

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, JUNE 26, 2007**

The meeting was called to order by Mayor McPherson at 8:10 p.m. with the following Councilmembers present:

Councilman Frazier
Councilman Reyes
Councilman Sommer
Councilwoman Keyes
Councilman Genovesi

Councilman Fecanin - Absent

Mayor McPherson asked those present to join her in a salute to the flag followed by a moment of silent prayer.

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Mayor McPherson made the following presentations:

- James Jay Veasey – PSE&G employee recognition of his valor in fire incident
- Winners & Judges of "Get A Clue At Your Library" T-Shirt Contest

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Council President Reyes read the provisions of the Open Public Meetings Law.

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Mayor McPherson opened the hearing of citizens.

Frank DelVecchio, 327 Mortimer Avenue thanked the Department of Public Works for fixing the "O" in the Tryon Field sign. Mr. DelVecchio said that he had a meeting with EnCap regarding what the encasing wall was composed of and he drew up a sketch that he gave to the Borough Clerk for distribution. He said that the sketch shows a 15' vinyl wall that basically has no structural bracing; it is only supported by earth pressure on both sides of the sheathing. Mr. DelVecchio said that any sheathing that would be removed or any erosion that could happen would make the sheathing fail. He said it is only keyed 6" into the clay and it must have constant monitoring for the life of the project. He said that is what's there and it's not the best system, it will work if it is not disturbed and there's no extra pressure, He said he believes it will contain the garbage but will probably fail. He said his background for this is a two year college degree in construction technology, 35 years working as a contractor in heavy construction and 50 years of construction work. Mayor McPherson thanked Mr. DelVecchio for his comments.

Al Frank, 124 Eastern Way said he noticed Meadow Road was cleaned up to Wall Field and it looks great but he wishes they would do something about the rest of the park. He said another good thing that has happened is local kids went down and repainted the basketball court, they put lines up, a new net and repainted the backboards and even though the cops were there thinking that they were doing vandalism, they were not, they were doing something very good for this park. Mr. Frank said that he doesn't understand why the kids have to do this, the town should be taking care of that, but Wall Field has become a forgotten field. He said that he has asked about having it cleaned up many

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times and still nothing gets done at the Field. Mr. Frank said that in either the Leader or Bergenite, the Board of Health says that if there is anything over 10" the residents can be issued a summons. He said that the Borough of Rutherford should be issued a summons for the amount of weeds that are down around the park on the outside of the Field in between the two fences and in the park itself. Mr. Frank continued that it is a breeding ground for everything and he would like to see that cleaned up.

Mr. Frank said that he has a question about three ordinances. He said in regards to the POD ordinance, does that cover the whole town of Rutherford including industrial zones, commercial zones, and residential zones and if so we need to go around and start to write summonses for people who do not have these permits but do have a type of storage POD on their property. Mr. Frank said the second ordinance is the convenience store ordinance, is this for the whole of Rutherford or just part of Rutherford? He said the gas station on Rte. 17 has a store open 24 hours, does that mean that it is a convenience store. Mr. Frank said the last ordinance is the commercial vehicle one hour parking on town roads, on his block at any given time there are three commercial vehicles parked. He said at the end of Passaic Avenue, not mentioning any towing company name, but overnight there are between three and five tow trucks parked on the street every night. Mr. Frank asked if this pertains to part of the town or is it to the whole of Rutherford.

Mayor McPherson responded that the POD ordinance applies throughout the entire town and the convenience store ordinance applies to all convenience stores. The Borough Attorney added that the ordinance exempts the ORD zone which is the zone along Rte. 17. Mayor McPherson and the Borough Attorney stated that there are not any roads that are exempt from the commercial vehicle ordinance. The Borough Attorney stated that Mr. Frank should make a complaint if he feels there is a violation.

