

**MINUTES OF THE 1<sup>st</sup> MEETING OF THE  
MAYOR & COUNCIL  
HELD WEDNESDAY, JUNE 9, 2010**

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The meeting was called to order by Mayor Hipp at 6:38 p.m. with the following Councilmembers present:

Councilwoman Inguanti  
Councilman Sasso  
Councilwoman Birdsall  
Councilman DeSalvo  
Councilman Genovesi  
Councilman Parnofiello – arrived 6:50 p.m.

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

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

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**REVIEW OF CHANGES TO PROPOSED AGENDA**

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Councilman DeSalvo moved the following Resolution for a Closed Session, seconded by Councilman Sasso with all members present voting aye:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Wednesday, June 9, 2010 at 6:40 p.m. in the Red Conference Room to discuss the following matters:

- Review of Closed Minutes
- Personnel – police retirement
- DPW retirements
- Continued discussion on furloughs and layoffs
- Potential litigation re: Encap properties
- Litigation – McManimon & Scotland
- Status of buildings on Park Avenue

- White Collar negotiations

Open meeting reconvened 8:00 p.m.

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### **BOROUGH ENGINEER'S REPORT**

Borough Engineer Berge Tombalakian provided updates on the following projects:

- Williams Center Plaza
- Curb Program
- Leisure Lane
- Kip Center Roof
- Library Roof
- Wall Field

Councilman Sasso questioned the engineering company's process of how they assure that funds are available for projects. The Borough Engineer responded when they were retained by the Borough, they were informed by their predecessor that the grants were in place for Wall Field and they are usually informed by an agency if they are close to a deadline. He continued that the Borough received letters in 2007 but they were never passed onto Boswell so they had no idea the grants expired prior to their appointment. The Borough Engineer confirmed that typically they don't call Trenton, they rely on information they are given.

Councilwoman Birdsall asked that the Engineer provide the Council with the information he needed in order to use the money that was still available for Wall Field. The Engineer responded the two grants still available require a match from the Borough; they were informed that the money had to be spent by the end of the current calendar year. He noted that currently the Borough had two grants totaling approximately \$112,000 and they needed to determine if the Borough was going to match that amount in order to design a project accordingly. Councilwoman Birdsall questioned the unspent balance remaining from the tennis court project and asked if there were any updates regarding applications that were sent. The Engineer was going to confirm with the County the amount remaining and provided a brief summary of the status for current applications.

Councilman Genovesi noted that at the previous meeting it was determined that the infrastructure repairs would be done first to Wall Field then they could develop a plan.

Councilwoman Inguanti asked for details regarding the Ridge Road project. The Engineer provided the details and status for such.

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**HEARING OF CITIZENS**

Mayor Hipp opened the hearing of citizens.

Arthur DiJianne, 296 Montross Avenue asked Councilman Genovesi why he hadn't responded to previous discussions regarding parking and garbage problems created by Felician College.

Rich Myriak, 321 Mortimer Avenue asked the status of 19 West Newell Avenue.

Sean Chadoff, 504 Edgewood Place spoke regarding taxes and made suggestions for assisting with the budget such as painting grass green, etc.

Natasha DiGenio, 72 Crane Avenue spoke regarding pot holes.

Adam Szura, 94 Vreeland Avenue spoke regarding budget and the possible ways of cost savings.

Susan Muller, 29 Feronia Way spoke regarding the conditions at Wall Field and road damage and the poor lighting on Feronia Way.

Bob Genardi, 155 Montross Avenue asked Mr. Gallo several questions regarding his position.

Frank Wilson, 171 Montross Avenue spoke regarding the conditions of Borough streets and the lack of holding third parties liable for repairs.

Jerry Miller, 65 Wilson Avenue asked if the website could be updated when Committee meetings either get rescheduled or canceled.

Charles DiNoto, West Passaic Avenue spoke regarding cutbacks needed in the budget.

As no further citizens wished to speak the hearing was closed.

Councilman Genovesi responded to Mr. DiJianne's parking issue and explained the current pilot parking permit program.

