

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, JUNE 24, 2008**

The meeting was called to order by Mayor Hipp at 8:14 p.m. with the following Councilmembers present:

Councilman Fecanin
Councilman Sommer
Councilwoman Inguanti

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Councilwoman Keyes - absent
Councilman Genovesi - absent
Councilman Sasso - absent

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Mayor Hipp asked those present to join him in a salute to the flag followed by a moment of silence.

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Councilman Sommer read the provisions of the Open Public Meetings Law.

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Councilman Sommer moved the following Resolution to close the meeting, seconded by Councilman Fecanin 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 Tuesday, June 24, 2008 at 7:07 p.m. in the Committee of the Whole Room to discuss the following matter:

- ◇ Borough Auditor Report – retirement/resignation packages
- ◇ Borough Administrator position

Councilman Sommer moved to adjourn the meeting at 7:50 p.m.

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Mayor Hipp made the following Presentations:

- David Cadorett – Eagle Scout Project cleaning of the trail on Erie Avenue
- Julia Raith-winner and Isaiah Chi –runner-up of the “Catch the Reading Bug” – Library T-Shirt Contest

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Mayor Hipp opened the hearing of citizens.

Della Rowland – Vice President of Friends of the Library stated that the T-Shirt contest was the seventh annual for Grades K-6 with 150 entries. Ms. Rowland said the t-shirts are available at the library to help support the library.

She continued to say that as Chair of the Williams Carlos Williams Symposium they are celebrating his 125th birthday and they will have a two day symposium at the Center with events happening also at the library and the Meadowlands Museum. Ms. Rowland said the Mayor and Council is supporting this and the reason she was present was to publicly announce the symposium and to thank the Mayor personally and the Council for their support of the event. She wished to show everyone how they are involving the entire town with the help of Brenda Fargo and Laurie Darnell and the Superintendent’s Office they engaged every school in town in an art project of birthday cards. Ms. Rowland described exactly what each grade submitted and said that because of this project every student in Rutherford knows something about William Carlos Williams. She said that the Mayor has declared September as William Carlos Williams Month and there will be a whole month of activities. Ms. Rowland and Williams’ granddaughter are on a campaign to get him into the New Jersey Hall of Fame. She said there will be many upcoming events and reminded all to look for information in the newspapers.

Steve Latushko – 37 Preble Place said he had come many times to the Council meetings and this time he will be complaining again. Mr. Latushko said about nine months ago he came to a meeting representing his block which is a one way street, they put a barricade at the top of the street and about two weeks ago it was either stolen or taken away by the town. He said he went to the Police Department at 7:00 a.m. made a report and they said they were going to look into it and he would have it back. Mr. Latushko said he went back 7:00 p.m. and they had no idea what he was talking about. He said the main reason why they keep complaining is because they have a new family on the block and they have a deaf child who is 14; before he went to this meeting two cars went down the wrong way between 6:00 and 7:00; on Father’s Day he wasn’t home but his neighbor told him she went and made a complaint at the Police Department because five cars went down the wrong way within a two-hour period. Mr. Latushko said every single day cars go down the wrong way and the top of the street is narrow and it thins out and they don’t go down at ten mph, they go down at 40 mph; He wanted to know what happened to the barricade and after she complained at the Police Department they put a big sign up, road closed these signs deter people from coming down the wrong way. Mr. Latushko asked if it was going to take someone getting killed; there is a new family with

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two small children who play in the street like most people do in Rutherford, they can't do that on their street with little kids any more. He said the main thing is they go the wrong way and he lives in the middle of the block and he gets the finger every single day and he is tired of it and if it is not that, they don't speak English and he is tired of that. Mr. Latushko said they put two small one-way signs at the top of the block and some people don't see those signs; the signs have been bent for two years and he has complained to the DOT and nothing has been done. He asked again what happened to the signs, does the town want to be responsible if some one gets killed or hurt, he has complained hundreds of times to the DOT and the PD and all he knows all his neighbors keep calling, what is it going to take for the town to do something so they are protected? Mr. Latushko said when they close the Park Avenue ramp his street is going to be inundated by cars going the wrong way; they want to know what is going to be done immediately not tomorrow. He said they need a permanent barricade so people don't go the wrong way.

Susan Muller – 29 Feronia Way announced that there is going to be a Lalapalooza sponsored by the Youth Advisory Council and she is sure Mayor Hipp was going to announce it later but she wanted to make it an open announcement. She said the youth of the town are very excited about it and she hopes that the Council and citizens support it on Friday, August 29th at 7:00 p.m. to midnight at Memorial Field. Ms. Muller said they are working diligently hard and putting together a website which she hopes will be up before August 29th .

As no other citizens wished to speak, Mayor Hipp closed the hearing of citizens. Mayor Hipp then opened the hearing to the Council.

Mayor Hipp said to Mr. Latushko they will find out what happened to the barricade and he will have the Police Department report back to him.

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Councilman Sommer made a motion to move that all the items on the Consent Agenda be passed, seconded by Councilman Fecanin with all members present voting aye.

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Under the Consent Agenda, Councilman Sommer moved to approve the Minutes of the Regular Meeting of April 29, 2008, seconded by Councilman Fecanin with all members present voting aye.