Mr. Hipp, 143 Highland Cross said that he wanted to make a record on two issues. He said that in regards to EnCap, the revelations that have been published in the Record and the ongoing investigations, he asked that the Council seriously consider declaring EnCap in default of a financial agreement as amended. Mr. Hipp continued that it is now pretty clear that they will not build the houses, they should not continue to receive the breaks that this financial agreement calls for. He said his concern is based upon the notion that EnCap, in order to get itself out of this mess, wants to use the pilot bonds and take back cash to help build. Mr. Hipp said it is a shaky situation, if we get out now, we are protecting the taxpayers from a disaster down the road. He asked this be considered as it will happen pretty fast and the State is probably going to take it over and we need to break the relationship with EnCap sooner rather than later.

Mr. Hipp said in regards to the budget, last month, he believes the town accountant characterized it as drastic, he chooses the word desperate as a result of what happened with the Local Finance Board. He said that it is not \$104,000 that was a present value number; the proposal that was rejected by the Local Finance Board was over \$800,000 that did not include bond issuance fees. Mr. Hipp said that it was also based upon certain assumptions including interest rates which are probably the same as or less than current interest rates. He said those assumptions, in his opinion are incorrect. Mr. Hipp said that the Finance Board is telling them something; this is a bad deal and please listen. He said the proposed budget stands at 24% and something needs to be done. Mr. Hipp said you can't rely or pray on the Local Finance Board bailing them out. Mr. Hipp said they need to start doing other things and they need to be done right away, so please act fast because half a year is gone and we are going to get hit with the largest tax increase that this town has seen on top of an 18% tax increase last year in the municipal budget. He said the taxpayers cannot afford it, so please take action and do it fast.

Mayor McPherson responded that she appreciates Mr. Hipp's comments. With respect to two items that were mentioned, the municipal budget that was adopted last year was not an 18% increase, it was a 12% increase at the time of adoption. The Mayor added that as it stands currently, the budget is not at 24% which is in response to your recommendations. Mayor McPherson said in respect to EnCap, the Borough Attorneys are constantly reviewing and will certainly advise if that is the action that is needed to be taken. The Mayor said with respect to the agreement with EnCap, it bears repeating and by all members of the Council, that what the Borough has negotiated does not put our taxpayers at risk and also with respect to the Local Finance Board Application, they will be

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resubmitting the application in July and it's not accurate to characterize it as a bail out. The Local Finance Board will be allowing them to help themselves in restructuring the debt. Mayor McPherson then thanked Mr. Hipp for this comments.

Mr. Hipp responded that with respect to EnCap, the fact is that monitoring the situation and giving them the tax break to build on top of the landfills which appear to have been improperly closed, is a dangerous situation for the town. He said that is his point and the pilots, if they issue now, we will never see any repayment back as a result of that if they are using it to fix the mess they are in. Mr. Hipp said they were given \$212,000,000 from the state to close the landfills and they haven't done it, now they are asking for more money and they're dipping deeper into the pot.

He said with respect to the budget, last year the municipal tax levy, which is a line item in the budget that talks about the taxes, the property taxes, it was an 18% increase not 12%. Mr. Hipp said that the overall budget went up 12 but the municipal tax levy went up 18%, you can dispute it, he asked them to deny it on the record. Mayor McPherson then thanked Mr. Hipp for his comments.