Councilman DeSalvo responded to the citizen's comments; explained the frustration in finding out the funds for Wall Field were not available because he was told the funds were there.

Councilwoman Inguanti agreed with the updating of the website for committee meetings and spoke regarding the Borough debt services; the possibility of putting a moratorium on the utility company's when they dig up the street; budget issues.

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Councilman Sasso commended Mr. Gallo for his performance and asked everyone to support him; noted that Wall Field is an important project and was discouraged that the Borough Engineer nor his firm knew that the funds were not available.

Councilwoman Birdsall spoke regarding the issue of 19 West Newell Avenue noting she would update the resident as requested; spoke regarding the budget and possible revenues; agreed that it was important for the website to be updated.

Councilman Parnofiello spoke regarding Wall Field and the importance of utilizing the funds available for that Field; agreed with the rest of the Council in regards to the website being updated more frequently.

Councilman Genovesi objected to Councilman Sasso revealing the content of a closed session discussion regarding an employee.

Mr. Gallo responded to Mr. Genardi explaining that during the hiring process he informed the Council he would accept 10% less than the prior administrator and actual took far less than 10%.

Councilman DeSalvo stated that Mr. Gallo was hired for he had the best business sense and he continues to prove his goal is to help the Borough.

Councilwoman Inguanti explained the process they went through during interviewing candidates for the Administrator position and all the positive reasons why they chose Mr. Gallo.

Mayor Hipp responded they have the Administrator they have; the issue is whether or not they can work together to handle the Budget process and focus on how they can reduce the costs. The Mayor said they needed to act fast and asked everyone to work together to attack the problem with determination to lessen the estimated 5% increase. Mayor Hipp spoke regarding the NJMC pot hole program and the privatizing of garbage.

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**President of the Council – Councilman DeSalvo**

Councilman DeSalvo moved to approve the Regular Meeting Minutes of May 25, 2010, seconded by Councilwoman Birdsall. The Borough Clerk called the roll call: unanimously approved.

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Councilman DeSalvo moved to approve the Closed Meeting Minutes of May 25, 2010, seconded by Councilwoman Inguanti. The Borough Clerk called the roll call: unanimously approved.

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**CONSENT ITEMS**

**Finance**

Under the Consent Agenda, Councilman DeSalvo made a motion to approve the following Resolution holding the check for Boswell Engineering, seconded by Councilwoman Inguanti and unanimously approved on roll call:

**RESOLVED:** That bills in the amount of \$930,672.56, from the Current Account, and \$132.00 from the Rutherford Multi-Cultural Account detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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

**WHEREAS** the Borough of Rutherford has received an erroneous payment of the 1<sup>st</sup> quarter 2010 taxes for the following properties; and,

**WHEREAS** the parties listed have requested and are entitled to a refund of these overpayment;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is authorized to issue warrant in the amount of \$ 1,418.00 to Bank of America and charge same to 2010 taxes.

<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>AMOUNT</u></b>
57	12	Bank of America Re: 258 Park Avenue	\$1,418.00

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

**WHEREAS** a lien on the parcel of property referred to as Block 27.01, Lot 12, more commonly known as 23 W. Pierrepont Ave. and assessed in the name of Hatler, George & Betty Ann was sold at the Borough's Tax Lien sale on the 15th of March, 2010 to U.S. Bank Cust for Pro Capital I, LLC and;

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**WHEREAS** the necessary arrangements have been made with the Tax Collector's office for the redemption of this lien and a check in the amount of \$4,620.97 has been deposited in the Tax Sale Suspense Account;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to in the amount of \$4,620.97 made payable to U.S. Bank-Cust for Pro Capital I, LLC in settlement of Tax Title Lien # 0201007.

