoman Inguanti asked if she could discuss publicly the recommendation that was mentioned in closed. Mayor Hipp said if she wanted to discuss that as part of her report she could. Councilwoman Inguanti re-opened her report and recommended that the Council consider returning the library budget to the statutory requirement for the purpose of the budget. Mayor Hipp asked her to elaborate on that. Councilwoman Inguanti said they are obligated to give a certain amount based on the assessed value and in the introduced budget they allowed for significantly more to be given to the library and given the situation of the Borough she can't consent to giving the library more than that is required by statute and that was a formula she had discussed in closed. She said it is one third of the overall assessed value of the Borough and they gave more than that it is the difference about \$69,000 and obviously she has tremendous respect for the library, she wished it could be different but given the constraints on the budget and the lack of substantial assurances from the State that things are going to be different when they adopt in August.

Mayor Hipp explained to the Council in order for that to be done they will make an application to amend the budget and if there were any questions from the Council they could direct them to the CFO but it was his understanding they didn't want to amend the budget that night they just wanted to alert the Council. The Mayor asked the CFO to explain the process of the amendment to the Council so they could be prepared to address it at the appropriate time.

The CFO said they are suppose to give 1/3 of million of the average of the last three years assessed valuation which is \$982,000 and whereas they appropriated the sum of \$1,051,000 in the 2009 that means that there is an excess of \$69,000 which could be reduced by the governing body if it so desired. He said between then and sometime in August if the Mayor and Council wanted the \$69,000 it will be reduced in the final budget

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as adopted and he made a note in that of that for the budget. The CFO said as for the amendment when they get ready to adopt, they will have a resolution amending the 2009 introduced budget and in that resolution they will designate specifically what items are being changed from and to and the library will be among those series of changes. Mayor Hipp said if the Council so chooses to amend the budget to reduce the library proposed budget by \$69,000 he asked the Council to act expeditiously so that they do not find themselves in August amending the budget with five months left to go and the library having to basically save \$69,000 out of its operating expenses so he suggested to Councilwoman Inguanti if at the next meeting she wished to pursue it if she should ask the Council to adopt a resolution amending the budget with respect to the library line item.

Councilwoman Keyes asked about the process they had been going through with some of the assumptions they made early on, she wanted to know where they stood on the subject of furloughs, that was one of the easier items that they thought they could address and she hadn't had any update on that. Mayor Hipp said that would be on the Administrator's report. The Administrator stated they were in the process of putting together that plan and it would be done within the next week and he would give them an update in closed session that evening.

Councilwoman Keyes asked if his report would speak to their recent meeting with the Dept. Heads on the budget issues. The Administrator responded that he would not be able to do that as he was meeting with them the next day, he had each one coming in on half hour intervals between and 10:00 and 4:30.

Councilwoman Birdsall asked if since they were discussing the budget would it then be an appropriate time to ask the Borough Administrator further questions. Mayor Hipp said they're not discussing the budget; as part of Councilwoman Inguanti's report she brought to the public a discussion concerning the library as part of her report but they weren't really discussing the budget, the public hearing of course is for public comment at that time and they don't have on the agenda an extended Council discussion on the budget that night and they had a lot of items they had to move through so if she had a technical question that was one thing but as the Administrator had just said that one of the items in closed session that night was the discussion of his reports.

The Mayor asked that those comments or questions be addressed at that time which he believed is the most appropriate time to do so. Councilwoman Birdsall said as she looked at her agenda she didn't believe that was one of the items noted for closed session, she believed that the Administrator's report was to be under open session. Mayor Hipp said it was an added agenda item. Councilwoman Birdsall responded no. The Borough Clerk said they added a personnel issue. Councilwoman Keyes asked if that was a budget issue. Mayor Hipp said he believed the answer to that was yes. Councilwoman Birdsall asked if it was the report they requested last week at the work-session that it be completed and reported back to the Council. Mayor Hipp said what was requested the last week was communication on the plan and the answer is yes. Councilwoman Birdsall said but the closed session item is personnel issue so she didn't know if that encompasses what needed to be discussed. Mayor Hipp said the difficulty with that is that the personnel issues obviously goes with the budget unless there was something specific outside of it and

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as of then there was not so it is going to be tied up with the budget issue and any questions or comments related to that closed session issue are obviously going to relate to the budget and how it impacts on the budget so he didn't know how to respond other than that at the time. Councilwoman Birdsall stated that she didn't think that would be obvious especially for members of the public if he is saying personnel issue, she didn't think it would be obvious that it would be in relation to the budget, the questions she had for the Administrator were not specific in detail that would need to be discussed in a closed session and she knows that is definitely one of the issues that they want to make sure they have open public discussions. Mayor Hipp said that would be fine but the problem is that if she wanted to put it under a new item that is fine and she has the ability to do that but what she can't do at a regular meeting is bring up for the first time issues which are not related to the agenda. Councilwoman Birdsall said she was assuming that was covered under the Administrator's monthly report as they are in the state of budget discussions and as Councilwoman Inguanti had mentioned she would think the Administrator, within his report, would provide them information as to the status of his plan, his outcomes, his directives. She said she did have questions lined up to discuss in the open session under the Administrator's report, she asked if she was able to ask those questions. Mayor Hipp said they will see what the Administrator's report was since they will be getting into that next. Councilwoman Birdsall responded that the Mayor said previously that was in closed session. Mayor Hipp said he did have an open report but his understanding of her comments and his understanding may be wrong was that they will be directed at the closed session portion but why don't they hear the Administrator's report to the extent that he goes on and if there were questions about that in open, she could ask, if there came a moment where she believed that something in his report should be held in public then they could handle it at that point. The Mayor said they had to move on at that point and continue with the Finance Committee Report and he asked Councilwoman Inguanti to continue.

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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** a duplicate payment for 2<sup>nd</sup> quarter, 2009 property taxes was received from the homeowner and his mortgage company for the following parcel in the Borough of Rutherford and;

**WHEREAS** the homeowner has requested a refund of his payment;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$2095.00 00 as follows:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
207	1	Massimo Sartori 76 Yahara Avenue	\$2095.00

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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 has received a duplicate payment of 2<sup>nd</sup> quarter 2009 taxes from a mortgage company and a title agency on the following property and;

**WHEREAS** a request has been received from the Stewart Title Agency for a refund of same;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$2026.00 and charge same to 2009 taxes.

<b>BLOCK</b>	<b>LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
171	34	Stewart Title Agency Re: Kenyon, John & Jeanne 42 Hawthorne Street	\$2026.00

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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** a duplicate payment for 2<sup>nd</sup> quarter, 2009 property taxes was received from the homeowner's prior mortgage company and his attorney for a refinancing, on the following parcel in the Borough of Rutherford and;

**WHEREAS** the homeowner has requested a refund of his payment;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$2475.00 00 as follows:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
28	6.01	Frank J. & Maryann Herrmann 80 West Pierrepont Avenue	\$2475.00

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

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**WHEREAS**, the Borough of Rutherford ("Borough") is a municipal corporation of the State of New Jersey, County of Bergen and is the taxing authority on real estate within the Borough's jurisdiction;

**WHEREAS**, 75 Orient Way, LLC ("Owner") is the owner of Block No.: 155 Lot Nos.: 3-60 ("Property") and has filed a Tax Appeal against the Borough of years: 2006, 2007, 2008 and 2009;

**WHEREAS**, the Property was assess at \$4,237,400 for each of the tax years (2006, 2007, 2008 and 2009) in question;

**WHEREAS**, the Borough and the Owner have concluded negotiations and have agreed to resolve the tax obligations of the Owner to the Borough for each of the periods under appeal;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rutherford hereby adopt the following tax assessment adjustments relative to the Property:

For 2006, from \$4,237,400	to	\$4,000,000;
For 2007, from \$4,237,400	to	\$4,000,000;
For 2008, from \$4,237,400	to	\$3,900,000; and
For 2009, from \$4,237,400	to	\$3,800,000.