Patrick Kinzler, 105 Vreeland Avenue, said that until two years ago he lived on Highfield Lane and his kids loved to go to Wall Field and to see it totally deteriorate is a shame. He said that he knows the town had an agenda for a roller park but it is really sad to see what it has become and he knows that the Little League has offered over the years to take over the maintenance of the field and at no cost to the town. He said that considering how tight for space we are in this town, to let something sit there, he can't help but think that the goal is to let it get so bad that they can tell everyone that the roller rink definitely is an improvement. Mr. Kinzler said that grass, cut, watered, maintained would be just great for the kids. He said that in regards to the tax increase, while the town might have had a 12 or 18% tax increase, to him both of those numbers are irrelevant because he bought his house on Vreeland Avenue in September, 2005 which he said was really bad timing for the reassessment. Mr. Kinzler said that when he bought the house the taxes were approximately \$11,500 and now before they increase taxes again is around \$17,500 and if they wanted he could go check the numbers but believes they are pretty good so that is much more than 12 or 18%. He said that now he hears talk of 24% it's pretty mind numbing, as he took his kids out of St. Mary's one of the reasons because what he paid in tuition he now pays in taxes so it breaks even. Mr. Kinzler said that he coached the Babe Ruth baseball team and became aware that they had to suspend our activities there for a couple of weeks because there were no lights. He said there were 56 light bulbs on Diamond 3, 35 of them were out and the umpires refused to allow play to continue and would suspend the baseball games. Mr. Kinzler said when you are seeing your taxes go from 11,500 to 17,500 and your kid's games can't be played because there aren't light bulbs and when you can't really go to Wall Field and play like they used to be able to play, he really questions. He said there have been a lot of improvements in the last six years in town, Park Avenue is an example of that, but he has to believe that there has to be something done to make the town a little bit better. Mr. Kinzler said that he doesn't hear in any of the discussions, what we are doing to possibly reduce salaries, because things might be tight or reduce expenses and yet he sees light bulbs that go unattended for weeks and he sees a field that is allowed to deteriorate so there is a big disconnect, why are we going up so much when he sees certain things unattended to and then he doesn't hear talk about what we're doing to protect the taxpayer. He said he feels very unprotected, and truthfully he debated on whether or not to speak because he is not really sure if it means anything but he figured he might as well say it. Mayor McPherson thanked Mr. Kinzler for his comments.

Robert Genardi, 155 Montross Avenue said he sees the Chief in the audience and he would like to say something to Mr. Frazier in regards to the 7/11 on opening day, that the Police Department went out of their way and attended to the kids at the intersection even though there was a crossing guard and they did an excellent job and the kids were very polite and he wanted to say thank you for the Police Department's concern.

Mr. Genardi said as he sees the Superintendent of the DPW is present his other issue as the Council knows, they haven't had his street done in five to six weeks. He said that he personally went down to see him and he understands that both street cleaners have been out of service and he believes in the budget they are supposed to obtain two

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new cleaners, when is that? The Borough Attorney responded that the bids are out now and the bids should be back in the beginning of July, awarded at the July meeting and there is a deliver date in advance but stated that she did not have the file on hand.

Mr. Genardi said his last item is the contractor that is going to do the mechanical work on the Public Library, Envircon. He has a special request that a letter be sent to our Superintendent at the Board of Education and ask to confer with the buildings and grounds officer or committee on the performance of this contractor. He said the reason why is when he looked over the bids and the references, this job was started a year and a half ago down at Union School and would like to find out what the hold-up was and from what he understood they don't have any TCO for those additional rooms. Mayor McPherson responded that she didn't know how to answer that question just as of this moment and she is going to ask the Borough Attorney to give a review whether or not this is appropriate for the Governing Body to be reviewing the Board of Education contracts and notwithstanding any advise Mr. Tango may have given, she believes this is appropriate. Mr. Genardi responded that he understands and knows there are bonds in a job but maybe Mr. Tango's company could request a letter from the Superintendent. He said he found it strange that he would but it on his references and he was still doing the job while that job was being bid. Mayor McPherson asked if Mr. Genardi raised this issue with Board of Education members. Mr. Genardi said he wouldn't do that, he has other issues with them right now. He said that he is concerned about the library because we are relying on three or four different other contractors and if you have one contractor delaying the job it is going to cost us more money and Mr. Tango knows himself by being that their firm is going to be overlooking, this job is going to cost us money. Mr. Genardi said he would feel more comfortable as a resident with a \$1,234,000 job. Mayor McPherson responded that the Borough Attorney will not be able to answer that this evening, so if he would permit the Mayor, they will have to get back to him. Mr. Genardi thanked the Mayor.

As no further citizen wished to speak, Mayor McPherson closed the hearing of the citizens

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

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Under the Consent Agenda, Councilman Reyes moved the approval of the minutes of the regular meeting of May 22, 2007, seconded by Councilwoman Keyes with all members present voting aye.