Principal.....\$ 4,466.34  
 Interest & Penalty.....\$ 99.63  
 Fees.....\$ 55.00  
  
 Total.....\$4,620.97

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

**WHEREAS** the Borough of Rutherford has received duplicate payments of the 2nd quarter 2010 taxes for the following properties; and,

**WHEREAS** the parties listed have requested and are entitled to a refund of these overpayments;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is authorized to issue warrants totaling \$ 11,367.00 to as follows and charge same to 2010 taxes overpaid

<b>BLOCK</b>	<b>LOT</b>	<b>NAME &amp; ADDRESS</b>	<b>AMOUNT</b>
8	33.01	LERETA Re: 136 Carmita Avenue	\$2138.00
71	3	First American Re: 31 Ivy Place	\$2761.00
132	7.02	Schoepfer, Warren & Susan 400 Orient Way	\$2261.00
140	9	First American Re: 319 Mountain Way	\$2164.00
181	28	CitiMortgage Re: 152 Jackson Avenue	\$2043.00

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

**WHEREAS** a lien on the parcel of property referred to as Block 74, Lot 17, more commonly known as 62 Kip Ave. and assessed in the name of Mesiha, George was sold at the Borough's Tax Lien sale on the 15th of March, 2010 to Ephraim B. Finkelstein and;

**WHEREAS** the necessary arrangements have been made with the Tax Collector's office for the redemption of this lien and a check in the amount of \$9,633.49 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$4200.00 was deposited in the Premium Trust Account the day of the sale;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to in the amount of \$13,833.49 made payable to Ephraim B. Finkelstein in settlement of Tax Title Lien # 0201019.

Principal	\$ 9,285.44
Interest & Penalty	\$ 293.05
Fees	\$ 55.00
Premium	\$ 4,200.00
Total	\$13,833.49

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

**WHEREAS** a lien on the parcel of property referred to as Block 175, Lot 12.02, more commonly known as 27 Jackson Ave. and assessed in the name of Mesiha, George was sold at the Borough's Tax Lien sale on the 15th of March, 2010 to 27 Jackson Ave. Associates, LLC and;

**WHEREAS** the necessary arrangements have been made with the Tax Collector's office for the redemption of this lien and a check in the amount of \$6468.57 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$3000.00 was deposited in the Premium Trust Account the day of the sale;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to in the amount of \$9468.57 made payable to 27 Jackson Ave. Associates, LLC in settlement of Tax Title Lien # 0201039.

Principal	\$ 6,166.90
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Interest & Penalty	\$ 246.67
Fees	\$ 55.00
Premium	\$ 3,000.00
Total	\$9,468.57

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

**WHEREAS** a lien on the parcel of property referred to as Block 175, Lot 12.03, more commonly known as 39 Jackson Ave. and assessed in the name of Mesiha, George was sold at the Borough's Tax Lien sale on the 15th of March, 2010 to Ephraim B. Finkelstein and;

**WHEREAS** the necessary arrangements have been made with the Tax Collector's office for the redemption of this lien and a check in the amount of \$5251.69 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$300.00 was deposited in the Premium Trust Account the day of the sale;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to in the amount of \$5551.69 made payable to Ephraim B. Finkelstein in settlement of Tax Title Lien # 0201041.

Principal	\$ 5105.14
Interest & Penalty	\$ 91.55
Fees	\$ 55.00
Premium	\$ 300.00
Total	\$5551.69

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

**WHEREAS** a lien on the parcel of property referred to as Block 49, Lot 15, more commonly known as 111 Irving Place and assessed in the name of Demirbulakli, Hakan & Sunar was sold at the Borough's Tax Lien sale on the 15th of March, 2010 to U.S. Bank-Cust/Sass Muni VI dtr and;

**WHEREAS** the necessary arrangements have been made with the Tax Collector's office for the redemption of this lien and a check in the amount of \$5,725.17 has been

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deposited in the Tax Sale Suspense Account and a check in the amount of \$10,000.00 was deposited in the Premium Trust Account on the day of the sale;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to in the amount of \$15,725.17 made payable to U.S. Bank-Cust/Sass Muni VI dtr in settlement of Tax Title Lien # 0201013.