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

**WHEREAS**, municipal tax assessment appeals were taken by C R HOLDING CO LLC for the tax year(s) as noted below; and

**WHEREAS**, the Tax Assessor and the Special Tax Appeal Counsel are recommending the Mayor & Council approve the proposed settlements.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Rutherford approves a reduction in the assessments of the above properties as follows:

A.

**C R HOLDING CO LLC, taxpayer**

**Docket No. 004564-2006**

**TAX YEAR 2006**

**16 Park Avenue**

**Block 76 Lot 14**

Original Assessment

Recommended Assessment

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Land	\$423,200	
Improvement	<u>\$780,400</u>	<u>WITHDRAWN</u>
Total	\$1,203,600	

**Docket Nos. 003377-2007; 003566-2008**  
**TAX YEAR 2008**  
**16 Park Avenue**  
**Block 76 Lot 14**

	<u>Original Assessment</u>	<u>Recommended Assessment</u>
Land	\$423,200	
Improvement	<u>\$780,400</u>	<u>WITHDRAWN</u>
Total	\$1,203,600	

**Docket No. 003377-2007; 003566-2008**  
**TAX YEAR 2008**  
**16 Park Avenue**  
**Block 76 Lot 14**

	<u>Original Assessment</u>	<u>Recommended Assessment</u>
Land	\$423,200	\$423,600
Improvement	<u>\$780,400</u>	<u>\$576,800</u>
Total	\$1,203,600	\$1,000,000

B. The resulting refund shall be without interest.

C. A credit or partial credit may be applied to the current or future tax payments in question.

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

**WHEREAS**, municipal tax assessment appeals were taken by C R HOLDING CO LLC for the tax year(s) as noted below; and

**WHEREAS**, the Tax Assessor and the Special Tax Appeal Counsel are recommending the Mayor & Council approve the proposed settlements.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Rutherford approves a reduction in the assessments of the above properties as follows:

**Docket No. 003377-2007; 003566-2008**  
**TAX YEAR 2007**  
**10 Ames Avenue**  
**Block 76 Lot 12.03**

	<u>Original Assessment</u>	<u>Recommended Assessment</u>
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Land	\$245,800	
Improvement	<u>\$ 12,000</u>	<u>WITHDRAWN</u>
Total	\$257,800	

**Docket No. 003377-2007; 003566-2008**

**TAX YEAR 2008**

**10 Ames Avenue**

**Block 76 Lot 12.03**

	<u>Original Assessment</u>	<u>Recommended Assessment</u>
Land	\$245,800	
Improvement	<u>\$ 12,000</u>	<u>WITHDRAWN</u>
Total	\$257,800	

B. The resulting refund shall be without interest.

C. A credit or partial credit may be applied to the current or future tax payments in question.

\*

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

**WHEREAS**, municipal tax assessment appeals were taken by PRIME INVESTMENT PROP LTD. for the tax year(s) as noted below; and

**WHEREAS**, the Tax Assessor and the Special Tax Appeal Counsel are recommending the Mayor & Council approve the proposed settlements.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Rutherford approves a reduction in the assessments of the above properties as follows:

A. **PRIME INVESTMENT PROP LTD., taxpayer**

**Docket Nos.004549-2006; 003253-2007; 003230-2008**

**TAX YEAR 2006,2007**

**47 Orient Way**

**Block 155 Lot 11**

	<u>Original Assessment</u>	<u>Recommended Assessment</u>
Land	\$ 829,900	
Improvement	<u>\$1,618,900</u>	<u>WITHDRAWN</u>
Total	\$2,448,800	

**TAX YEAR 2008**

**47 Orient Way**

**Block 155 Lot 11**

	<u>Original Assessment</u>	<u>Recommended Assessment</u>
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Land	\$ 829,900	\$ 829,900
Improvement	<u>\$1,618,900</u>	<u>\$1,320,100</u>
Total	\$2,448,800	\$2,150,000

B. The resulting refund shall be without interest.

C. A credit or partial credit may be applied to the current or future tax payments in question.

\*

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

**WHEREAS**, municipal tax assessment appeals were taken by PRIME INVESTMENT PROP LTD. for the tax year(s) as noted below; and

**WHEREAS**, the Tax Assessor and the Special Tax Appeal Counsel are recommending the Mayor & Council approve the proposed settlements.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Rutherford approves a reduction in the assessments of the above properties as follows:

A. **PRIME INVESTMENT PROP LTD., taxpayer**

**Docket Nos.004549-2006; 003253-2007; 003230-2008**

**TAX YEAR 2006,2007**

**41 Orient Way**

**Block 155 Lot 12**

	<u>Original Assessment</u>	<u>Recommended Assessment</u>
Land	\$ 427,600	
Improvement	<u>\$ 28,000</u>	<u>WITHDRAWN</u>
Total	\$ 455,600	

**TAX YEAR 2008**

**47 Orient Way**

**Block 155 Lot 12**

	<u>Original Assessment</u>	<u>Recommended Assessment</u>
Land	\$ 427,600	
Improvement	<u>\$ 28,000</u>	<u>WITHDRAWN</u>
Total	\$ 455,600	

B. The resulting refund shall be without interest.

C. A credit or partial credit may be applied to the current or future tax payments in question.

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

**WHEREAS**, municipal tax assessment appeals were taken by MICHAEL McHALE for the tax year(s) 2008; and

**WHEREAS**, the Tax Assessor and the Special Tax Appeal Counsel are recommending the Mayor & Council approve the proposed settlements.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Rutherford approves a reduction in the assessments of the above properties as follows:

A.

**MICHAEL McHALE, taxpayer**  
**Docket No. 010849-2008**  
**TAX YEAR 2008**  
**321 Ridge Road**  
**Block 120 Lot 1**

	<u>Original Assessment</u>	<u>County Judgment</u>	<u>Recommended Assessment</u>
Land	\$244,800	\$244,800	\$244,800
Improvement	<u>\$209,500</u>	<u>\$209,500</u>	<u>\$189,800</u>
Total	\$454,300	\$454,300	\$434,600

B. The resulting refund shall be without interest.

C. A credit or partial credit may be applied to the current or future tax payments in question.

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

**WHEREAS**, municipal tax assessment appeals were taken by SARA BADUSHOV for the tax year(s) 2007 & 2008; and

**WHEREAS**, the Tax Assessor and the Special Tax Appeal Counsel are recommending the Mayor & Council approve the proposed settlements.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Borough of Rutherford approves a reduction in the assessments of the above properties as follows:

A.