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Under the Consent Agenda, Councilman Sommer moved to approve the Minutes of the Regular Meeting of May 27, 2008, seconded by Councilman Fecanin with all members present voting aye.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

RESOLVED: That the following warrants be issued in the amount indicated for the purposes stated:

1. In the amount of \$60.00 payable to Margaret Modero – refund for Tennis Lessons.
2. In the amount of \$70.00 payable to Mirla Brito – payment for Day Camp trips.
3. In the amount of \$300.00 payable to Explore Science – payment for Day Camp trips.
4. In the amount of \$200.00 payable to NJ Rock Gym – payment for Day Camp trips.
5. In the amount of \$100.00 payable to Classic Athletic – payment for Day Camp trips.
6. In the amount of \$200.00 payable to Connie’s Kids – payment for Day Camp trips.
7. In the amount of \$100.00 payable to Funplex – payment for Day Camp trips.
8. In the amount of \$200.00 payable to Space Odyssey– payment for Day Camp trips.
9. In the amount of \$220.00 payable to Funtime Junction – payment for Day Camp trips.
10. In the amount of \$100.00 payable to Tomahawk Lake – payment for Day Camp trips.
11. In the amount of \$200.00 payable to NJ Jackals – payment for Day Camp trips.
12. In the amount of \$700.00 payable to Bergen County Dept. of Parks – payment for 4th July showmobile.
13. In the amount of \$200.00 payable to Steve Augustine – payment for 4th July entertainment.
14. In the amount of \$280.00 payable to Turtle Back Zoo – payment for Day Camp trips.
15. In the amount of \$750.00 payable to Funplex – payment for Day Camp trips.
16. In the amount of \$900.00 payable to Space Odyssey – payment for Day Camp trips.
17. In the amount of \$300.00 payable to Classic Athletic Gym – payment for Day Camp trips.
18. In the amount of \$550.00 payable to Odyssey Athletic Center – payment for Day Camp trips.
19. In the amount of \$1,400.00 payable to Stingers – payment for Day Camp trips.
20. In the amount of \$850.00 payable to Liberty Science Center – payment for Day Camp trips.
21. In the amount of \$1,200.00 payable to Extreme Kidz – payment for Day Camp trips.
22. In the amount of \$450.00 payable to Newark Bears – payment for Day Camp trips.
23. In the amount of \$625.00 payable to Tomahawk Lake – payment for Day Camp trips.
24. In the amount of \$300.00 payable to NJ Jackals – payment for Day Camp trips.
25. In the amount of \$1,050.00 payable to Extreme Kidz – payment for Day Camp trips.
26. In the amount of \$650.00 payable to Williams Center – payment for Day Camp trips.
27. In the amount of \$33.00 payable to Maureen LaFaso – refund for Day Camp trips.

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- 28. In the amount of \$90.00 payable to Charisse Rizzo – refund for volleyball.
- 29. In the amount of \$3,625.00 payable to Madison Square Garden – payment for tickets.
- 30. In the amount of \$14.00 payable to Simona Sullivan – refund preschool aftercare.
- 31. In the amount of \$14.00 payable to Jennifer Spinelli – refund preschool aftercare.
- 32. In the amount of \$14.00 payable to Lisa George – refund preschool aftercare.
- 33. In the amount of \$14.00 payable to Tanya Maczko – refund preschool aftercare.
- 34. In the amount of \$14.00 payable to Peter Rettenberger – refund preschool aftercare.
- 35. In the amount of \$14.00 payable to Natalie Alonso – refund preschool aftercare.
- 36. In the amount of \$14.00 payable to Nancy Rettenberger – refund preschool aftercare.
- 37. In the amount of \$14.00 payable to Darlene Parisi – refund preschool aftercare.
- 38. In the amount of \$1,240.00 payable to Tennis Dynamics – payment for tennis lessons.
- 39. In the amount of \$40.00 payable to Thomas Murro – refund girls softball.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

RESOLVED: That bills in the amount of \$ 1,204,417.03 payable from the Current Account AND \$3,820.30 from the Public Assistance Trust Fund 1 Account and \$43,809.70 from the Unemployment Insurance 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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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

WHEREAS, there is an overpayment of 2008 second quarter taxes on the following properties, and;

WHEREAS, it has been determined that the parties listed are entitled to a refund of its overpayment;

NOW, THEREFORE, BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue warrants totaling \$7,965.00 and charge same to 2008 taxes overpaid.

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BLOCK	LOT	NAME & ADDRESS	AMOUNT
190	45	Carol Gearity Re: 221 Grand Avenue	\$1,941.00
207	35	Re: 64 Yahara Avenue	\$ 1,827.00
6	1.01	First American R.E. Tax Service Re: 227 Santiago Avenue	\$ 2,242.00
169	12	VNB Mortgage Services, Inc. Re: 39 Feronia Way	\$ 1,955.00

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

RESOLVED: That the following warrants be issued in the amounts indicated for the purposes stated:

In the amount of \$1,000.00 payable to the retired Police employees listed below for medical benefits compensation as per contract for the period of January – June, 2008:

Joseph Frey	\$500
Jack Romain	\$500

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Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

RESOLVED: That the following warrants be issued in the amount indicated for the purposes stated:

1. In the amount of \$45.00 payable to Jennifer Morales – refund for volleyball camp.
2. In the amount of \$45.00 payable to Jeanne Pendleton – refund for volleyball camp.
3. In the amount of \$45.00 payable to Jose Besada – refund for volleyball camp.
4. In the amount of \$75.00 payable to Donna Janicelli – refund for girls softball.