Principal	\$ 5,523.32
Interest & Penalty	\$ 146.85
Fees	\$ 55.00
Premium	\$10,000.00
<b>Total</b>	<b>\$15,725.17</b>

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

**RESOLVED:** that the Chief Financial Officer be and he is hereby authorized and directed to issue a check in the amount of \$2000.00 payable to Paula Dunn for fire widow's pension for the month of May 2010, with an offsetting charge to the 2010 Budget; and

**RESOLVED:** that the Chief financial Officer be and he is hereby authorized and directed to issue a check payable to the Rutherford Downtown Partnership in the amount of \$16,645.06 with an offsetting charge to the Rutherford Business Improvement District Account

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**Police**

Under the Consent Agenda, Councilman DeSalvo made a motion to approve the request from First Presbyterian Church for street closure on June 26, seconded by Councilwoman Inguanti and unanimously approved on roll call.

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Under the Consent Agenda, Councilman DeSalvo made a motion to approve the following Club Liquor License Resolution, seconded by Councilwoman Inguanti and unanimously approved on roll call:

**BE IT RESOLVED BY THE MAYOR AND COUNCIL** of the Borough of Rutherford that the following Alcoholic Beverage Licenses, at a fee of \$102.00 each, expiring June 30, 2010 be issued:

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- 1.) 0256-31-010-001  
American Legion Post 109  
424 Carmita Avenue
  
- 1.) 0256-31-012-001  
Rutherford Lodge #547 BPOE  
48 Ames Avenue

**AND BE IT FURTHER RESOLVED** that the Borough Clerk be authorized to sign the above licenses and that the Borough Clerk is authorized to deliver the above license to the licensee or its agents upon receipt of the proper signatures for same.

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Under the Consent Agenda, Councilman DeSalvo made a motion to approve the following Consumption Liquor License Resolution, seconded by Councilwoman Inguanti and unanimously approved on roll call:

**BE IT RESOLVED BY THE MAYOR AND COUNCIL** of the Borough of Rutherford that the following Alcoholic Beverage Licenses, at a fee of \$2,500.00 each, expiring June 30, 2010 be issued:

0256-33-016-002  
Moody National REN Meadowlands MT LLC  
t/a Renaissance Meadowlands Hotel  
801 Rutherford Avenue

**AND BE IT FURTHER RESOLVED** that the Borough Clerk be authorized to sign the above licenses and that the Borough Clerk is authorized to deliver the above license to the licensee or its agents upon receipt of the proper signatures for same.

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Under the Consent Agenda, Councilman DeSalvo made a motion to approve the following Distribution Liquor License Resolution, seconded by Councilwoman Inguanti and unanimously approved on roll call:

**BE IT RESOLVED BY THE MAYOR AND COUNCIL** of the Borough of Rutherford that the following Alcoholic Beverage Licenses, at a fee of \$1,555.00 each, expiring June 30, 2010 be issued:

1. 0256-44-015-004  
Clares Food Market Inc  
INACTIVE  
306 Union Avenue

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2. 0256-44-003-009  
Candles n Scents Inc  
t/a Cava Wine Shop  
INACTIVE  
19 Park Avenue
3. 0256-44-009-005  
Scoter Corp  
INACTIVE  
270 Park Avenue
4. 0256-44-002-004  
Scoter Corporation  
t/a Rutherford Wine Shoppe  
270 Park Avenue
5. 0256-44-007-006  
Seema Deli and Liquor, Inc.  
t/a Forest Dairy  
10 Spring Dell
6. 0256-44-004-05  
Lo Spuntino Taste of Sonoma, LLC  
t/a Lo Spuntino  
255 Highland Cross
7. 0256-44-005-005  
Jay Khodiyar Inc.  
t/a Krauser's Food & Liquor  
275 Park Avenue

**AND BE IT FURTHER RESOLVED** that the Borough Clerk be authorized to sign the above licenses and that the Borough Clerk is authorized to deliver the above license to the licensee or its agents upon receipt of the proper signatures for same.

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**Fire**

Under the Consent Agenda, Councilman DeSalvo made a motion to approve the request from the Ladies Auxiliary for a Town Wide Garage Sale on September 25, 2010, seconded by Councilwoman Inguanti and unanimously approved on roll call.