**SARA BADUSHOV, taxpayer**  
**361 Carmita Avenue**  
**Block 15 Lot 2 (tax year 2008)**

	<u>Original Assessment</u>	<u>Recommended Assessment</u>
Land	\$270,800	\$270,800

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Improvement	<u>\$394,500</u>	<u>\$342,000</u>
Total	\$665,300	\$612,800

B. The resulting refund shall be without interest.

C. A credit or partial credit may be applied to the current or future tax payments in question.

\*

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

**WHEREAS**, the Borough of Rutherford desires to retain the services of Bond Counsel under a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Mayor and Council of the Borough of Rutherford have determined that the value of the contract may exceed \$17,500.00; and

**WHEREAS**, the anticipated term of this contract is one year; and

**WHEREAS**, Wolff & Samson, PC of West Orange, New Jersey has submitted the attached proposal for legal services as Bond Counsel; and

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

**WHEREAS**, Wolff & Samson, PC of West Orange, New Jersey has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Rutherford in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rutherford authorizes the Mayor to enter into a contract with **Wolff & Samson, PC** of West Orange, New Jersey as described herein; and

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

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

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Councilwoman Inguanti moved the following Resolution, seconded by Councilman DeSalvo with all members present voting aye except Councilwoman Keyes who voted nay:

WHEREAS, there exists within the Borough of Rutherford (Borough) a need for legal counsel with knowledge related to municipal tax appeals; and

WHEREAS, the Borough publicized by way of Request for Qualification (RFQ) for special tax appeal counsel for the tax year 2009 municipal tax appeals.

WHEREAS, the Borough has had the opportunity to review the submitted RFQ and vote on its choice at a public meeting,

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

1. Kenneth A. Porro, Esq. of the firm of Wells, Jaworski & Liebman, LLP, 12 Route 17 North, Paramus, New Jersey is hereby appointed Special Tax Appeal Counsel to perform the necessary legal services in connection with the Borough of Rutherford 2009 municipal tax appeals.
2. Kenneth A. Porro, Esq. of the firm of Wells, Jaworski & Liebman, LLP shall be paid for such services as follows: **handling of all residential and commercial 2009 Tax Appeals including complex matters for a set annual fee of \$55,000 plus disbursement**, including County Tax Board and Superior Court matters. This service however, does not include Bankruptcy filings or Appellate Court representation.
3. Such appointment shall be formalized through the preparation and execution by the Borough and Kenneth A. Porro, Esq. of the firm of Wells, Jaworski & Liebman, LLP of a professional services contract.
4. Conflict of Interest – Counsel represents that he is not aware of any apparent conflicts of interest in providing the special tax appeal legal services referenced herein. In case of conflict of interest, however the Borough of Rutherford Borough attorney shall handle those conflict tax appeal cases.
5. A copy of this resolution shall be published in the official newspaper of the Borough of Rutherford within ten (10) days, according to law.

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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 following Borough of Rutherford checks are between one and two years old and have not been cashed, and

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**WHEREAS**, it serves no useful purpose to keep these checks open on the books of the Borough Chief Financial Officer, and

**WHEREAS**, good financial management dictates that old stale dated checks be appropriately cancelled,

**NOW THEREFORE BE IT RESOLVED**, that the following checks be voided with stop payments, with an offsetting credit in the General Ledger to Miscellaneous Unanticipated Revenue:

CHECK NUMBER	AMOUNT	CHECK NUMBER	AMOUNT
157734	612.80	30918	504.98
159746	97.46	31217	2289.00
159753	391.40	31301	431.37
159972	90.43	31531	40.00
160226	97.46	31919	380.00
161060	1134.13	32416	15.00
161538	253.18	33244	200.00
161580	96.82	33340	62.44
162200	99.32	33347	3901.73
162766	182.28	33831	100.00
162764	600.01	31914	49.50
		33993	25.00
		34023	25.00
		34405	20.00
		30700	100.00
TOTALS	3,655.29		8,044.02

\*

Councilwoman Inguanti made a motion to approve authorizing Rutherford to join with the Bond sale with Bergen County Improvement Authority, seconded by Councilwoman Birdsall.

Councilwoman Keyes asked the CFO if they had a definitive number on the cost associated with the sale. The CFO responded not yet. Councilwoman Keyes asked if there was a ball park idea of how much it was going to cost them. The CFO said from what he understood from Bond Counsel what they stand to save is conservatively estimated at \$400,000 so whatever the expenses are going to be they are going to be much less than that \$400,000 but nevertheless it does behoove them to know what the expenses are and he will know that shortly and have a report for them.

The Borough Clerk read the roll call: unanimously approved.

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### **BOROUGH ADMINISTRATOR'S REPORT**

Borough Administrator Leslie Shenkler stated that the majority of his report was going to be in closed session however he had gone through the assumptions that the Council adopted when they introduced the budget for 2009 in March. With respect to Police salaries and wages they were currently under arbitration and they didn't have results of that issue. Mr. Shenkler said with respect to one of the unions, they would not accept the assumption that they made so that will be up to the Council in closed session to discuss their next move. He said the assumption for the furlough will be made as part of their package to the State under the civil service guidelines the furlough will stand to save approximately \$400,000 and about \$15,000 in social security and medi-care cost and that assumption was still valid and the fifth assumption was not to include Encap for the years 2007, 2008 while doing their budget with respect to the taxes and that assumption may change as they were waiting for AIG and the Meadowlands to resolve, the assumption is still valid but could change. Mr. Shenkler said the sixth assumption was receipt of \$400,000 from the NJMC which is still valid, assumption to lease or sell the assignment of one cell tower for \$276,400 was not valid, it was vetoed by the Council in April. He said the assumption of efficiencies and cost reductions across staff in the Borough of \$161,000 towards the budget was still valid and the assumption for give backs on health insurance from all four Borough unions is not valid, the union had refused those give backs and the assumption for pension deferrals was valid, the Borough will pay half the pension cost in the current year's budget and spread out the remaining half over the next 15 years at whatever the going rate for borrowing money is. Mr. Shenkler said the rest of his report would be handled in closed session.

Councilwoman Keyes said that Mr. Shenkler mentioned the furloughs and he said something about making the plan to the State, she asked if he had made the case to the employees about the furloughs and what response did he receive from them? Mr. Shenkler said he had not spoken with all the employees, he was going to speak with union chairs the next day and he will speak to them with respect to the give backs and furlough. He said he needed confirmation from the Council before he did that and he was going to raise that in closed session. Councilwoman Keyes noted that he had already talked to the unions in March about that. Mr. Shenkler said their response at that time was negative. Councilwoman Keyes said the other question she had was about the insurance, AETNA versus what they currently had and she never heard anything back about anyone going to United Health Care to see if they would work out any other arrangement with them instead of moving to another carrier. Mr. Shenkler said he spoke with BMED who is actually their insurance carrier and their actuary told them that they did try to get a better price but they weren't going to go back a second time and that it would take them a month to make that switch over and they only do it on the first of the month so with Council's approval they will start on June 1<sup>st</sup> and that will go into effect on July 1<sup>st</sup>. Councilwoman Keyes stated she was confused about what would go into effect; she hadn't seen any side by side on AETNA versus United Health Care but she didn't know if the rest of the Council had. Mr. Shenkler said those numbers were made available during the introduction to the

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budget. Councilwoman Keyes asked if the rest of the Council saw that. Mayor Hipp said that the budget that the Council introduced included the savings of \$187,000 and Mr. Covelli was present at one of the meetings to discuss it so he didn't know in terms of a side by side comparison if she was talking about a spreadsheet, he agrees as he didn't see that but he also didn't recall that a spreadsheet was requested by members of the Council at the time of the budget introduction. The Mayor said it was an assumption that the Council made in its introduced budget, the number if it goes into effect July 1<sup>st</sup> is no longer \$100,000 it was down to \$88,000 assuming it take effect July 1<sup>st</sup> and if it doesn't take effect July 1<sup>st</sup> it will be less of a reduction in potential savings and the budget would have to be amended to reflect that loss of savings. Councilwoman Keyes said she wasn't really talking about the assumption of approximately \$187,000, they as a Council asked the Administrator to go back and get a side by side comparison of the insurance that would be provided to the employees for AETNA versus United Health Care and that is what they were waiting for. Mayor Hipp said he apologized as he missed one meeting because of a personal tragedy but he did not recall seeing a Council resolution to that effect and if that was there he would like to see it. The Administrator said he had those downstairs and he would make copies and fax them to her the following day and plus he would give them to the union heads when he meets with them. Councilwoman Keyes responded that was what they had been asking for.

