

**MINUTES OF 2nd MONTHLY MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, JUNE 22, 2010**

The meeting was called to order by Mayor Hipp at 6:32 p.m. with the following Councilmembers present:

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

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

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

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REVIEW OF CHANGES TO THE PROPOSED AGENDA

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, June 22, 2010 at 6:45 p.m. to discuss the following matter:

- Police Retirement
- Labor Negotiations
- Furloughs and layoffs
- Joint Meeting litigation
- Tax Assessor

The meeting re-convened to open session at 8:48 p.m.

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HEARING OF CITIZENS

Mayor Hipp opened the hearing of citizens.

Bill Bartells, 203 Eastern Way, spoke as a representative of St. John Lutheran Church regarding commercial garbage pick-up for the Church and suggested ways to cut the budget.

Catrina Poindexter, Edgewood Place, spoke regarding the budget and taxes.

John Celio, 45 Hawthorne Street, spoke regarding the Library budget.

Natashia DeGenio, 72 Crane Avenue, spoke regarding the budget.

Sean Chadoff 504 Edgewood Place, spoke regarding cutting the budget and taxes.

Scott Easton, 515 Van Houten, Paterson spoke on behalf of the Linden LaRuesch political action committee.

Dr. Robert Brady, 84 Orient Way spoke regarding commercial garbage pickup.

Charles DiNoto, 103 West Passaic Avenue spoke regarding taxes and budgets.

Gerry Miller, 65 Wilson Avenue spoke regarding a plan to replace trees which were eliminated.

As no further citizens wished to be heard, Mayor Hipp closed the Hearing of Citizens.

Councilman Genovesi stated that he would contribute 10% of the \$3,000 yearly salary he receives from the Borough and noted he did not receive health benefits or pension through the Borough.

Councilman DeSalvo explained the savings the Borough would receive without having to handle the commercial garbage pickup and other ways they have made cuts in the budget in regards to the hiring freeze. The Councilman spoke regarding the Shade Tree issue.

Councilwoman Inguanti provided details of the cuts in salaries that they had already made to the budget and reminded all that because it involves collective bargaining agreements, meetings had to be done behind closed doors. She continued to say the employees are trying work with them on their budget issues.

Councilman Sasso responded saying that the Council works diligently looking for cost savings and it was an on-going process. He explained the once-a-week garbage

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pickup allows the workers time to work on other repairs in the Borough that weren't getting done. The Councilman said they and the employees are trying their best to make it work so it is not a burden on the taxpayers.

Councilwoman Birdsall pointed out the difference in achieving cuts was difficult due to the contracts as they all needed to be negotiated which takes time. The Councilwoman explained the employees have stepped up to assist with finding solutions. She spoke regarding the State's proposing a 2.5% tax cap.

Councilman Parnofiello spoke regarding the budget and invited all to be a part of the process at the Special Budget Meeting being held July 8 and noted that he did not received the health benefits package.

Mayor Hipp confirmed the expenses exceed the ability to pay and spoke as a member of the Library Board of Trustees regarding the Library's budget as they were the only group taking a six week furlough. He spoke regarding the Council's cut to their budget and how it would affect services and personnel. He spoke regarding further cuts, such as privatization of sanitation collection and said the Council will further consider this at a special meeting July 8th.

Mayor Hipp continued to say that he would look into what happened on Wilson Avenue and someone from his office would get back to Mr. Miller.

Councilwoman Birdsall asked if she could ask him a question. Mayor Hipp replied they were done and he wanted to move on with the agenda. She said it was in regards to the plan that he spoke of, would the Council be receiving a copy of that prior to the meeting on July 8? Mayor Hipp responded yes.

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PRESIDENT OF THE COUNCIL

Councilman DeSalvo made a motion to approve the Meeting Minutes of June 1, 2010 seconded by Councilwoman Inguanti. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman Sasso, Councilman DeSalvo, Councilman Genovesi and Councilman Parnofiello voted aye; Councilwoman Birdsall abstained.

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Councilman DeSalvo made a motion to approve the Closed Meeting Minutes of June 1, 2010 seconded by Councilwoman Inguanti. The Borough Clerk read the roll call: unanimously approved.

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Councilman DeSalvo made a motion authorizing the Borough Attorney to respond to the joint meeting litigation, seconded by Councilwoman Birdsall and unanimously approved.