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Councilwoman Keyes moved the approval of the minutes of the Special Meeting of May 29, 2007, seconded by Councilman Frazier with all members present voting aye with the exception of Councilman Sommer who abstained and Councilman Genovesi who voted no.

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6/19 Under the Consent Agenda, Councilman Frazier 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 \$75.00 payable to Ann Marie Esca - refund for Travel Softball
2. In the amount of \$1,650.00 payable to State Fair Event Management - Day Camp Trip.
3. In the amount of \$66.00 payable to Joanne Fiume - refund for Day Camp trip.

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4. In the amount of \$30.00 payable to Denise Coradini - refund for Soccer
5. In the amount of \$450.00 payable to Kara Weist - refund for Day Camp
6. In the amount of \$255.00 payable to Anne Margaret Bogdanos refund for PreK4
7. In the amount of \$100.00 payable to Gary Seaman reimbursement overpayment in men's softball
8. In the amount of \$50.00 payable to Jillian Reicherz reimbursement of overpayment in ladies softball
9. In the amount of \$200.00 payable to Sparta Recreation - Deposit for 2008 Sr. Olympics
10. In the amount of \$100.00 payable to David Meharg - refund Summer Day Camp
11. In the amount of \$10.00 payable to Stacey Picolli - refund Day Camp overpayment
12. In the amount of \$50.00 payable to Maureen LaFaso - refund Day Camp overpayment
13. In the amount of \$8.00 payable to Sinitra Siengsanaoh - refund Day Camp trip
14. In the amount of \$694.00 payable to Kristy Marshall - refund for Jr. Day Camp
15. In the amount of \$425.00 payable to NJ Rock Gym - Deposit for Day Camp trip
16. In the amount of \$75.00 payable to Margaret Ronga - refund for U12 Travel Softball
17. In the amount of \$583.00 payable to Arturo Fortoul - refund for Day Camp

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6/19 Under the Consent Agenda, Councilman Frazier moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

RESOLVED: That bills in the amount of \$2,265,672.58 payable from the Current Account and \$7,000.00 from the Rutherford Downtown Partnership all as detailed as follows on the attached sheets be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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6/19 Under the Consent Agenda, Councilman Frazier moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, there exists an overpayment of the 2nd quarter 2007 taxes on the following property and;

WHEREAS, the parties named are entitled to a refund of this overpayment;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the amount of \$2,289.00 and charge same to 2007 taxes.

| <u>BLOCK</u> | <u>PLOT</u> | <u>NAME & ADDRESS</u> | <u>AMOUNT</u> |
|--------------|-------------|---------------------------|---------------|
| 41 | 23 | Chi, Kwang Oh & Ki Soon | \$2,289.00 |

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6/19 Under the Consent Agenda, Councilman Frazier moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, there exists an overpayment of the 2nd quarter 2007 taxes on the following property and;

WHEREAS, the parties named are entitled to a refund of this overpayment;

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the amount of \$561.00 and charge same to 2007 taxes.

| <u>BLOCK</u> | <u>PLOT</u> | <u>NAME & ADDRESS</u> | <u>AMOUNT</u> |
|--------------|-------------|--|---------------|
| 11 | 19.03 | Mayhua Tello 167 W. Pierrepont Avenue | \$561.00 |

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6/19 Under the Consent Agenda, Councilman Frazier moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

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

WHEREAS, this State Tax Court Judgement has resulted in an overpayment of 2005 taxes and the taxpayer is entitled to a refund;

NOW, THEREFORE, BE IT RESOLVED, that the Financial Officer be and he is hereby authorized to issue a refund check in the amount of \$1,855.00 and charge same to Budget Operations.

| <u>BLOCK</u> | <u>LOT</u> | <u>NAME & ADDRESS</u> |
|--------------|------------|--|
| 73 | 29 | North Fork Bank, Plntf. & Zipp & Tannebaum, LLC Attys. Re: 74 Park Avenue |

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6/19 Under the Consent Agenda, Councilman Frazier moved the following Resolution, seconded by Councilman Fecanin 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, 2007:

| | |
|-------------|-------|
| Joseph Frey | \$500 |
| Jack Romain | \$500 |

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Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes 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 \$500.00 payable to Marianne VanCappeln- reimbursement for Girls U14 traveling softball uniforms, donation received from Boiling Springs Bank.
2. In the amount of \$20.00 payable to Wendy Martinez – refund day camp trip.