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Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

RESOLVED: That bills in the amount of \$ 303,555.11 payable from the Current Account AND \$3,000.00 from the Rutherford Business Improvement Account and \$247.48 from the Rutherford Multicultural Account all as detailed as follows on the

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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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For, **FINANCE**, Councilwoman Inguanti reported during the past month the Council has appointed bond counsel to assist us in the issuance of Bond Anticipation Notes in the amount of \$8,460,500. These are being renewed until May 1, 2009. The note was awarded to RBC Capital Markets. After the premium given by RBC of \$54,506.09 the effective rate is 1.97% . The interest due in 2009 will be \$140,026.

Councilwoman Inguanti said that the closing of this transaction will be June 30th and the money will change hands July 1st. Funds are being used to finance the Borough's capital projects for 2005, 2006 and 2007. It is anticipated that permanent financing (serial bonds) will be issued in 2009. The issue date, amount and other details of the serial bonds will be discussed by the Governing Body later on during the year.

Councilwoman Inguanti said regarding the application for extraordinary aid, an amendment was sent regarding Rutherford's Application for Extraordinary Aid to the attention of the Division of Local Government Services. This was necessary because ENCAP has declared bankruptcy and this has created the following problems:

- The Tax collector was unable to include ENCAP's unpaid 2007 taxes which total \$510,000 in the May tax sale. This will substantially reduce the amount realized from delinquent taxes in the 2008 budget.
- Similarly, approximately another \$510,000 of Current 2008 Taxes will be uncollectible which will adversely affect the revenue line item for Receipts from Current Taxes.

Councilwoman Inguanti continued that this creates a negative affect on the Borough's cash flow. These factors make a strong case for Rutherford receiving at least a portion of the extraordinary aid requested.

Councilwoman Inguanti said regarding the issuance of estimated tax bills; the state "permissive estimated tax levy range" is a 5% range above or below the previous year's levy. At present, based on actual school taxes to be raised and estimated taxes for the County and the taxes in the introduced municipal budget, the total levy increase is almost exactly 5%.

Councilwoman Inguanti said they are seeking the cooperation of the Board of Education in asking them to accept a part payment for the month of July. By approving the issuance of estimated tax bills the governing body will eliminate the need for Tax Anticipation Notes which will in turn save the borough approximately 250K in the budget for 2009.

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Councilwoman Inguanti said she wished to add an item to the Finance agenda; a resolution to authorize estimate of tax bills she then introduced the CFO to speak briefly on estimated taxes. The CFO said the resolution that was being considered by the Mayor and Council authorizes the issuance of third quarter estimated tax bills and in issuing these tax bills a number of things will be accomplished; the Borough will have sufficient cash for which to operate the budget during the months of July, August and September and they will be able to do so without the issuance of tax anticipation notes; if the notes were issued they would be stuck with over \$250,000 on interest on the notes and over \$5,000 in legal fees. He said the second thing being accomplished with the Resolution is that there will be an interval between the third quarter taxes and the fourth quarter taxes instead of having taxpayers paying their fourth quarter tax two weeks after they pay their third quarter; this will enable about a two or three month hiatus to take place. The CFO said the third thing to be accomplished will be that the Borough will not have the use of tax anticipation notes which looks very good in the eyes of Standard and Poor's and Moody's, they're credit rating agencies. He said in 2009 when they probably will issue serial bonds, those agencies will look favorably upon the fact that the Borough was able to stand on their own and not issue tax anticipation notes.

The CFO said the way the estimated tax bills are calculated is very easy; they know the school tax has to be raised between January and December, they can estimate the County taxes and they know the municipal taxes in the introduced budget; adding those numbers up, produces an estimated tax rate which is used in the third quarter estimated tax bill. He said the only other thing that should be stressed is that the increase, the total revenue for 2008 is less than 4.5% of what the levy was in 2007, the exact increase is about 4.95%.

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Councilwoman Inguanti moved the following Resolution, seconded by Councilman Sommer with all members present voting aye:

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 extraordinary aid amounts are determined by the State of New Jersey;

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 a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Governing Body of the Borough of Rutherford requests the Director of the Division of Local Government Services to approve the estimated tax levy exceeding the 105% listed below. Approval will enable the Borough to meet its financial obligations, maintain the tax collection rate, and provide uniformity for tax payments.

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NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Rutherford, in the County of Bergen, and State of New Jersey on this 24th day of June, 2008, 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 2008 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by P.L. 1993, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2008 is hereby set at \$58,848,000.00 and the estimated tax rate set at \$2.057.
3. In accordance with law the third installment of 2008 taxes shall not be subject to interest until the later of August 11 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.