Councilwoman Birdsall asked the Borough Attorney if the Council needed to make requests of the Borough Administrator formally through a resolution. The Borough Attorney asked for what? Councilwoman Birdsall responded that Councilwoman Keyes was asking for the side by side comparison and the Mayor mentioned that perhaps it was not done by resolution and for her knowledge and for the record she was wondering if the Council needed to make requests to the Administrator through a resolution. The Attorney said normally it didn't have to be done by resolution as long as it was clear at the meeting what the Council wanted from the Administrator. Councilwoman Birdsall thanked him and then asked the Administrator if he met with all the dept. heads since March? The Administrator said not all of them but he had met with the union chairs eight times and he met with employees on health benefits at four different meetings as the entire Borough was invited to participate in those discussions and he will meet with each dept. head the next day. Councilwoman Birdsall asked if that was the schedule for the meetings with all the dept. heads, after the next day he would have met with each one of them; she confirmed that after tomorrow he will have met with each of the dept. heads. The Administrator stated that was correct. Councilwoman Birdsall asked what was the outcome of the dept. heads that he had met with already in regards to money that could potentially be saved by the Borough, did he have a number. The Administrator stated that he couldn't give her that number at that time but he could give her that later on as it was dependent on various factors. Councilwoman Birdsall said after their work-session last week the Council asked that he provide a plan, did he then hold a meeting with dept. heads the next day? The Administrator said he did. Councilwoman Birdsall questioned if he had asked them to cut a certain percentage off of their budget and what percent was that? The Administrator stated that he asked them to look at their budgets and in order to make up for the difference in what they had and what they need to balance the budget the number was 13% of their operating salary and wage budget. Councilwoman Birdsall asked under whose authority or directive did he use that percentage? The Administrator stated it

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was under his authority. Councilwoman Birdsall asked if it was articulated to the dept. heads that it was under the directive of the Council. The Administrator responded no it was not. Councilwoman Birdsall asked what were his recommendations to the Council in regards to the budget as he said a lot of the assumptions were no longer valid, did he have ideas as to where the money could be obtained? The Administrator said he did and that would be done in closed session. Councilwoman Birdsall asked if he had to cut 10% the next day what would his recommendations be. The Administrator said he thought that was something he needed to discuss with the Council in closed session. Councilwoman Birdsall asked if there had been any direction provided to him in regards to the budget, with recommendations from any source other than the Council. The Administrator responded that was a difficult question to ask and to respond too, he was aware that the budget needs to be balanced and he was aware that it needed to be balanced by the end of the August and he was working toward that end. Councilwoman Birdsall asked if there were any recommendations or directives from the Mayor as far as the budget. The Administrator responded that he had conversations with several dept. heads and he will make those known in closed session. Councilwoman Birdsall said as far as a furlough plan, had he worked on a furlough proposal for the Council to consider. The Administrator responded that it would be discussed in closed session. Councilwoman Birdsall said he had mentioned it would be done within the next week, was that right? The Administrator responded that was correct. Councilwoman Birdsall asked if he had a timeframe for when those proposals would be starting or completing. The Administrator said it was intent, depending on the discussions with the Council, to have it done within the next two weeks. Councilwoman Birdsall asked if he would be presenting to the Council within the next two weeks. The Administrator responded yes. Councilwoman Birdsall said that would be the June meeting.

Councilman Genovesi called for a point of order as he wanted to question the legitimacy of the direction of that question; it was obvious that the Borough Administrator had said repeatedly that the information was going to be discussed in closed and the line of questioning seems almost prepared and he asked to move on. The Councilman said they were burning time and those matters were going to be discussed in closed as the Administrator continued to say.

Councilwoman Birdsall wished to respond.

Mayor Hipp stated she may not. Councilwoman Birdsall asked why she couldn't as she had the floor. Mayor Hipp said no she didn't; point of order and he asked to not interrupt and that wasn't appropriate. Councilwoman Birdsall asked why he continually tried to quiet her when she had questions regarding the budget. Mayor Hipp said point of order is a privileged motion so let him rule on it before she interferes. Councilwoman Birdsall said she was there to do a job and get budget information moving and as the public could see the debacle that they had become involved in as they were five months into the budget. Mayor Hipp stated she was then out of order. Councilwoman Birdsall said she was finished. Mayor Hipp said no she wasn't, Councilman Genovesi raised a point of order which as far as the Chair was concerned Councilwoman Birdsall notwithstanding her actions a second ago in his judge was in order because she was questioning the Administrator on his report and since the order of the day was the Administrator's report,

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Councilwoman Birdsall was acting in order and he would appreciate if Councilwoman Birdsall refrain from engaging in cross examination and attempting to do things which the Administrator had said repeatedly he wanted to have discussed in closed session which was appropriate. Mayor Hipp said however she did have the floor to do that so the matter is in order before the Council and Councilwoman Birdsall is free to make the inquiry and he ask Councilwoman Birdsall to please realize the time and to move on if she had any other questions if she wished to interrogate or in any way attempt to embarrass any member sitting up there that would be a different issue. The Mayor said he didn't believe she was doing that but he did believe her behavior with respect to interfering with rulings of the Chair was inappropriate and he asked her to please to continue with her questions but he cautioned her that she had five minutes, starting from about seven minutes ago in the bylaws. Councilwoman Birdsall thanked the Mayor and asked if they could make sure that five minute rule is also applied to the rest of the Council and as a matter of fact she was finished with her questions for Mr. Shenkler and she had one question remaining for the Borough Attorney. She said for information those questions are well within the right of a Council member to ask the Administrator, was that correct? The Borough Attorney responded they were as the Mayor agreed with her on that point.

The Administrator stated that concluded his report.

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For, **POLICE**, Councilman Genovesi reported that the hybrid vehicle for the police dept. had arrived and they anticipate the debut and service in full time patrol very shortly; the hybrid was obtained through the NJMC and they look forward to the fuel consumption savings. Councilman Genovesi said it was the intention to move towards the direction that the entire fleet was converted over in the next few years which is a necessary step as Councilwoman Inguanti was describing as they are facing very difficult times and any little bit saved is better in their pocket than in someone else. He said perhaps the Administrator could add more but the dept. recently had a visit from POSHA and he believed everything went well, the building was given its blessing. The Administrator stated that was correct.