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3. In the amount of \$48.00 payable to Robert Kriston – refund for senior day camp trip.
4. In the amount of \$475.00 payable to Jackie Skowronski – refund for senior day camp trip.

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

RESOLVED: That bills in the amount of \$534,975.32 payable from the Current Account and \$7,000.00 from the Community Development Trust Fund all as detailed as follows on the attached sheets be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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For **FINANCE**, Councilwoman Keyes said that they have made one application to the Local Finance Board as opposed to some articles that have read that there have been three applications that were denied. She said they did make one application to restructure the debt, that application was denied. Councilwoman Keyes said the Mayor, the financial advisors, the bond counselors and auditors were there making our application and now they have come back with various questions that the Local Finance Board has directed to us. She said they are working on that and making a reapplication in July and they hope to be successful. Councilwoman Keyes said that by restructuring the debt they will be able to save the taxpayers about \$1.6 million which will reduce our current tax increase but on those lines she wished to mention some of the areas that have already started to work on and have been successful in doing. She said they have eliminated positions in the staff, they have retooled the staff, they did not replace staff that either retired or vacated and just by doing such they have eliminated \$978,000 in the budget. Councilwoman Keyes said they have reduced each department budget by 20% with leaving them at the 2006 budget line so that gave another \$257,000 in reduction. She said if the application is approved, the debt service will be reduced by another \$1.6 million. Councilwoman Keyes continued that they are looking at the phone service, which may sound small, but it is another \$10,000 and they were also able to reduce the DPW overtime salaries because of the mild winter and that was about \$25,000. She said these are steps that they have been taking and will continue to take, with that she asked the Mayor to open the hearing on the 2007 municipal budget.

Mayor McPherson said that they will continue the public hearing on the 2007 Municipal Budget; as no one wished to speak, the hearing was carried over to the July meeting.

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6/19 Under the Consent Agenda, Councilman Frazier made a motion to authorize the re-application for debt restructuring to the Local Finance Board, seconded by Councilman Fecanin with all members present voting aye.

Councilwoman Keyes wanted to add that she has already received a couple of comments from two individuals with suggestions regarding the budget and she asked anyone with suggestions to please feel free to contact her.

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

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

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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, 2007 through June 30, 2008;

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

BE IT FURTHER RESOLVED that **Timothy F. Stafford** be appointed as the alternative representative.

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Councilwoman Keyes advised that the 2007 Bergen County Municipal Park Improvement Program application has been received and asked it be held to the July Meeting.

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Councilwoman Keyes said with regards to her liaison position with the Williams Center, as many know the County has been responsible for providing funding over the last two years to the Center, which is on County property. She said that main person responsible for that is our Mayor as she sits on the Freeholder Board at the County. Councilwoman Keyes said the County has agreed to put close to \$10 million over the next several years into the Center and they have already replaced the roof, redone the refreshment area and they are in the process of redoing one of the cinemas and what they are trying to do now is open the black box to another cinema so that there will be three live cinemas. Councilwoman Keyes continued that the summer weekdays are booked completely with school shows and camp activities and they are also promoting the latest Disney film which will be unveiled during the Taste of Rutherford.

Councilwoman Keyes said in regards to 55 Kip Center, the spring session continues through the end of June and there were six new computer classes that began. She said they have combined the celebration of Older Americans Month and National Senior Fitness Week by holding the Annual Kip Fitness Day on Monday, May 14th with a very generous sponsorship from the Kearny Federal Savings. Councilwoman Keyes stated that the Kip Center's Annual Golf Outing was again a big success netting approximately \$30,000.

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Under the Consent Agenda, Councilman Reyes requested permission to hold the 1st Annual William Center Fundraiser Gala on Saturday, October 13, 2007, seconded by Councilwoman Keyes with all members present voting aye.