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

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

WHEREAS, the Mayor and Council of the Borough of Rutherford have been advised of the proposed amended settlement of a Tax Appeal filed on behalf of 359 Veterans Boulevard, LLC under Docket Nos.: 007277-2004, 006373-2005 and 003567-2006 for the years 2004, 2005, and 2006; and

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Rutherford to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that settlement of the said Tax Appeal be finalized in accordance with

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Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A. 40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

WHEREAS, in January 2008 the Borough of Rutherford retained Paul S. Barbire, Esq. as Special Counsel for Tax Appeal matters with a contract not to exceed \$17,500.00; pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, it appears that Special Counsel will exceed the amount provided in the Contract; and

WHEREAS, there are additional Tax Appeal matters, which the Borough desires Paul S. Barbire, Esq. to address; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford authorizes the Mayor to enter into an amended contract with Paul S. Barbire, Esq., of Rutherford, New Jersey to extend the contracted amount from \$17,500.00 to not exceed \$30,000.00 as described herein; and

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

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

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;

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

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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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6/17 Under the Consent Agenda, Councilman Genovesi moved to authorize the CFO to renew bond anticipation notes and investigate and report back on estimated tax bills, seconded by Councilwoman Inguanti with all members present voting aye.

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6/17 Under the Consent Agenda, Councilman Genovesi moved to authorize the change in the extraordinary aid application, seconded by Councilwoman Inguanti with all members present voting aye.

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For **POLICE**, Mayor Hipp reported that all items have been consented.

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6/17 Under the Consent Agenda, Councilman Genovesi moved to authorize the request to hold a block party on Sylvan Street Sunday, August 31st, seconded by Councilwoman Inguanti with all members present voting aye.

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6/17 Under the Consent Agenda, Councilman Genovesi moved to authorize the request to hold a block party on Eastern Way Saturday, July 26th, seconded by Councilwoman Inguanti with all members present voting aye.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

BE IT RESOLVED BY THE MAYOR AND COUNCIL of the Borough of Rutherford, that the following Alcoholic Beverage Licenses at a fee of \$1,080.00 each, expiring June 30, 2008 be issued:

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| 1.) 0256-44-015-003
Clares Food Market Inc.
t/a Union Avenue Liquors
306 Union Avenue | 2.) 0256-44-001-002
Jenni L., LLC
t/a Vin De Matisse Liquors
167 Park Avenue |
| 3.) 0256-44-005-005
Jay Khodiyar Inc.
t/a Krauser's Food & Liquor
275 Park Avenue | 4.) 0256-44-006-009
Nan-Bo, Inc.
t/a Village Wine Shoppe
75 Park Avenue |
| 5.) 0256-44-008-003
The Flying Scotsman, LLC
t/a Station
11 Station Square | |

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

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

BE IT RESOLVED BY THE MAYOR AND COUNCIL of the Borough of Rutherford, that the following Alcoholic Beverage License, at a fee of \$2,400.00 each, expiring June 30, 2008 be issued:

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0256-33-016-001
Rutherford Hotel, Inc.
801 Rutherford Avenue
Rutherford, NJ 07070

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

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

BE IT RESOLVED BY THE MAYOR AND COUNCIL of the Borough of Rutherford, that the following Alcoholic Beverage Licenses, at a fee of \$72.00 each, expiring June 30, 2008 be issued:

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| 1.) 0256-31-010-001
American Legion Post 109
424 Carmita Avenue | 2.) 0256-31-012-001
Rutherford Lodge #547 BPOE
48 Ames Avenue |
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AND BE IT FURTHER RESOLVED that the Borough Clerk be authorized to sign the above licenses and that the Borough Clerk be authorized to deliver the above license to the licensee or its agents upon receipt of the proper signatures for same.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

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

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

PTA St. Mary's High School

Off Premises 50/50 Raffle

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Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

BE IT RESOLVED BY THE MAYOR AND COUNCIL of the Borough of Rutherford, that the following Alcoholic Beverage Licenses at a fee of \$1,080.00 each, expiring June 30, 2008 be issued:

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| 1.) Scoter Corp.
(Inactive)
0256-44-009-005 | 2.) Rutherford Wine Shoppe
270 Park Avenue
0256-44-002-004 |
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AND BE IT FURTHER RESOLVED, that the Borough Clerk be authorized to sign the above licenses and that the Borough Clerk be authorized to deliver and 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 Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, Alcoholic Beverage License Number 0256-44-003-008 has received a Special Ruling to permit the filing and consideration of a renewal application for said referenced inactive license for the 2008-2009 license term pursuant to N.J.S.A. 33:1-12.39;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that the following Alcoholic Beverage License at a fee of \$1,080.00 be issued to:

- 1) Candles `N Scents
0256-44-003-008

AND BE IT FURTHER RESOLVED, that the Borough Clerk be authorized to sign the above license.

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For **PUBLIC WORKS**, Councilman Sommer wanted to mention that throughout town from the last major storm of a couple of weeks ago, there are still remains in the street although there has been a lot of work done by the DPW to help gather the tree trunks and shrubbery that was brought down by the storm. Councilman Sommer said that at the last meeting they passed the allocation from last year's capital budget to purchase a wood chipper which is significantly improved technology than the 25 year old chipper they had in place. He said it hasn't arrived in town but in the intrum there is

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some compacting using garbage trucks and they are trying to get the debris out of the streets as soon as possible. Councilman Sommer said they may notice a block gets cleaned and somehow new shrubbery comes out; they prefer that not occur but it is.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

WHEREAS, the Borough of Rutherford wishes to submit a grant application to New Jersey Department of Transportation for the Mortimer Avenue Section 2 project,

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

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2009 – Rutherford Borough – 00557 to the New Jersey Department of Transportation on behalf of the Borough of Rutherford, and

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.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