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Under the Consent Agenda, Councilman DeSalvo made a motion to approve the following Resolution regarding Health Dept. Abatement, seconded by Councilwoman Inguanti and unanimously approved on roll call:

**WHEREAS**, as a result of the failure of the owners of the following described property to comply with Section 89-85 et seq. of the Borough Code and maintain their property by removing all grass and weeds and refuse and underbrush within seven (7) days of receiving a notice from the Board of Health; and

**WHEREAS**, the Board of Health has incurred the expense described below; and therefore

**IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Rutherford that the Tax Collector of the Borough of Rutherford is hereby directed, pursuant to Section 89-88 of the Code of the Borough of Rutherford, to place a lien on the premises described herein in the amount of the expense incurred; said lien to be recorded and collected in the same manner as taxes next to be assessed and levied upon said premises.

Orrok, Timothy and Rotondi J, 45 Feronia Way, Block 169 Lot 8, Cost \$445.00  
Sellers, Ernest and Annie, 68 Eastern Way, Block 161, Lot 39, Cost \$385.00

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**BOROUGH ADMINISTRATOR REPORT**

Mr. Gallo provided the status of the following:

- Wall Field – Available grant money and trust account money
- Open Grants from 2004 – 2010
- Williams Center Contractor issues
- Alliance Against Drugs Grant - \$13,000
- Library - funds available for needed repairs
- Memorial Field – Leisure Lane walkway start date within 2-3 weeks
- Green Acres Grant application submitted by end of July
- Five Year plan for Memorial Field
- Taste of Rutherford/Dining Under the Stars update
- Commercial garbage process

Councilman DeSalvo asked the CFO for clarification regarding matching grants. The CFO responded and informed the Council that the County Open Space money is available until the end of 2010.

Councilwoman Inguanti spoke regarding the Municipal Alliance Committee and the importance of utilizing the Committee to receive further grants.

Mayor Hipp asked Mr. Gallo the status of the Joint Firefighter Grant. Mr. Gallo responded there was no further status at the time.

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**COMMITTEES:**

**FINANCE**

Councilwoman Inguanti asked the public hearing be opened to discuss the 2010 Municipal Budget.

Mayor Hipp opened the hearing; with no citizens wishing to speak the hearing was closed.

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Councilwoman Inguanti made a motion to approve the following Resolution authorizing estimated tax bills, seconded by Councilman Sasso:

**WHEREAS**, the Borough of Rutherford cannot have their overall tax rate certified since the amount of the municipal tax levy will not be known until after the final budget amounts are determined by the Mayor and Council;

**WHEREAS**, the Borough of Rutherford Tax Collector and Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

**WHEREAS**, the estimated tax levy does not exceed 105% or the 2009 tax levy and;

**WHEREAS**, in accordance with Chapter 72, P.L. 1994, the Governing Body of the Borough of Rutherford approves the estimated levy indicated below to meet its financial obligations, maintain the tax collection rate and provide uniformity for tax payments;

**THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Rutherford, in the County of Bergen, and the State of New Jersey on this 9th date of June 2010 as follows:

1. The Borough of Rutherford Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2010 taxes. The Tax Collector shall proceed upon approval from the Governing Body and take such actions as are permitted and required by P.L. 1993, c3 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2010 is hereby set at \$63,182,791 and the estimated tax rate set at \$2.218.
3. In accordance with law the third installment of 2010 shall not be subject to interest until the later of August 11<sup>th</sup> or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Mayor and Council discussion took place regarding estimating tax rates.

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

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Councilwoman Inguanti made a motion recommending the reappointment of Joseph Nichols as the Tax Assessor, seconded by Councilwoman Birdsall.