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For **POLICE**, Councilman Frazier said the in the month of May there were over 1,200 call for assistance; 38 arrests; 1,100 summons issued; 56 auto accidents investigated; 911 calls -156 issued.

As liaison to the **Planning Board**, Councilman Frazier said that the next meeting they will be taking action relating to the Master Plan. He reminded everyone that all committee reports are on file in the Borough Clerk's Office.

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6/19 Under the Consent Agenda, Councilman Frazier moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

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WHEREAS, certain organizations have applied for a Raffle 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:

**American Legion Post 109
St. Mary High School PTA
St. Mary High School PTA**

Instant Raffle
Calendar Raffle
Off Premise 50/50 Raffle

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Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes 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, 2007 be issued:

0256-31-011-001
Murray-Hodge American Legion Post 453
58 Meadow Road

0256-31-012-001
Rutherford Lodge #547 BPOE
48 Ames Avenue

0256-31-010-001
American Legion Post 109
424 Carmita Avenue

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Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes 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, 2007 be issued:

1.) 0256-44-002-004
Scoter Corporation
t/a Rutherford Wine Shoppe
270 Park Avenue

2.) 0256-44-015-003
Clares Food Market Inc.
t/a Union Avenue Liquors
306 Union 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.) 0256-44-007-005
Seema Deli & Liquor, Inc.
t/a Forest Dairy
10 Spring Dell

6.) 0256-44-008-003
The Flying Scotsman, LLC
t/a Station
11 Station Square

7.) 0256-44-004-005
Lo Spuntino taste of Sonoma. LLC
255 Highland Cross

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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 Reyes moved the following Resolution, seconded by Councilwoman Keyes 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 \$2,400.00 each, expiring June 30, 2007 be issued:

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

0256-33-017-001
Rutherford LL Tarragon LLC
c/o Joseph Hsu
1775 Broadway, 23rd Floor
New York, NY 10019

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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Under the Consent Agenda, Councilman Reyes moved approval for the Lindsey Meyer Memorial Pumpkin Run be held October 6th, at Memorial Field, seconded by Councilwoman Keyes with all members present voting aye.

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6/19 Under the Consent Agenda, Councilman Frazier requested authorization for the Borough Attorney to prepare an ordinance to install a handicap space at 176 Santiago Avenue, seconded by Councilman Fecanin with all member present voting aye.

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Under the Consent Agenda, Councilman Reyes requested permission to close Elliott Place on September 8th for a block party (raindate – September 9th) Wood Street to Mortimer Ave, seconded by Councilwoman Keyes with all members present voting aye.

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

WHEREAS, certain organizations have applied for a Raffle 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:

Lions Club of Rutherford
Rutherford Education Foundation
BPOE Rutherford Lodge #547

Off Premises 50/50 Raffle
Off Premises Merchandise Raffle
Instant Raffle

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**BPOE Rutherford Lodge #547
St. Mary High School PTA**

**Instant Raffle
Off Premises Draw Raffle**

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For **PUBLIC WORKS** and under the Consent Agenda, Councilman Reyes moved that the application for 2008 Municipal Aid Program for Transportation projects be held to the July meeting for further review, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes approved the 2007-08 Municipal Snow Plowing Agreements with Bergen County, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes approved the request from 55 Kip for permission to use mini bus for a trip on June 21st, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes made a motion the Community Forestry Management Plan be held to the July work session to prepare the changes, seconded by Councilwoman Keyes with all members present voting aye.

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

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

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

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

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

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

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

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

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

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Superintendent Chris Seidler submitted an application for recommendation for temporary help summer for appointment under the Mayor's agenda.

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Under the Consent Agenda, Councilman Reyes approved the request for tree removals at Lincoln Park, seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes approved the request from 55 Kip for use of the Downtowner Bus for 4th of July Fireworks, seconded by Councilwoman Keyes with all members present voting aye.

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As liaison to the **Board of Adjustment**, Councilman Fecanin advised a notice to property owners of closure of garage underneath the house at 415 Riverside Avenue.