WHEREAS, the Mayor and Council of the Borough of Rutherford authorized the advertisement for bids for One (1) Shade Tree Chipper Truck Body & Chassis with Heavy Duty Wood Chipper;

WHEREAS, one (1) bid was received on May 20, 2008;

WHEREAS, the bid submitted by Frank's Truck Center for the unit price of \$104,924.00 is in accordance with the Bid Package and the Specifications, and responsive to same;

WHEREAS, Edward C. Cortright, the Chief Financial Officer, has certified in writing to the Governing Body that funds are available in the amount of \$104,924.00 for the purchase of a Shade Tree Chipper Truck Body & Chassis with Heavy Duty Wood Chipper, which certification shall be attached to this Resolution and filed in the Borough Clerk's office;

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WHEREAS, Frank's Truck Center said Bid has been reviewed by the Borough Attorney and is found to be in order;

WHEREAS, the Governing Body hereby finds that the bid of Frank's Truck Center is responsive and that the bidder is a responsible entity, and that such bid for one Shade Tree Chipper Truck Body & Chassis with Heavy Duty Wood Chipper shall be awarded to Frank's Truck Center subject to the complete and prompt legal review of Lane Biviano Esq., Borough Attorney;

NOW THEREFORE, be it resolved by the Mayor and Council of the Borough of Rutherford as follows:

1. The Bid for the purchase and sale of One Shade Tree Chipper Truck Body & Chassis with Heavy Duty Wood Chipper, in the amount of \$104,924.00, be and is hereby accepted and awarded to **Frank's Truck Center** subject to the terms and conditions of this Resolution, the Bid Package and Proposal, and all applicable laws;
2. The Mayor and Borough Clerk are authorized to execute such agreement and other documents as may be required on behalf of the Borough of Rutherford to complete the transaction, subject to approval of the Borough Attorney as to form;

The Borough Clerk is hereby authorized to retain the bid security of Frank's Truck Center until such time as the bid bond is filed.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the recommendation of Chris Seidler to award the one year contract for recycling material drop-off to Atlantic Coast Fibers, seconded by Councilwoman Inguanti with all members present voting aye.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

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 1
(NJDOT Local Aid Project)

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ENGINEER: Boswell McClave Engineering
330 Phillips Avenue
South Hackensack, New Jersey 07606

CONTRACTOR: Cifelli & Son, Inc.
4 Coppola Street
Nutley, New Jersey 07110

ORIGINAL CONTRACTOR COST: \$ 224,662.00

COST OF CHANGE ORDER: Plus \$ 8,600.00

NEW CONTRACT SUM: \$ 233,262.00

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6/17 Under the Consent Agenda, Councilman Genovesi moved to authorize Mayor Hipp to sign an agreement with the County for paving of Jackson Avenue and to provide police traffic directors for the project, seconded by Councilwoman Inguanti with all members present voting aye.

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6/17 Under the Consent Agenda, Councilman Genovesi moved to authorize the Borough Engineer to prepare plans and specifications for road repaving of Grand Avenue, seconded by Councilwoman Inguanti with all members present voting aye.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Inguanti with all members present voting aye:

The Governing Body of the Borough of Rutherford desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$12,029.00 to fund storm-water activities as described in the Scope of Services.

THEREFORE, the Governing Body resolves that Edward Cortright or the successor to the Office of Chief Financial Officer is authorized to execute a grant agreement with the State.

The Grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

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Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, in 2004 the Borough of Rutherford had entered into a contract with Al Neto Contractors of 1004 Severin Drive, Bridgewater, New Jersey in the amount of \$184,426 for the Kip Avenue Streetscape Improvements, and

WHEREAS, CMX the Borough Engineer for this project, had recommended that a net change order be implemented resulting in a net increase in the project of \$32,476,

WHEREAS, this project is now 100% complete and request for final grant reimbursement may now be made from the NJ Department of Transportation,

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Rutherford hereby approve this change order in the amount of \$32,476 and that the Presiding Officer execute six (6) copies of said change order for the records of the Borough, CMV Engineers, Al Neto Contractors and the NJ Department of Transportation for final grant reimbursement.

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As Liaison to the DOWNTOWN PARTNERSHIP, Councilman Sommer said they are working with DPW and Police to come up with suitable cameras and lighting for the walkway between the Kip Garage and the Tunnel. Councilman Sommer said DPW has instituted a regular cleaning schedule where they power wash the tunnel, it has already been painted. He said this is to encourage and make people more comfortable parking in the Kip Garage and patronize the Downtown business areas. Councilman Sommer they also ordered 16 signs, 14 of which will be placed around town in appropriate locations directing people to the municipal parking garage. He said the issue they have now is that they want to make sure they use the proper technology for the cameras.