Mayor Hipp stated he wanted on the record that he believed that they should look into the idea of a RFP. Mr. Bucino, the former tax assessor was working full-time at \$80,000 and Mr. Nichols is making \$50,000. The typical salary for a part-time tax assessor in Bergen County, the most expensive County in the State is under \$25,000 as of 2009. This is no reflection on Mr. Nichols' abilities and I remind everyone that there are 566 municipalities in the State of New Jersey, they have tax assessors and the job of the tax assessor in each of the municipalities is that they are certified, and they all do a fine job I am sure. But the idea of a team, this is what I mean about us looking at all of the stuff because we have a major budget crisis and if we can get a tax assessor who is certified which is what we are required to do for \$25,000-\$30,000 I think we have a duty to the public to look. With respect to the term, remember this is a position that gets tenured so once we reappoint Mr. Nichols, we are not going to be able to negotiate that salary down. So I ask for caution and care that we look, see if we can find a certified tax assessor in the neighborhood of \$25,000-\$30,000. Madame Clerk call the roll call".

Councilwoman Inguanti asked for discussion. Mayor Hipp said we already had it and he called for the vote.

Councilwoman Inguanti stated Point of Order. She stated she didn't remember him mentioning that in the past, that he wanted to have an RFQ for the tax assessor; when did he mention that; she didn't remember him mentioning it last week. Mayor Hipp responded he mentioned it during the agenda meeting. Councilwoman Inguanti responded that was not a public meeting. Mayor Hipp responded it's not a public meeting, he was asking that the Council vote this now to do this; it is something they should have sent an RFQ out before and that fact that they had an opportunity to save money, that is what should be the focus of intention there as opposed to anything else so I have said my position. Councilwoman Inguanti responded that the Mayor had spent five minutes talking earlier in the evening about working together and then she didn't know that he wanted to go out for an RFQ. Mayor Hipp said it should have been on the agenda, but it wasn't, he apologized but that was what was discussed and when they set the agenda he thought it was going to be there so he thought it was discussed with her and she decided to do it this way and that is what he would like the Council to do instead. Councilwoman Inguanti stated that his new term would be effective July 1, she didn't know why it was brought up at the June agenda meeting to do a RFQ, it should have been brought up at the March or April Council meeting.

Councilwoman Inguanti commented that the Mayor stated the majority of tax assessor's work for between \$25,000-\$30,000, it would be helpful if they had evidence of

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such. Mayor Hipp responded that it was brought up by the Finance Committee for the first time in this agenda not in March, not in April so, it was the first time he had an opportunity to comment on it and therefore he was taking what he consider to be by obligatory stance to do that. They had done RFQs for positions before, in this Council. Yes, he would be happy to provide the Council with a copy of the 2009 New Jersey League of Municipalities surveys for this position in a part-time basis which discloses that the typical salary for tax assessor in 2009 on a part-time basis was \$24,900. He thinks we ought to take the time to do it, and find out in a couple of weeks, they could certainly find out before June 30<sup>th</sup>.

Councilman DeSalvo commented that it should have been brought up sooner if they wanted to go out for RFQs so he wanted to table it.

Councilwoman Inguanti agreed to table it for the next meeting noting that there were numerous emails where they discussed RFQs for the tax assessment needs - the attorney, the appraiser.

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Councilwoman Inguanti asked Mr. Gallo to speak regarding phone system additions. Mr. Gallo spoke regarding the various packages and warranty available from Extel; he recommended the addition of 10 hours and with no extended warranty.

Councilwoman Inguanti made a motion to purchase the 10 hour time for the phone system, seconded by Councilman DeSalvo and unanimously approved on roll call.

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Councilwoman Inguanti moved to approve the following Resolution establishing a 125 premium only plan, seconded by Councilman DeSalvo and unanimously approved on roll call:

**WHEREAS**, the Borough of Rutherford provides a comprehensive health benefits program comprised of medical, prescription and dental coverages for eligible employees, and their covered dependents; and

**WHEREAS**, the Governor recently signed into law Chapter 2, P.L. 2010 which states that on May 21, 2010, or on the expiration of any applicable labor agreement in force on that date, all employees must contribute a minimum of 1.5% of current base salary towards their health benefits cost; and

**WHEREAS**, this contribution is required of all employees who are members of any state or locally administered retirement system and further, applies to all State Health Benefits Program (SHBP) and non-SHBP local units; and

**WHEREAS**, it is the intention of the Mayor and Borough Council to, in accordance with the information presented by the Bergen Municipal Employee Benefits Fund (hereinafter, the BMED) and the Borough's Health Benefit Consultant to implement a