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Under the Consent Agenda, Councilman Reyes made a motion to accept the letter of resignation from Cathy Botti from the Board of Adjustment, seconded by Councilwoman Keyes with all members present voting aye.

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Under **FIRE**, Councilman Reyes said as we have been made aware of recently the Fire Department in South Carolina lost nine of their members and one in New York City and he wanted to acknowledge such because sometimes we forget the dangers of the job and our firefighters in Rutherford are second to none. He said as he continues to say he can't thank them enough for the jobs they do and the risk they take for the residents. Councilman Reyes said he would also like to especially thank Mr. Veasey for doing an outstanding job of protecting fellow residents of Rutherford by getting involved, everyone needs to get involved for a better quality of life.

Councilman Reyes said for May the Fire Department had 55 incidents; one structural fire; one vehicle fire; five other fires; 25 false alarms; 19 other alarms; no injuries and total man hours for the month 426:07. He said regarding the number of false alarms, even when there is false alarms these members come out in full gear and are prepared to fight a fire because time is not on their side. Councilman Reyes said that he would just like to acknowledge again the fantastic work they do.

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Under the Consent Agenda, Councilman Reyes made a motion to approve award of the contract for the Fire Department Breathing Air Compressor Maintenance to Airpower International, \$1,983.00, seconded by Councilwoman Keyes with all members present voting aye.

MINUTES OF REGULAR MEETING HELD JUNE 26, 2007

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Under **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi said that the construction fees collected for May, 2007- uniform construction code revenue was \$45,759; construction department revenue was \$5,325 grand total \$51,084; total value of construction was \$1,350,876.15; total numbers of permits issued was 207; total number of construction department inspections was 735. He said the complete report is on file with the Borough Clerk.

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Councilman Genovesi said the he would like to address a topic with the residents in the audience and he asked the Borough Attorney to assist with this. He said as some residents might know they are in the midst of a possible cable TV franchising change and with the Borough Attorney's help they have organized a public hearing for residents to come and be vocal about the quality of service and what they feel is positive or lacking. Councilman Genovesi said it is his understanding that the public hearing will be on Tuesday, July 24, 2007 at 8:00 pm and the secondary meeting on Tuesday, August 28, 2007 at 8:00 pm both to be held at Borough Hall. He said they have come up with a questionnaire, the Borough is in the midst of deciding how best to distribute to the residents of the Borough either through mailing and most definitely through the website or perhaps another opinion is to have residents pick up the questionnaire at Borough Hall. Councilman Genovesi said that the residents input is extremely vital because they want to do the best job possible but without input from the residents on the quality of service it doesn't give them too much of an idea of how happy all are with the service. Councilman Genovesi asked the Borough Attorney if she had anything to add. The Borough Attorney responded that Councilman Genovesi covered the necessary information.

Under the Consent Agenda, Councilman Reyes made a motion to authorize public hearings for cable TV franchising renewal set for July 24th and August 28th at 8:00 pm, seconded Councilwoman Keyes with all members present voting aye.

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Councilman Genovesi asked the members to table the resolution to dredge the Passaic River to the July meeting because he questioned the amount that dredging the river will actually help the flooding situation and also the contamination or debris that can be allowed to move further down stream and affect the quality of lives of not only Rutherford residents but also our neighbors. He said that a few of our neighboring communities have supported this type of resolution but he was asking that we postpone this so that more research can be done. Councilman Genovesi said the Mayor pointed out in the meeting and he also caught it on the EPA's website that there will be a new feasibility study done and it will take some time but it will give us a better idea of alternatives that may be more beneficial than just dredging the river.

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Under **HUMAN RESOURCES**, Councilman Sommer said that the Senior Olympics went over very well early this month of which Rutherford was the host. He also mentioned that from an earlier portion of the meeting during the open session, Wall Field was spoken about and he wanted to let residents know that Wall Field is on the minds of the Council. Councilman Sommer also spoke about the Recreation Summer Camp and noted that the Board of Aesthetic Review had its last meeting earlier this month and taking off a couple of weeks during the summer months.