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CONSENT AGENDA ITEMS

Councilman DeSalvo made a motion to adopt the following Consent Agenda items, seconded by Councilwoman Birdsall and unanimously approved on roll call:

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

In the amount of \$500.00 payable to the retired Police employee listed below for medical benefits compensation as per contract for the period of January - June, 2010:

Jack Romain	\$500
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- **WHEREAS** a lien on the parcel of property referred to as Block 27.01, Lot 23.02, more commonly known as 11 West Pierrepont Avenue and assessed in the name of McKenzie, Trevor was sold at the Borough's Tax Lien sale on the 15th of March, 2010 to US Bank Cust- Pro- Capital 1, 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 \$445.31 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 \$445.31 made payable to US Bank Cust -Pro-Capital 1, LLC in settlement of Tax Title Lien # 0201008.

Principal	\$ 365.28
Interest & Penalty	\$ 25.03
Fees	\$ 55.00
Total	\$ 445.31

- **WHEREAS** a lien on the parcel of property referred to as Block 174.01, Lot 17, more commonly known as 26 Raymond Avenue and assessed in the name of Genovesi, Giovanni & Nicolina was sold at the Borough's Tax Lien sale on the 15th of March, 2010 to US 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 \$5099.78 has

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been deposited in the Tax Sale Suspense Account and \$8000.00 was deposited in the Premium Trust 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 \$13,099.78 made payable to US Bank Cust/Sass Muni VI dtr in settlement of Tax Title Lien # 0201038.

Principal	\$ 4897.78
Interest & Penalty	\$ 147.00
Fees	\$ 55.00
Premium	\$ 8000.00
Total	\$ 13,099.78

- Approve the request for **Block Party on Sylvan Street** between Woodland and Van Riper September 5.
- **WHEREAS**, certain organizations have applied for a Raffle/Bingo License and have been approved by the Police Director and paid the required fees;
NOW, THEREFORE, BE IT RESOLVED that License be issued to:
 - **American Legion Post #109 Instant Raffle**
- **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. 0256-44-008-003
The Flying Scotsman LLC
t/a Station Liquors
11 station Square
 2. 0256-44-006-009
Nan-Bo Inc
t/a Village Wine Shoppe
75 ark Avenue
 3. 0256-44-001-002
Vin De Matisse
Café Matisse Liquors
167 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.

- Approval to **solicit** for charitable cause – **Eagle Scout Project**

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- Approval for the request to hold **"Shred Event Day"** – July 26th; 9:00-12:00
- **BE IT RESOLVED**, by the Mayor and Council of the Borough of Rutherford that the following change order be approved:

GENERAL CONSTRUCTION:	Improvements to Mortimer Avenue, Section 2 Change Order No. 1 & Final (NJDOT Local Aid Project)
ENGINEER:	Boswell McClave Engineering 330 Phillips Avenue South Hackensack, NJ 07606
CONTRACTOR:	English Paving Co., Inc. 650 Route 46 West Clifton, NJ 07013
ORIGINAL CONTRACT COST:	\$ 166,262.34
COST OF CHANGE ORDER: plus	\$ 23,716.10 (14.26%)
NEW CONTRACT SUM:	\$ 189,978.44
NATURE OF CHANGE:	Reconcile project quantities to match as-built measurements. Project costs covered under \$200,000 NJDOT Local Aid Grant
NET EXTRA COST OF THIS CHANGE ORDER: plus	\$ 23,716.10

- **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.

185 Prospect Place, Bergen County Developers, LLC, Block 21, Lot 11, Cost \$440.00

- Approval to renew contract for vending machines with **Culinary Ventures Vending**
- **WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

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

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

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

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

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

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BOROUGH ADMINISTRATOR’S REPORT

Borough Administrator Corey Gallo provided updates on the following:

- Williams Center Project
- Wall Field drainage issue
- Memorial Field Leisure Lane Project clean-up
- Park Avenue project
- Garbage collection for commercial areas
- Recreation Maintenance Employees change of work days
- Citizens Finance Committee
- Chief Finance Officer’s duties

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COMMITTEES

FINANCE

Councilwoman Inguanti spoke regarding the Borough’s finances.

Mayor Hipp opened the public hearing on the 2010 Municipal Budget.

Jerry Miller, 65 Wilson Avenue asked if there was merit that the tax increase could approach double digits as reported in the newspaper.

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Catrina Poindexter, 444 Edgewood Place asked if consideration was being given in elimination of benefits for part-time employees and pay freezes or cuts.

Peggy Letsche, 228 Prospect Place asked for the exact amount that was being cut from the Kip Center.

Eileen Eastham, 167 Hackett Place asked if the Council had heard what Mayor Hipp's cuts would be and did they consider giving back some to the Library budget; suggested to outsource electronic garbage pickup.

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

Councilwoman Inguanti responded that the cut to the Kip Center was \$5,000 and in regards to cuts in the Library they were trying to give back. The Councilwoman explained that Recreation's core services are self-funding and clarified that when there is a municipal increase of 12% that didn't mean the overall taxes go up 12% though she vowed to do her best to not have a double digit tax increase. Councilwoman Inguanti continued to explain the reasons behind the current Borough debt.