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Under the Consent Agenda, Councilman Sommer made a motion to approve the concept of the new plan for the Nereid Boat Club, seconded by Councilman Fecanin with all members present voting aye.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution seconded by Councilwoman Inguanti, with all members present voting aye:

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WHEREAS, a Bergen County Open Space Trust Fund application in the amount of \$200,000 has been proposed by the Borough of Rutherford for the Leisure Lane and Memorial Field Basketball Court Improvements in the Borough of Rutherford; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds, may not be spent in a municipality without authorization by the Mayor and Council; and

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

THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that the Governing Body is committed to providing a dollar for dollar cash match for the project; and,

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

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution seconded by Councilwoman Inguanti, with all members present voting aye:

BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford wishes to enter into a grant agreement with the County of Bergen for the purposes of using \$80,426. in Community Development Block Grant Funds for the 2006 Barrier Free Sidewalk Improvements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes the Mayor be a signatory to the aforesaid grant agreement; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Ed Cortright to sign all County Vouchers submitted in connection with the above referenced project; and,

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Rutherford is liable for any funds not spent in accordance with the grant agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution seconded by Councilwoman Inguanti, with all members present voting aye:

WHEREAS, a Bergen County Community Development Grant of \$129,668 has been proposed by the Borough of Rutherford for the Williams Center Plaza Sidewalk Improvements in the Borough of Rutherford; and,

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds, may not be spent in a municipality without authorization by the Mayor and Council; and,

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

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

THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford hereby confirm 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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6/17 Under the Consent Agenda, Councilman Genovesi moved the following Resolution seconded by Councilwoman Inguanti, with all members present voting aye:

BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$129,668 in Community Development Block Grant Funds for the Williams Center Plaza Sidewalk Improvements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes the Mayor be a signatory to the aforesaid grant agreement; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Ed Cortright to sign all County Vouchers submitted in connection with the above referenced project; and,

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Rutherford is liable for any funds not spent in accordance with the grant agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

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Councilwoman Keyes announced that the Bergen County Community Development grant award of \$57,608 for improvements to Grand Avenue was received.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Fecanin reported for the month of May; Building permits, electrical permits, etc. the total for the month was \$30,136; revenues for elevator registrations, inspections, licenses \$3,755 for a grand total of \$33,891; total value of construction \$879,961; total number of permits issued 167; total number of Construction Department inspections 608. Councilman Fecanin said even though it is summer months they are still busy and people are still doing work on their homes.

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6/17 Under the Consent Agenda, Councilman Genovesi move to authorize the Borough Engineer to prepare plans and specifications for the ADA improvements to Borough Hall, seconded by Councilwoman Inguanti with all members present voting aye.

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Councilman Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

BE IT RESOLVED, by the Mayor and Council of the Borough of Rutherford that the following change order be approved:

GENERAL CONSTRUCTION:	Improvements to Tax Office Countertop (Countertop Replacement and Safety Glass)
ENGINEER:	Boswell McClave Engineering 330 Phillips Avenue South Hackensack, New Jersey 07606
CONTRACTOR:	Seehaus and Walker Construction P.O. Box 316 Rutherford, New Jersey 07070
ORIGINAL CONTRACTOR COST:	\$ 11,470.40
COST OF CHANGE ORDER:	Plus \$ 1,129.60 (9.85%)
NEW CONTRACT SUM:	\$ 12,600.00

NATURE OF CHANGE:

Changes in original design to incorporate the following:

1. Recommendations regarding tax office counter from November 2007 ADA report prepared for the Borough Hall. Current countertop is not ADA complaint. Changes include modification of one tax counter station to be handicapped accessible (lower counter height from 41" to 36", increase width and depth of counter area to accommodate wheelchairs), realign safety glass to match
2. Modification of design to extend corridor to provide additional counter space. This area, located in the corner of room past the doorway to the clerk's office, will serve as a tax map/tax information book review area. The existing area was rendered not usable for bound set of full size tax maps due to installation of the safety glass.
3. Adjust storage cubby height/depth to accommodate new computer monitor arrangement at counter workstations. This is to provide for privacy of confidential information that is displayed on the monitors.

NET EXTRA COST OF THIS CHANGE ORDER:

Plus \$ 1,129.60

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As liaison for the AMBULANCE CORP., Councilman Fecanin reported for the month of May that the First Aid Squad responded to 80 calls traveling over 803 miles; 47 calls were classified for medical emergencies, 17 calls for trauma and 6 calls for motor vehicle accidents. Councilman Fecanin said the squad visited 5 different hospitals during the month of May, Hackensack University Medical Center with 29 followed by St. Mary's with 18. He continued the Squad treated 48 residents, 19 non-residents and responded to two mutual aid calls, the Squad requested the services of paramedics on 30 occasions. Councilman Fecanin said the Squad is recruiting new members and they ask any interested parties call the 24-hour hotline or www.rutherfordems.org.

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For **HUMAN RESOURCES**, Councilman Sommer said the items have been consented to and continued to say the highlights are the new programs for the summer time are in full swing from softball for adults to summer camp which is much larger this year than it has been because they have introduced half day sessions for pre-K. Councilman Sommer said it is wonderful with recreation the intermingling of the town, parents and children. He said in the case of summer camp there are counselors, counselors in training, students who are now in college who went through the high schools and are playing a senior role in the camps which makes it a nice community program which keeps expanding.

Councilman Sommer continues that a year ago through the prior administration, they were able to secure funding for the renovation of the tennis courts, the last time there was a major renovation was in 1964. He said all six courts will be available for tournament levels, they removed the basketball courts and they will be place in the parking lot, they installed gates with proper locks and they encourage people to go to the recreation and sign up for permits so they can use the courts.

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Under the Consent Agenda, Councilman Sommer moved to authorize the Borough Engineer to prepare permit application to DEP for construction of a new concession stand/restroom facility in Tryon Field, seconded by Councilman Fecanin with all members present voting aye.