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Premium Only Section 125 Plan to allow these deductions to be made by the affected employees, pre-tax in accordance with the provisions set forth by Section 125 of the U.S. Internal Revenue Service (IRS) code; and

**WHEREAS**, it is the desire of the Mayor and Borough Council to provide this benefit as a financial instrument available to employees affected by the state-mandated benefit contribution to utilize as they see fit under the terms and condition set forth by the Plan Document accepted and adopted by the Governing Body through affirmation of this Resolution.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Rutherford, County of Bergen, that the Premium Only Section 125 Plan described herein is hereby adopted by reference pending final review by the Municipal Attorney and Registered Municipal Auditor; and

**BE IT FURTHER RESOLVED**, the Borough's Administrative Staff is directed to effectuate the implementation of this policy in accordance with the requirements promulgated by the Plan and in accordance with specific directives and recommendations set forth by the Municipal Attorney, Registered Municipal Auditor and the Municipal Health Benefits Consultant; and

**BE IT FURTHER RESOLVED**, that upon adoption, a certified copy of this Resolution shall be forwarded to the professionals referenced herein and also to the Borough's CFO and payroll administrator.

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Councilwoman Inguanti requested the Borough Attorney William Smith draft an ordinance to allow for the collection of fees for the third and subsequent redemption calculations by the tax office. Mr. Smith responded it was completed. Mayor Hipp noted it would be put on for first reading at the June 22 meeting.

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**POLICE**

Councilman Genovesi spoke how the effects of not making promotions in the Police Department had caused expenses in overtime; he asked the Council to understand the need and he was going to put the promotions on the agenda for the next meeting. Councilman Genovesi said there was a need for two new vehicles in the Department and wanted to discuss the issue further with the Mayor and/or Mr. Gallo.

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**PUBLIC WORKS**

Councilman DeSalvo held the issue of retirements for two DPW employees to the next meeting.

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Councilman DeSalvo made a motion to reject the bids for the Kidspot bathrooms, seconded by Councilwoman Inguanti.

Discussion took place.

The Borough Clerk read the roll call; unanimously approved.

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**FIRE**

Councilman Parnofiello commended the Fire Dept. for their efforts during the house fire that occurred on Lincoln Avenue.

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As Liaison to the **Board of Health**, Councilman Parnofiello recommended the reappointment of Dr. Joseph DeFazio and Dorothy Willms.

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**BUILDINGS & PUBLIC UTILITIES**

Councilwoman Birdsall spoke regarding the Bergen County Energy Cooperative Pricing System and asked Mr. Gallo to review the issue. Mr. Gallo responded he had started reviewing and was waiting for quotes.

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As Liaison to the **West End Committee**, Councilwoman Birdsall made a motion to approve the following Resolution regarding clothing bins, seconded by Councilman Parnofiello:

**WHEREAS**, the Borough of Rutherford has been presented with a proposed Agreement under the terms of which **Carecycle Inc.** will compensate the Borough for the right to place clothing bins at four areas within the Borough and the right to collect clothing from said bins; and

**WHEREAS**, it has been determined that the recycling of clothing provides a benefit to the environment; and

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**WHEREAS**; the bins will be placed in accordance with N.J.S.A. 40:48-2.6 and all Borough Codes; and therefore it is hereby

**RESOLVED** by the Mayor and Council of the Borough of Rutherford that the Mayor and Borough Clerk are authorized to execute an agreement between the Borough and Carecycle Inc. for the placement of clothing bins, and the collection of clothing from said bins pursuant to the proposed Contract attached hereto, and it is further

**RESOLVED** that said Agreement shall not be signed until such time as the building department has approved the placement of the clothing bins pursuant to borough codes and has determined that the placement of the bins is also in accordance with N.J.S.A. 40:48-2.60; and it is further

**RESOLVED** that said Agreement shall be for a period of one (1) year, and may be cancelled by the Borough at any time that it is determined that Carecycle Inc. has not complied with its agreement or with any statutory or municipal requirements.