Councilman Genovesi reported for the month of April; a total of \$47,901.72 was billed for outside detail year to date 3,746 calls for service were handled by the police dept.; a total of \$23,000 was billed for outside detail vehicle use; in the month of April there were 2 juvenile arrest; 29 adult arrest; 8 drug related arrests; 2 counts of major crime-arson; 5 DUI arrests; 59 burglar alarms; 6 counts of criminal mischief; ambulance dispatched 98 times; 3 reported missing person and located; 108 – 911 calls; total summonses issued parking 887 and moving 249.

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Under the Consent Agenda, Councilwoman Keyes move to approve the request for a block party on Saturday, June 6<sup>th</sup> (r/d June 7) at Elliott Place, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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**5/19**

Under the Consent Agenda, Councilwoman Birdsall move to approve the request for a block party on Sunday, May 24<sup>th</sup> (r/d May 25) at Montross Avenue, seconded by Councilwoman Keyes with all member present voting aye.

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Councilman Genovesi introduced a resolution opposing proposed diversions of funds from the EMT training fund which was something that Governor Corzine had intended to do and they could look at it as a manner in which he was trying to save money on the State level and redirect \$4,000,000 of money that was dedicated to emergency training. He said the resolution says that Rutherford as a Borough was opposed to that and they would support keeping the money that was dedicated to EMT right where it was as opposed to having the State divert it.

Councilman Genovesi made a motion to accept the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

**WHEREAS**, the Emergency Medical Technician ("EMT") Training Fund was created by New Jersey P.L. 1992, chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification; and

**WHEREAS**, the Fund has allowed thousands of Volunteer EMT's to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

**WHEREAS**, the EMT Training Fund is not supported through the use of any tax money, but rather is supported by a \$0.50 surcharge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey of motor vehicle or traffic violations and is currently running at approximately a \$1,000,000 deficit per year; and

**WHEREAS**, on April 23, 2009 the Department of Health and Senior Services Office of Emergency Medical Services (OEMS) informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$4,000,000 balance in the Fund; and

**WHEREAS**, a \$4,000,000 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMT's of this State and will result in severe cut-backs of state-paid EMT training of New Jersey's EMS Volunteer Community;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Rutherford formally opposes Governor Corzine's plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey's Volunteer EMS Community;

**BE IT FURTHER RESOLVED**, that the Borough of Rutherford opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which would shift the cost of Volunteer EMT Training to the Rutherford First Aid Ambulance Corps., the municipality and its residents, which during this time of economic hardship, when squads continue to see a decrease in donation, contributions, and a short fall in fund raising, is fundamentally unfair to those who already volunteer their time to attend training courses and answer emergency calls and to require them to pay for their own training, when they already provide so much to their community, and which will, further significantly impact the recruitment of new members as well as retention of existing members since many will not be able to pay for their training;

**BE IT FURTHER RESOLVED**, that the Governor and the Legislator of the State of New Jersey are requested not to remove any money from the EMT Training Fund and to return any money to the fund that has already been removed for purposes other than those specified in New Jersey P.L. 1992, chapter 143; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Governor Corzine, to our State Legislators and to the New Jersey League of Municipalities.

\*

**5/19**

Under the Consent Agenda, Councilwoman Birdsall move to approve the request to rededicate Sunset Memorial Park, Sunday, May 24<sup>th</sup> at 2:00 p.m. and to close Raymond Avenue for same, seconded by Councilwoman Keyes with all member present voting aye.

\*

Proposal for increase in parking meter fees held to June Meeting.

\*

Councilman Genovesi made a motion to accept a taxi cab application from Rutherford Taxi, seconded by Councilwoman Keyes and unanimously approved on roll call.

\*

As Liaison for the **Multicultural Festival**, Councilman Genovesi stated he was pleased to announce that the Festival was a great success and it shows that if people are dedicated to something they are able to accomplish. He said they Committee worked very

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hard and he thinks that each year the Festival will continue to grow and become better and they will use the experience they gained from this year to help next year.

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For, **PUBLIC WORKS**, Councilman DeSalvo stated that there will be a report prepared and on file with the Borough Clerk by the end of the week.

\*

**5/19**

Under the Consent Agenda, Councilwoman Birdsall move to approve the request for rack truck use in the Memorial Day Parade on May 25<sup>th</sup>, Councilwoman Keyes with all member present voting aye.

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Discussion of overnight truck program was held to the June meeting.

\*

Under the consent agenda, Councilwoman Keyes moved the following resolution, seconded by Councilwoman Birdsall and unanimously approved on roll call:

**WHEREAS**, East Passaic Avenue is a roadway that serves as an important connector between two county roads; and

**WHEREAS**, East Passaic Avenue between Meadow Road and Orient Way is in poor condition; and

**NOW, THEREFORE, BE TO RESOLVED**, that the Council of the Borough of Rutherford formally approves the grant application for the above stated project,

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Rutherford Borough-00157 to the New Jersey Department of Transportation on behalf of the Borough of Rutherford,

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Rutherford and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

\*

Councilman DeSalvo made a motion to approve the following Resolution regarding recycling tonnage grant application, seconded by Councilwoman Keyes and unanimously approved on roll call:

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**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipalities; and

**WHEREAS**, a resolution authorizing this municipality to apply for the 2009 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Rutherford that Rutherford hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Sharon DeVecchio to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

\*

Appointment of Class III Collection Systems Operator was held to the June meeting.

\*

Councilman DeSalvo made a motion to approve the following Resolution to enter into a traffic signal agreement with the NJDOT for Route 3 Westbound and Park Avenue, Marginal Rd. extension, seconded by Councilwoman Birdsall; unanimously approved on roll call:

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**WHEREAS**, a traffic condition exists at the intersection of Rt. 3 West Bound & Park Avenue/Marginal Road, in the Borough of Rutherford, in the County of Bergen, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; **and**

**WHEREAS**, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; **and**

**WHEREAS**, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; **and**

**WHEREAS**, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Clerk of the said Borough of Rutherford, be and are hereby authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof

**BE IT FURTHER RESOVLED**, that the Mayor and Clerk of the Borough of Rutherford, be and hereby are authorized to execute said Agreement.

\*

Councilman DeSalvo made a motion to approve the following Resolution to enter into a traffic signal agreement with the NJDOT for Route 3 Westbound and Ridge Rd, Marginal Rd. and Barrows Ave, seconded by Councilwoman Inguanti.

Councilwoman Birdsall asked if it was correct that the Borough was responsible for the electricity. Councilman DeSalvo responded that was correct. Councilwoman Birdsall asked if there was a way they could encourage it to be a solar traffic light. Councilman DeSalvo responded it would be installed and maintained by NJDOT, he wasn't sure if that was possible.

Councilwoman Inguanti said in her discussions with Chris Manz of DOT, one of the concerns of the traffic study that was done was if there was not a traffic light that traffic could potentially back up onto Rte. 3 that is why it was suggested the need for the traffic.

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

**WHEREAS**, a traffic condition exists at the intersection of Rt. 3 West Bound & Ridge Road/Marginal Road, in the Borough of Rutherford, in the County of Bergen, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; **and**

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**WHEREAS**, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; **and**

**WHEREAS**, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; **and**

**WHEREAS**, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Clerk of the said Borough of Rutherford, be and are hereby authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk of the Borough of Rutherford, be and hereby are authorized to execute said Agreement.