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Councilwoman Inguanti made a motion to approve the payment of bills excluding the Avaya and Boswell invoices, seconded by Councilwoman Birdsall and unanimously approved.

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For, **POLICE**, Councilman Genovesi provided a monthly report for the Police Department and spoke regarding the need to make a promotion so that the overtime cost would not continue to accrue.

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Councilman Genovesi requested a meeting with the Mayor and Mr. Gallo regarding police vehicles that needed to be replaced.

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For, **PUBLIC WORKS**, Councilman DeSalvo provided a monthly report for the DPW and an update regarding Leisure Lane.

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Councilman DeSalvo made a motion to accept the retirements of Vincent DeCarlo and John Gardner, seconded by Councilman Parnofiello and unanimously approved.

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For, **FIRE**, Councilman Parnofiello stated that the monthly report was on file in the Borough Clerk's Office and invited all to the June 25th Beefsteak being hosted by the Fire Department.

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

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For, **BUILDINGS AND PUBLIC UTILITIES**, Councilwoman Birdsall provided a monthly report for the Building Department noting it was on file at the Borough Clerk's Office.

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As Liaison to the **Green Team**, Councilwoman Birdsall spoke regarding the application for Wal-Mart Grant.

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As Liaison to **Community Development**, Councilwoman Birdsall asked Mr. Gallo for an update regarding open space grants. Mr. Gallo provided a description of the progress.

Councilwoman Birdsall made a motion authorizing the Borough Engineer to obtain quotes for drainage improvements at Wall Field, seconded by Councilman Sasso.

Discussion took place regarding the funds that were lost in respect to Wall Field and how much the cost would be associated to fix the drainage problem. Councilman DeSalvo asked that Boswell appoint another engineer for the project. Mayor Hipp replied he just wanted to know how much it was going to cost and confirmed that someone else from Boswell will do the Wall Field project.

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

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Councilwoman Birdsall spoke regarding the application for CDBG grant due October 8, 2010.

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For, **RECREATION**, Councilman Sasso spoke regarding the programs which were taking place and grants that they were currently applying for.

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MAYOR'S AGENDA

Mayor Hipp reported he received 225 letters supporting the Library.

Appointments

Mayor Hipp appointed the following:

Day Camp Counselor, Directors, Counselors In-Training, Instructors

Hattie Alston	Meredith Baffuto	Christopher Blinstrub
Tatiana Brito	Andrew Capobianco	Mark Capobianco
Jeanette Caraccio	David Cuzzo	Alexa Cruz
Tatiana Cruzado	Anthony DeCamillis	Brielle Disbrow
Luz Dojer	Allison Fabiano	Maria Fagan
Katelyn Fiume	Jamie Franco	James Fecanin
Killian Finn	Jonathan Fisher	Caitlin Gearity
Heather Gearity	Isabelle Grenier	Kyle Guerther
Kevin Guzman	Megan Hild	Christopher Joyce
Erin Joyce	Meetu Khanuja	Mark Kriston
Andrea Lambie	Noel Lazo	Stephanie Lezcano
Chris Lombardi	Michael Lozner	Kim Mahon
Connor Malloy	Meghan Marmora	Michael Mazzola
Rex MacMillan	Megan McCann	Courtney McManus
Christopher McParland	Elizabeth McParland	Francis McParland
Meredith McPherson	Amanda Melendez	Jianna Muscio
Kelly Ann Moore	Patrick O'Grady	Brittany O'Keefe
Jessica Openshaw	Kaetylne Ortega	Eva Posner
Daniel Pitre	Conrad Prais	Brianna Regan
Antonia Ricciardi	Enrique Ruiz	Tiffany Ruiz
Cara Salfino	Rich Santore	Lauryn Sartori
Gina Sbrocco	Brett Scharfman	Robert Segro
Christine Sheridan	Jessica Skowronski	Kristina Smith
Danica Sommer	Catherine Spinella	Ryan Stephens
Taylor Stever	Alexis Temes	Litica Temes
James Travellin	Alex Tsiolas	Katie Walsh
Patrick Walsh	Jack Waller	Laura Ward
David Zurla		

Tennis Tag Checkers

Anthony Estella	Tara Hermann	Stephanie Netelkos
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Austin Okula	Mitchell Okula	Amanda Pendleton
Kevin Peterson	Jesse Petronia	Rebecca Plessel
Carly Rizzo	Rob Sabatini	Alexis Tozzi

Substitute Park Rangers

Daniel Novak	Alan Uhl
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Councilman DeSalvo moved confirmation, seconded by Councilman Sasso. Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall, Councilman DeSalvo and Councilman Parnofiello voted aye; Councilman Genovesi abstained.