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Councilman Sommer announced that the NJDEP is accepting applications for Green Acres with a due date of September 30, 2008.

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Under the Consent Agenda, Councilman Sommer moved to permit the Rutherford Downtown Partnership to serve beer and wine at the Taste of Rutherford, June 25th at the Williams Plaza, seconded by Councilman Fecanin with all members present voting aye.

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Councilman Sommer asked the Mayor to appoint additional day camp counselors.

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Under the Consent Agenda, Councilman Sommer made a motion to accept the 2007 Annual Report of the Board of Adjustment, seconded by Councilman Fecanin with all members present voting aye.

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Under the Consent Agenda, Councilman Sommer made a motion to accept the request to hold the annual Multicultural Festival on May 16, 2009, seconded by Councilman Fecanin with all members present voting aye.

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MAYOR'S COMMITTEE REPORT

Mayor Hipp reported that in regards to the library HVAC system, a meeting was held concerning gas leaks in the boiler system, there were tests being conducted and leaks occurred and the system thankfully is not in use this summer so it has been shut down, but they requested the contractor and CMX perform another pressure test to ascertain the source of the leaks. The Mayor said there may be a requirement for an additional change order as a result of the information but they can not operate the boiler system without the gas line being repaired and leak proof.

Mayor Hipp said in regards to Encap he is pleased to report that progress is being made with the Meadowlands Commission and with AIG the maturity company, they are actually in discussions to have AIG pay for the actual removal of garbage as part of the clean up in the Rutherford sites. The Mayor said this is significant and they expect to hear a response from AIG within the next two weeks, so far clean up has recommenced and the NJMC has taken control of the situation and they are proceeding with additional clean up but if they can remove garbage from the Rutherford sites that is going to be a significant achievement and they hope to have good news from NJMC that AIG is very interested in doing that. Mayor Hipp said he hopes to have more news for everyone by the work session of July.

Mayor Hipp said on the 30th the Department of Transportation is going to be holding public hearings on Route 3 improvements, specifically the work that will be done on the Park Avenue bridge going into Lyndhurst as well as the Passaic River Bridge and the proposal to establish sound walls. The Mayor invited the public to come June 30th to the Council Chambers from 5:00-8:00 p.m.; the next one will be on September 22nd at 5:00 – 8:00 p.m. in case they can't make the June 30th meeting.

Mayoral Appointments:

Youth Advisory Council:

**Ramy Youseff
Shannon Thomas
Christina Jang
Anne Decker
Patrick Manning**

Mayor Hipp stated that they wanted to call themselves the Youth Advisory Council as opposed to the Youth Advisory Committee, so he allowed for that change; their website is now up but is still a work in progress. The Mayor said this is a group of high school student's from Rutherford High and St. Mary.

Rutherford Downtown Partnership:

Karen Sullivan

Mayor Hipp said the RDP has three appointed residents to its Board, they are not members of a corporate but they are members of the Board of Trustees with full voting powers, there was a vacancy left and he wishes to appoint Karen Sullivan who is a long time resident in Rutherford, active in her church and the Board has requested the appointment.

Councilman Sommer moved confirmation on the appointment of Karen Sullivan to the Rutherford Downtown Partnership, seconded by Councilwoman Inguanti with all members present voting aye.

Board of Library Trustees:

Pat Wester

Mayor Hipp requested the appointment of Pat Wester, who was a former President of the Board of Trustees and when the vacancy became available he asked for input from the Board of Trustees as to their recommendation and they asked to appoint Pat Wester.

Councilman Sommer moved confirmation on the appointment of Pat Wester to the Library Board of Trustees, seconded by Councilwoman Inguanti with all members present voting aye.

Civil Rights Commission:

**Joseph Gilhawley
Barbara Bennett
Roger Grenier
Louis Nunez
Michael Coleman**

Councilman Sommer moved confirmation on the appointment of five members nominated to the Civil Rights Commission, seconded by Councilman Fecanin with all members present voting aye.

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6/17 Mayor Hipp appointed McCarthy & Jennerich as Special Tax Counsel. Councilman Sommer moved confirmation, seconded by Councilwoman Inguanti with the following vote: Aye – Sommer, Inguanti; Nay – Keyes, Sasso; Abstain – Genovesi; Aye – Mayor Hipp. Motion carried.

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6/17 Mayor Hipp appointed Jonathan I. Rabinowitz, Esq. of **Rabinowitz, Lubetkin & Tully, LLC** as Bankruptcy Counsel. Councilman Genovesi moved confirmation, seconded by Councilman Sommer with all members present voting aye.