**I HEREBY CERTIFY** the foregoing to be a true copy of a resolution adopted by the Borough of Rutherford, at a regular meeting held on May 26, 2009.

\*

Councilman DeSalvo moved to accept the resignation of Glenn Steiger from employment with the Borough of Rutherford, seconded by Councilwoman Keyes. The Borough Clerk read roll call: Councilwoman Keyes, Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall and Councilman DeSalvo voted nay; Councilman Genovesi abstained.

\*

Under the Consent Agenda, Councilwoman Keyes moved to accept the request from Wallington to use the Borough's John Deere Front End Loader, seconded by Councilwoman Birdsall and unanimously approved on roll call.

\*

As Liaison to the **Downtown Partnership**, Councilman DeSalvo moved to accept the request for a street closure on Wednesday, June 24 for the Taste of Rutherford from 4:00-9:30 pm on Park Avenue, seconded by Councilwoman Inguanti.

Councilman Genovesi said that was where they need to be careful in the future as there was hesitancy for the Multicultural Festival to take place on Park Avenue as there was a great debate on dangers that were being imposed upon the local vendors and as he said then and now what is good for the goose is good for the gander. The Councilman said he personally didn't mind that the street was going to be closed for an event, he was waiting to hear the same banter that they heard about the Festival, perhaps someone would raise the same concerns with the current issue.

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Councilman DeSalvo said he agreed with Councilman Genovesi in the fact there was a lot of back and forth negotiation with the Multicultural Festival, the only difference he saw with the Taste of Rutherford and the Festival was the day and times as it was a Wednesday night. He said it wouldn't affect too many merchants because they do close up 5-6:00 that would be the only difference but he was wondering and there was a stipulation with the Festival compensated the Borough for all the overtime incurred was the Downtown Partnership also doing that for the Taste of Rutherford in the past. The CFO responded the answer is probably no but if he asks they probably would, so he will ask.

Councilman DeSalvo wanted to make that part of his motion and Councilwoman Inguanti agreed that would be a stipulation.

The motion read: Council authorize the street closing for the Taste of Rutherford from June 24, 2009 from 4:00-9:30 p.m. subject to the reimbursement by the Rutherford Downtown Partnership for overtime cost incurred by the Borough in connection with the event.

The Borough Clerk read the roll call: unanimously approved.

\*

Councilman DeSalvo moved to accept the request to close the street July 9, 16, 23, 30 for Dining Under the Stars with the agreement that the Downtown Partnership covers all costs for the Borough overtime, seconded by Councilwoman Birdsall and unanimously approved on roll call.

**5/19**

Under the Consent Agenda, Councilwoman Birdsall moved to accept the request from "Relay for Life" Committee to tie purple ribbons on trees and lamp posts on Park & Union Ave for the relay event on June 5 & 6<sup>th</sup>, seconded by Councilwoman Keyes will all members present voting aye.

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The discussion on the Composter Program was held until the June meeting.

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For, **FIRE**, Councilwoman Keyes reported the Volunteer Fire Department stats for the month of April were 37 incidents, 2 vehicle fires, 1 fire considered brush or trash, 19 false alarms, estimated dollar loss \$15,000; 4 mutual aid calls, total man-hours 239. Councilwoman Keyes announced they had a new member of the volunteer dept. Michael Cassidy and they welcomed him.

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## MINUTES OF REGULAR MEETING HELD MAY 26, 2009

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Under the Consent Agenda, Councilwoman Keyes moved to accept the request for the Dept. to attend the East Rutherford Wetdown on June 14<sup>th</sup>, 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 for the Dept. to attend the Carlstadt Wetdown on May 30<sup>th</sup>, seconded by Councilwoman Birdsall and unanimously approved on roll call.

\*

Under the Consent Agenda, Councilwoman Keyes moved to accept the request for the Co. #3 & 5# to attend the Franklin Lakes Wetdown on June 13<sup>th</sup>, seconded by Councilwoman Birdsall and unanimously approved on roll call.

\*

Under the Consent Agenda, Councilwoman Keyes moved to accept the request to exempt status for members status Scott Keon and Joe Marino, seconded by Councilwoman Birdsall and unanimously approved on roll call.

\*

Under the Consent Agenda, Councilwoman Keyes moved to accept the request to accept Michael Cassidy for membership, seconded by Councilwoman Birdsall and unanimously approved on roll call.

\*

Under the Consent Agenda, Councilwoman Keyes moved to accept the request to hold annual Town-Wide Garage Sale on September 26<sup>th</sup>, seconded by Councilwoman Birdsall and unanimously approved on roll call.

\*

Councilwoman Keyes announced there will be a cash-ol-a on Thursday at Stingers to support Engine Co. 3.

\*

Under **President of the Council**, Councilwoman Keyes noted that she and Councilwoman Inguanti who are members of the by-law committee and they presented a revised edition of the by-laws to the rest of the Council to which she hadn't heard back from anyone and she asked if they had comments to please get them in so they could get them to the Borough Attorney and they will be able to introduce them at the next meeting.

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Councilwoman Keyes stated that a group of citizens approached her about having a tribute erected for the men and women of Rutherford that are serving in the armed forces, much like other communities that have tributes and the people who approached her were willing to get volunteers from the community that will present a plan to the Council. She said the Council is in favor of this and she will have more to report on such but what they are going to be doing is putting out some information on the website to try to ask people in the community if they know of anyone that is serving as it is hard to find that information out and she asked if anyone knew of someone to please advise them. Councilwoman Keyes said the actual tribute will be placed on the property of Borough Hall opposite the information board on the other side of the lawn.

\*

Councilwoman Keyes said the week prior they had a closed session regarding former Administrator Timothy Stafford for some monies that were paid out to him as part of his employment with the Borough and a resolution had been created to support those funds that were paid to him and that would be introduced the following week after the Council members who did not attend last week's meeting had time to go over that.

\*

As Liaison to the **Health Department**, Councilwoman Keyes was pleased to report that the Board of Health had an opportunity to replace one of their nurses over the past year and they actually choose not to do that and by doing that they saved the Borough approximately \$83,000 and she felt they should be commended for the effort that they go through in providing the service that they do for the community. Councilwoman Keyes said that \$83,000 is a lot of money and that is going to be in the bottom line of the budget and she thinks that was a great thing.

Councilwoman Keyes announced there was a free skin cancer screening program that was being offered on Wednesday, June 24 starting at 1:00 p.m. in the Health Dept. and they need to make appointments for such by calling the Health Dept.

Councilwoman Keyes noted that Brian O'Keefe was very diligent in updating the Council over the last couple of weeks on the swine flu which is now called H1N1 influenza.

\*

As Liaison for **Community Development**, Councilwoman Keyes noted the resolution for supporting 55 Kip Center's application for \$6,600 for roof replacement and decking.

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

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**WHEREAS**, A Bergen County Community Development grant of \$6,600 has been proposed by 55 Kip Center for roof replacement and decking, and

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

**WHEREAS**, the aforesaid project is in the best interest of the people of the Borough of Rutherford, and

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Rutherford hereby confirms endorsement of the aforesaid project, and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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For, **BUILDINGS AND PUBLIC UTILITIES**, Councilwoman Birdsall reported for the month of April a total of uniformed construction code revenue \$49,237; construction department revenue \$4,701.44 with a grand total \$53,938.44; total value of construction for the month of April \$3,290,867; 114 permits issued; total construction department inspections 532. Councilwoman Birdsall stated as she sat down with the Dept. Head and discussed potential savings and she recommended to the Council members to meet with their liaison assigned departments so they could have numbers established as potential savings. She appreciated Council President Keyes and the Health Dept. on their money.