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Mayor Hipp appointed Stewart Stolarz as Tax Assessor.

Councilwoman Birdsall moved to reject the nomination, seconded by Councilman Parnofiello. The Borough Clerk read the roll call: Councilman Sasso, Councilwoman Birdsall, Councilman DeSalvo and Councilman Parnofiello voted aye; Councilman Genovesi voted nay; Councilwoman Inguanti abstained.

Confirmation rejected.

Councilman Genovesi spoke regarding the salary that was proposed.

Councilwoman Birdsall asked the Borough Attorney William Smith the procedure regarding the appointment of Tax Assessor. Mr. Smith responded the Council had 30 days to accept the Mayor's nomination, then when the 30 days pass the Council can make a nomination.

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Mayor Hipp appointed Harry Tuvel as C3 Collection System Operator.

Councilman DeSalvo noted they asked the operator for a 10% decrease in salary. The Mayor responded the 10% was not accepted but they had to move on the appointment. Mr. Smith provided a summary of the conversation he had with Mr. Tuvel and had no other nominations.

Councilman DeSalvo moved confirmation, seconded by Councilwoman Birdsall. Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall, Councilman DeSalvo and Councilman Parnofiello voted aye; Councilman Genovesi voted nay.

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HEARING OF CITIZENS

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Mayor Hipp opened the hearing of citizens.

Josephine Clark, 24 Carlton Place spoke regarding the Tax Assessor.

Catrina Poindexter, 444 Edgewood Place spoke regarding non-residents using the Borough's fields and the Tax Assessor position.

Eileen Eastham, 167 Hackett Place asked if they could tell the public what was discussed in the closed session regarding the Tax Assessor.

Charles DiNoto, 103 West Passaic Avenue commented on the closed session process.

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

Councilman Genovesi agreed with Ms. Clark and spoke regarding the Tax Assessor position.

Councilwoman Inguanti explained she wanted more time to discuss the Tax Assessor position as it was brought upon them abruptly and explained her concern regarding the reduction in hours proposed for that position.

Councilman Sasso stated his concern with the proposed Tax Assessor, was with what kind of impact would the reduction in hours cause and responded the fields are used by a majority of Rutherford residents however since the fields are funded partially by Green Acres Grant they do charge non-residents a fee but they can use them.

Councilwoman Birdsall explained why she voted against the new individual as Tax Assessor with the influx of tax appeals being received and would have like to receive the resume earlier to review and discuss.

Councilman Parnofiello provided an explanation for the decision the Council made in voting against the proposed appointee.

Mayor Hipp explained that the current Tax Assessor is highly paid and that Tax Assessor's have a statutory obligation to take whatever time they need to get the job done. The Mayor explained the procedures of closed sessions.

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Councilman DeSalvo made a motion to extend the time limit of the meeting to 11:15, seconded by Councilwoman Birdsall and unanimously approved.

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UNFINISHED BUSINESS

Councilwoman Inguanti removed vacation day overages.

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ORDINANCES ON 1st READING

Councilwoman Inguanti introduced the ordinance establishing a fee for certain redemption calculations.

The Borough Clerk read the title: **AN ORDINANCE AMENDING SECTION 112 OF THE CODE OF THE BOROUGH OF RUTHERFORD TO PROVIDE FOR A FEE OF CERTAIN REDEMPTION CALCULATIONS PROVIDED BY THE OFFICE OF THE TAX COLLECTOR.**

Councilwoman Inguanti moved the Ordinance be passed on 1st reading and advertised according to law, seconded by Councilwoman Birdsall.

Mayor Hipp opened for Council discussion.

Discussion took place.

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

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Councilman Sasso introduced the Ordinance on 1st reading, authorizing transfer of properties for the Route 3 project at the Passaic River crossing.

The Borough Clerk read the title: **AN ORDINANCE AUTHORIZING THE TRANSFER OF THE PROPERTIES DESCRIBED ON SCHEDULE A & B, AND EXHIBIT A, ATTACHED HERETO, AND BEING ALSO DESCRIBED AS BLOCK 9.01, LOT 2.04, AND PART OF LOTS 1.02, 1.03, AND 1.04, AS SET FORTH ON THE TAX MAP OF THE BOROUGH OF RUTHERFORD.**

Councilman Sasso moved the Ordinance be passed on 1st reading and advertised according to law, seconded by Councilman DeSalvo.

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

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

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Councilman DeSalvo moved to adjourn at 11:10 p.m., seconded by Councilwoman Birdsall and unanimously approved.

Borough Clerk