Discussion took place.

The Borough Clerk read the roll call: unanimously approved.

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As Liaison to the **Green Team**, Councilwoman Birdsall moved to approve the following Resolution of support regarding Pepsi Refresh contest, seconded by Councilman Parnofiello and unanimously approved on roll call:

**WHEREAS**, Maria Johnson, a member of the Rutherford Revitalization Committee, has submitted on behalf of the Borough of Rutherford an application for participation in the Pepsi Refresh contest in which the winner will received a grant in an amount up to \$25,000 from Pepsi, and Pepsi will consider projects to improve neighborhoods; and

**WHEREAS**, the Rutherford Revitalization Committee has pledged that in the event Rutherford wins the Pepsi Refresh contest, the funds will be used for the following projects:

Sunset Park - \$5,000 for the Veterans project being done by the local Boy Scouts;  
Green Team - \$5,000 for the completion and expansion of our victory garden;  
YMCA - \$5,000 for the Fall Family Festival for Rutherford West End and \$10,000 for Street Scape and Fall Family Festival activities; and for good cause it is hereby

**RESOLVED** by the Mayor and Council of the Borough of Rutherford that the Borough is wholeheartedly behind this application, and encourages residents and others interested in assisting the Borough of Rutherford's participation in this contest.

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Councilwoman Birdsall moved to approve the following Resolution regarding "Bring Back the 4<sup>th</sup> of July festivities", seconded by Councilman Parnofiello and unanimously approved on roll call:

**WHEREAS**, Liberty Mutual Insurance Company is conducting a contest to provide funding for **Fourth of July celebrations** to the winning municipalities; and

**WHEREAS**, as a result of the financial distress which many municipalities are feeling, the Borough of Rutherford has had to limit its Fourth of July celebration; and

**WHEREAS**, residents of the Borough of Rutherford, and others who care about bringing back the Fourth of July celebration to Rutherford, can participate in this contest and give Rutherford the opportunity to win up to Ten Thousand Dollars; and

**WHEREAS**, participants must complete an online quiz on or before June 14, 2010; and therefore it is hereby

**RESOLVED** by the Mayor and Council of the Borough of Rutherford that residents are encouraged to go to the Liberty Mutual website and complete the quiz, inserting Rutherford as the town to benefit.

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Councilwoman Birdsall spoke regarding the Walmart grant and the NJMC solar panel application.

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As Liaison to the **Community Development Committee**, Councilwoman Birdsall made a motion to approve the following Resolution requesting the appointment of Kim Birdsall as representative of the Regional Committee and Councilman DeSalvo as Alternate, seconded by Councilman Sasso and unanimously approved on roll call:

**WHEREAS**, the Borough of Rutherford has entered into a Three Year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

**WHEREAS**, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2010 through June 30, 2011,

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body hereby appoints **Councilwoman Kim Birdsall** as its representative to participate on the Community Development Regional Committee; and

**BE IT FURTHER RESOLVED** that **Councilman DeSalvo** be appointed as the alternative representative.

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**RECREATION**

Councilman Sasso held the appointment of Day Camp Counselors and Tennis Tag checkers for the next meeting.

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Councilman DeSalvo spoke regarding fields Diamond 1&2 on-deck circles and held to the next meeting to discuss with the Borough Engineer.

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As Liaison to **Green Acres**, Councilman Sasso spoke regarding the grant application.

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**MAYOR'S AGENDA**

Mayor Hipp spoke regarding the Route 3 project status and he asked the Borough Attorney prepare an Ordinance for the deed.

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Mayor Hipp appointed himself to the Community Development with Councilman Genovesi as Alternate.

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**NEW BUSINESS**

Councilwoman Birdsall introduced a discussion regarding the cell tower lease agreement. Mr. Gallo provided the status of the issue. Councilwoman Inguanti spoke of the issue regarding the cost of receiving that money and affects that may have to the Borough's budget cautioning all to review costs.

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Councilman Genovesi moved to adjourn at 10:55 p.m., seconded by Councilman DeSalvo and unanimously approved on roll call.

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Borough Clerk