\*

Councilwoman Birdsall noted that there was a formation of a West End Committee and Community Quality of Life Committee and they were results of the Citizens Round Table Forums that were held and she looked forward to the Mayor's official appointments under his agenda.

\*

Councilwoman Birdsall made a motion to approved the Resolution for the formation of the Green Team for Sustainable New Jersey, seconded by Councilwoman Keyes.

Councilman Genovesi stated he did not have a copy of the Resolution and he ask that the Council Members listed be change as he was curious when he put his name in at the one meeting they had regarding it and it was completely disregarded. He asked why was his name disregarded and as he believes the only Council Member who had accomplished securing a green asset for the Borough that year, why was he overlooked?

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Councilwoman Birdsall responded that she sent an email out to the Governing Body several weeks ago indicating her recommendations for all of the Committees including the Green Team Committee and the only individual that responded back to her, and perhaps to Councilman Genovesi the Mayor did mention to her that he had another Council person indicate they were interested, was Councilwoman Keyes. Councilwoman Birdsall said she included those individuals that they had discussed last week as well as recommendations to either the Citizens Round Table Forum or individuals who were involved in the grant application that they put in for under Sustainable New Jersey. She said she did not exclude him for any particular reason, she didn't realize he was interested in being a part of the Committee. Councilman Genovesi responded that last month when they addressed the issue and Sustainable New Jersey was brought up and it was the meeting that Mayor Hipp was absent from, she was ready to choose members that night and when he threw his name in she tabled it so that tells him that she was alert to the fact that over a month ago that he was interested in that. Councilwoman Birdsall said she didn't recall having tabled any discussions regarding Sustainable New Jersey. Mayor Hipp asked that Councilman Genovesi wait till he had the floor to speak. Councilman Genovesi said it was over a month ago they were in the work session room, Councilwoman Keyes put her name in and he said he would like to volunteer as well, he thinks he was justified in that request considering the amount of work he put in to and as well as she who had put a tremendous effort into the program. He said the amount of knowledge he had gained over the last few months when it comes to sustainable energy and green matters and providing the Borough with the first asset that they actually had, the hybrid, he thinks he would be a benefit to the team, he thinks he had demonstrated that and he asks for that support to be appointed to the team.

Councilwoman Birdsall said based on the information from the Green Team recommendations from Sustainable New Jersey she didn't believe there was a specific amount of Governing Members that could be on and she thinks that Councilman Genovesi is very capable of being on the Committee. She said she would defer as to what the by-laws indicated how many Council people and it did mean that if they were on the Green Team that they were all going to be meeting within a quorum, she believed there was plenty of work that could be done and tasks could be delineated throughout the Green Team so she deferred to the Borough Attorney for that.

The Borough Attorney asked for the Councilwoman to ask her question again. She asked if there would be a problem with three members being appointed to the Green Team. The Attorney stated that it wouldn't be a quorum with only three so they wouldn't have a problem with that.

Mayor Hipp said unfortunately he wasn't able to participate in last month's meeting but the efforts for the town to go green was something that his administration started when they took office last year and he had wanted to serve on that committee. The Mayor said as he read the resolution and draft requirements, it didn't require the actual naming that it is in a resolution didn't trouble him but it certainly authorizes that a committee be appointed. Mayor Hipp said with Councilman Genovesi's desire he would have no difficulty acting as in an ex officio capacity and he would show up when it would not constitute a

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violation of the Open Public Meetings Act. The Mayor said Councilman Genovesi's role in that and his interest is commendable and he would have no problem appointing him.

Councilwoman Birdsall ask that they move on the Resolution with that change and stated that the Resolution that includes the names of the members was a standard format that was on Sustainable New Jersey's website. Mayor Hipp stated he didn't mean to imply for the record that there was anything at all improper by doing it, it was just not necessary.

Councilwoman Inguanti said she spoke with her friend who is a member of the PT Council and there were a few questions from the School Board and the PT Council regarding the formation of that and the School was under the impression that they already have something like that going. She said she didn't know exactly what the details were on that and they recommended that the Board of Ed Liaison Councilman Sasso interface on that. Councilwoman Inguanti said it would be a benefit if they could work with them. Councilwoman Birdsall said the benefit for programs that are already established would be that they get points which they had to get done by Sept. 9 so as a long as they sit down and get the information through. Councilwoman Inguanti said if they contact members of the PTA to find out where the confusion lies, that might be helpful and then perhaps Councilman Sasso could be brought on board facilitating the connection with the School Board. Mayor Hipp said there is a reference to a position which was PTA Council Liaison, he assumed the Council refers to the Borough Council. Councilwoman Inguanti said the PT Council is a super group of members from each of the schools. Mayor Hipp said was it the idea that the individual would serve on that Committee so that would be chosen by the PTA Council.

Councilwoman Birdsall stated for the record as they move forward she was sure they could make additional appointments to the Green Team. Mayor Hipp said everyone had to keep in mind that elected officials constitute not just a quorum but an effective majority, so don't add to the three.

The Borough Clerk read the roll call and the Resolution was unanimously approved.

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**5/19**

Under the Consent Agenda, Councilwoman Birdsall moved to accept the recommendation for zoning amendments be referred to the Planning Board for review and a report back to the Council, seconded by Councilwoman Keyes will all members present voting aye.

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As Liaison to the **Williams Center**, Councilwoman Birdsall stated they were awaiting revised plans for improvements to the plaza so they could stay within the allotted amount of money.

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For, **HUMAN RESOURCES**, Councilman Sasso reported that Summer Camp registration started on May 4<sup>th</sup> ; the Recreation Staff will be going to the Senior Olympics to assist with the coaching; June 5<sup>th</sup> Relay for Life; June 7<sup>th</sup> Track meet; June 21<sup>st</sup> at Memorial Field there was a meet and greet for those who signed up for camp; starting June 15-Sept. 7 the Recreation Office will not have late hours; the Recreation Dept. joined the positive Coaching Alliance to assist in the training of volunteer coaches that support the Recreation program.

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Councilman Sasso moved approve for the application to serve beer/wine for the Downtown Partnership for the Taste of Rutherford on Wednesday, June 24 in the Williams Plaza, seconded by Councilwoman Birdsall.

Councilman Genovesi stated that he was voting nay because as most of his colleagues understand his position on alcohol within the Borough, it was no reflection on anything other than that.

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

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**5/19**

Under the Consent Agenda, Councilwoman Birdsall moved to authorize the following Resolution for referee services for the Recreation Leagues, seconded by Councilwoman Keyes will all members present voting aye:

**WHEREAS**, the Recreation Department has a need for referee services throughout the year; and

**WHEREAS**, the Northern County Soccer Association and the New Jersey State Athletic Association mandates that all referees be certified to officiate; and

**WHEREAS**, the following individuals and/or associations can provide certified referees for all Recreation teams:

- Ken Meister
- Chuck Popek
- Friends of Rutherford Soccer
- Meadowlands Umpire Association

**WHEREAS**, the Recreation Department recommends using these individuals and/or associations; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council authorize payment to said individuals and/or associations up to a limit not to exceed \$10,000.