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6/17 Councilman Sommer moved the following Resolution, seconded by Councilwoman Inguanti with the following vote: Aye – Sommer, Inguanti; Nay – Keyes, Sasso; Abstain – Genovesi; Aye – Mayor Hipp. Motion carried:

WHEREAS, the Borough of Rutherford desires to retain Special Counsel Attorney For Tax Appeal matters 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, **McCarthy & Jennerich, Esqs.** of Rutherford, New Jersey has submitted a proposal indicating he will provide the legal services as Special Counsel at the rate of \$95.00 per hour; and

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

WHEREAS, McCarthy & Jennerich, Esqs. have completed and submitted a Business Entity Disclosure Certification which certifies that he 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 him 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 McCarthy & Jennerich, Esqs., of Rutherford, 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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6/17 Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer with all members present voting aye:

WHEREAS, the Borough of Rutherford desires to retain Special Counsel Attorney For Bankruptcy matters 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, Jonathan I. Rabinowitz, Esq. of **Rabinowitz, Lubetkin & Tully, LLC** of Livingston, New Jersey has submitted a proposal indicating he will provide the legal services as Special Counsel at a blended rate of \$195.00 per hour; and

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

WHEREAS, Jonathan I. Rabinowitz, Esq. of Rabinowitz, Lubetkin & Tully, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that he 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 him 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 Jonathan I. Rabinowitz, Esq. of Rabinowitz, Lubetkin & Tully, LLC, of Livingston, 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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Recreation Day Camp Counselors:

**Jennifer Maglione
Robert Fagan
Robert Segro
Alex Russo
Matthew Holt
Courtney Boyle
Hannah Maak**

**Gina Sbrocco
Richard Senatore
James Kosakowski
Lindsay Ferrell
Kavisha Khanuja
Erin Joyce
Johanna Stange**

6/17 Councilman Genovesi moved the appointments of additional recreation counselors, seconded by Councilwoman Inguanti with all members present voting aye.

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Mayor's Proclamations:

**Eagle Scout Project Commendations
Friends of the Library T-Shirt Contest Winners**

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ORDINANCES – 2nd READING

For **Ordinance on Second Reading**, Councilman Fecanin asked the Clerk to read by title only the ordinance.

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The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC. (alternate side College Place; bus stop Union Avenue; handicap space 191 Santiago Ave)**

Mayor Hipp opened the public hearing for the Ordinance. As no one wished to speak the discussion was closed.

Mayor Hipp opened the Ordinance for Council comment; no one wished to speak the discussion was closed.

Councilman Fecanin moved this ordinance be passed on second reading and final reading and advertised according to law, seconded by Councilman Sommer with all members present voting aye.

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Councilman Sommer explained that the next two ordinances pertain to amending ordinances that have been on the books since the early 80's and they have to do with cleaning sewer laterals from a home to the sewer main. This service has not been performed in many years due to cost constraints and manpower and this updates the regulations.

For **Ordinance on Second Reading**, Councilman Sommer asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 91, ENTITLED SANITARY SEWERS.**

Mayor Hipp opened the public hearing for the Ordinance. As no one wished to speak the discussion was closed.

Mayor Hipp opened the Ordinance for Council comment; no one wished to speak the discussion was closed.

Councilman Sommer moved this ordinance be passed on second reading and final reading and advertised according to law, seconded by Councilman Fecanin with all members present voting aye.

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For **Ordinance on Second Reading**, Councilman Sommer asked the Clerk to read by title only the ordinance.

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The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 109, ENTITLED STREETS AND SIDEWALKS.**

Mayor Hipp opened the public hearing for the Ordinance. As no one wished to speak the discussion was closed.

Mayor Hipp opened the Ordinance for Council comment. Councilman Fecanin questioned the sidewalk responsibility and Councilman Sommer replied that a homeowner is responsible for the maintenance.

Mayor Hipp as no one else wished to speak the discussion was closed.

Councilman Sommer moved this ordinance be passed on second reading and final reading and advertised according to law, seconded by Councilwoman Inguanti with all members present voting aye.

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For **Ordinance on Second Reading**, Councilman Sommer asked the Clerk to read by title only the ordinance.

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 73-8 SCHEDULE OF FEES FOR THE BOROUGH OF RUTHERFORD, CHAPTER 73 PLAYGROUNDS, PARKS, OPEN SPACE AND RECREATION AREAS.**

Mayor Hipp opened the public hearing for the Ordinance.

Jim Olivola – 61 Maple Street said he wanted to know what it entails and could they please give a brief on it and asked how the use of the fields is monitored.

Councilman Sommer said that they have three park rangers and it is the ranger who in the first instance would approach anyone on the team and ask to see a permit. He said if they are not able to show a permit they are asked to leave the field, the ranger is not expected on his own to enforce the law or have them removed but they can call in and ask for assistance. He said they have had a lack of tightness controlling this due to manpower issues and on Tryon Field, the gates are open early and closed later and a lot of people come in without permits so they are looking into how they can tighten that.

Councilman Sommer said with the completion of the new tennis courts, they will be looking at security issues there also to protect this investment.

As no one else wished to speak the discussion was closed.

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Mayor Hipp opened the Ordinance for Council comment; no one wished to speak the discussion was closed.

Councilman Sommer moved this ordinance be passed on second reading and final reading and advertised according to law, seconded by Councilman Fecanin with all members present voting aye.

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Mayor Hipp opened the second hearing of citizens. As no citizens wished to be heard, Mayor Hipp closed the hearing of citizens.

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Councilman Sommer moved the following Resolution to close the meeting, seconded by Councilman Fecanin 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 Tuesday, June 24, 2008 at 9:14 p.m. in the Committee of the Whole Room to discuss the following matter:

- ◇ Retirement and resignation packages

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The meeting re-convened into open session at 9:35 p.m. Councilman Sommer moved to adjourn at 9:35 p.m., seconded by Councilman Fecanin with all members present voting aye.

Borough Clerk