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As Liaison to the **Nereid Boat Club**, Councilman Sasso said the Borough Attorney is working on their proposal for the lease agreement and it was still in the discussion phase.

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**MAYOR'S COMMITTEE REPORT**

Mayor Hipp commented on the turn-out for Memorial Day with the rededication of Sunset Park due to the efforts of the Davis Family, in particular Gavin Davis to honor the veteran's of World War I. The Mayor encouraged members of the public to view the park; he thanked members of the Council for its financial support for this and similar projects.

Mayor Hipp stated the Multicultural Festival was a success, there were a couple of bumps in the road that they will work out with different organizations so that some of the difficulties that were encountered will be smoothed over.

Mayor Hipp said the Borough of Rutherford qualifies for roughly \$700,000 in fund for sewer repairs from the Environmental Infrastructure Trust Fund as it provides either grants or loans on very favorable terms to assist communities in their repair/replacement of stormwater and sewer lines. The Mayor said Rutherford had been awarded \$610,000 in a loan, 75% of the loan was interest free and the remaining 25% is 1% over prime and in the current market those are favorable terms. Mayor Hipp said they asked the Bond Counsel to make the necessary preparations for the applications so the Council could review it for the meeting next month and submit the application to EIT for the \$610,000 and the total cost would be about \$708,000. The Mayor said the Borough needs repairs in some of the sewer lines and stormwater lines.

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**MAYOR'S APPOINTMENTS**

Mayor Hipp made the following appointments as Substitute Park Ranges. Confirmation moved by Councilwoman Birdsall, seconded by Councilwoman Keyes and unanimously approved on roll call:

**Substitute Park Rangers**

**Carlos Martinez  
Steven Ramos  
Michael Gumbman**

Carlos Claudio  
Dan Brennan  
Steven Cornell  
James Ryan  
Reggie Rogers

Affordable Housing Joint Committee

Mayor John Hipp  
Councilwoman Rose Inguanti  
Councilwoman Kim Birdsall  
Dave Porter  
John Daub

Green Team Committee

Councilwoman Kim Birdsall  
Councilwoman Maura Keyes  
Councilman John Genovesi  
Ray Tetro  
Sharon DeIVecchio  
Steve Savitsky  
John Hughes  
PTA Council Liaison  
Gary Buck  
Barry Goffin

West End Committee

Maria Johnson  
Barbara Bennett  
Geri Brooks

Community Quality of Life Committee

Thomas Sherlock  
Carolyn Smith  
Carol Ann Smith  
Christine Eustice  
Regina DeLuca  
David Pasquale

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**MAYOR'S PROCLAMATION**

**Scleroderma Awareness Month – June**

\* \* \*

**RESOLUTIONS**

Mayor Hipp stated that there was a change order from CMX which was designated as the final change order for the Library HVAC project adjusting the amount due by subtracting \$395.00.

Councilwoman Keyes made a motion to approve the Change Order, seconded by Councilman DeSalvo.

Councilman Genovesi asked if the Mayor could clarify the negative. Mayor Hipp responded the negative \$395 was that they were actually deducting \$395 from the amounts, it was a credit.

The motion was approved unanimously upon roll call.

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**LIAISON ASSIGNMENTS**

Mayor Hipp asked the Clerk to move the **Civil Rights Commission** to Councilman Genovesi's agenda for the future.

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Mayor Hipp said the **Library** was working toward a design concept for interior renovations to the Library and the next approach was to identify funding sources, grants and private giving. The Mayor said one of the benefits of having a library structure the way it is, is that it is easier to get private donations and support for improvements than if it were attached directly as a public entity; it is a quasi-public entity and it is able to make arrangements which actually are more difficult for public entities like the Borough Council to make. Mayor Hipp said the library was looking ahead to 5-10 years to see what kind of library they would have; the footprint will not change at all but the Board of Trustees was working diligently on moving forward with it.

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Mayor Hipp said with the **Youth Advisory Council**, they were getting involved with the Relay for Life and they put the ribbons on the trees the past weekend. The Mayor encouraged all to attend and that it becomes an annual event.

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

Councilwoman Inguanti introduced the Ordinance stating that back a few years ago there was a bond passed and there was a substantial overage in the amount of money remaining from BCIA refunding which remained in the capital budget. She said from that money they took a little for the telephone communication system which was in addition to the money that had already been set aside in the 2008 budget from the cancellation and re-appropriation of various other capital issues that were acquired. Councilwoman Inguanti stated this will improve the phone system and rid the Borough of redundant lines and a number of expenses related to the current phone system.

The Borough Clerk read the title: **CAPITAL BOND ORDINANCE TO AMEND CAPITAL BOND ORDINANCE #3137-07, TO APPROPRIATE THE SUM OF \$10,000.00 FOR ADDITIONAL FUNDS NEEDED FOR A NEW TELECOMMUNICATIONS SYSTEM IN, BY AND FOR THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION.**

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

Mayor Hipp opened the Ordinance for discussion.

Councilman Genovesi said he couldn't here when the Clerk read in title only, was it money that was there already, is it just transferring money or is an application for new bonding. The CFO responded it was there already.

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

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Councilwoman Inguanti introduced the following Ordinance to allow for the purchase of a new computer system which the Council had extensive discussions on and it will allow the computer system to be secured and aid in implementing efficient completion of tasks and record storage.

The Borough Clerk read the title: **CAPITAL BOND ORDINANCE TO AMEND CAPITAL BOND ORDINANCE #3137-07, TO APPROPRIATE THE SUM OF \$16,000.00 FOR ADDITIONAL FUNDS NEEDED FOR AN UPDATED COMPUTER SYSTEM IN, BY AND FOR THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION.**

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

Mayor Hipp opened the Ordinance for discussion.

Councilwoman Birdsall said that it is such a necessity for the Borough and she didn't want the perception to be that they are upgrading and getting flat screens. She said it is critical that the business within the Borough could continue.

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

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

Councilwoman Inguanti tabled the motion for the salary ordinance regarding library employees, seconded by Councilwoman Birdsall.

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

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Councilman Genovesi introduced the ordinance under Taxicab and amendment for the insurance to take out the unnecessary charge by the Borough to the taxicabs and they were already paying the fee through their insurance companies.

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 2<sup>nd</sup> Reading and advertised according to law, seconded by Councilwoman Birdsall.

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

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 on Donaldson Avenue at Borough Hall parking lot as they need to provide some extra range of vision as they exit the parking lot.

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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 2<sup>nd</sup> Reading and advertised according to law, seconded by Councilman DeSalvo.

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

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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Councilwoman Birdsall moved the following resolution for a closed session, seconded by Councilman DeSalvo and unanimously approved on roll call:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, May 26, 2009 at 10:42 p.m. in the Committee of the Whole Room to discuss the following matter:

- Discussions on objections to the COAH Plan
- Discussion on the joint meeting
- Discussion on personnel and the plan by the Borough Administrator
- Legal advice on contracts

There being no further closed session discussion, Councilman Genovesi moved to open session at 11:55 pm, seconded by Councilwoman Inguanti and unanimously approved on roll call.

There being no further business of the Council, Councilwoman Keyes moved to adjourn at 11:56 p.m., seconded by Councilman Inguanti and unanimously approved on roll call.

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Borough Clerk