Councilman Sommer said the Ambulance Report is on file at the Borough Clerk's Office but continued to say that the volunteer efforts of the members are outstanding. He said that not until you make a 911 call do we understand and see the high level of skills, how quickly the reaction time is and how professional the treatment that is provided.

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Under the Consent Agenda, Councilman Reyes moved to accept the request to serve wine on June 27, 2007 at the Taste Rutherford in the Williams Plaza, seconded by Councilwoman Keyes with all members present voting aye.

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Councilman Sommer request the Tennis Court Committee Report be held until the July meeting.

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Under the Consent Agenda, Councilman Reyes moved to authorize the contract award for the July 4th Fireworks to Garden State Fireworks, seconded by Councilwoman Keyes with all members present voting aye.

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Superintendent Lori Rosenbower submitted her recommendations for additional summer camp personnel appointments which will be under the Mayor's agenda.

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Under the Consent Agenda, Councilman Reyes made a motion to approve award of the contract to Field Pro Enterprises for \$14,850 for annual maintenance of Borough playing fields, seconded by Councilwoman Keyes with all members present voting.

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Mayor McPherson gave the following committee reports:

Mayor McPherson asked approval of the request from the Rutherford Downtown Partnership to change the date of the Williams Center Plaza for the Farmer's Market from the 4th of July to July 3rd.

Councilwoman Keyes made a motion to approve the request to move the Farmer's Market from July 4th to July 3rd, seconded by Councilman Frazier with all members present voting aye.

Mayor McPherson wished to remind all that the Taste of Rutherford will be held June 27 and thanked the organizers of the event as well as the sponsor, Comcast.

Mayor McPherson announced that Margaret Stroedecke of Rutherford is a Comcast Leaders and Achievers scholarship award winner and offered congratulations to her.

Mayor McPherson announced that the Rutherford Food Pantry will be organizing with the Rutherford Police Department in conjunction with National Night Out, August 7th a food drive as those participants in the Night will be asked to contribute to the Rutherford Food Pantry.

Mayor McPherson made the following appointments:

Thomas F. Yekerski to an unexpired term on the Library Board of Trustees. Councilwoman Keyes made a motion for confirmation, seconded by Councilman Reyes will all members present voting aye.

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Steven Lescari as the day camp alternate bus driver, subject to the rules and regulations and policies and procedures of the Borough of Rutherford and subject to the rules and regulations of the New Jersey Department of Personnel as well as all applicable New Jersey State Statutes. Councilwoman Keyes made a motion to confirm, seconded by Councilman Sommer with all members present voting aye.

Mayor McPherson announced that the Township of Woodbridge announced their selection as host of the New Jersey Senior Olympics for September 7-9, 2007.

Mayor McPherson announced the resignation of Cathy Botti from the Downtown Partnership.

Mayor McPherson made the following appointments:

Shade Tree Committee:

Chris Seidler, DPW Superintendent

Mike Schmeding, DPW

Councilman Richard Reyes

Councilman George Fecanin

Mayor McPherson urged residents to attend the Planning Board Meeting on July 19th for which there is a Draft Master Plan that has been adopted by the Board. The Mayor said that there will be a public hearing held on July 19th for any final changes that our residents may have.

The Forestry Management Plan that has been approved with some changes by the Mayor and Members of the Council that will be acted upon in July and that will be incorporated into the Master Plan. The Mayor stated that by adopting the Forestry Management Plan they will be eligible to receive a number of grants that will allow to provide for new trees as well as maintain those existing.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMENDMENT AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, ORDINANCE NO. 2140-74.**

This is for a handicap space at 176 Santiago Avenue.

Councilman Frazier moved this ordinance be passed on first reading, seconded by Councilman Sommer with all members present voting aye.

6/19 For **Ordinance on second reading**, Councilwoman Keyes asked for the Clerk to read title only the ordinance.

The Clerk read the ordinance by title only as follows: **REFUNDING BOND ORDINANCE OF THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NJ, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF GENERAL OBLIGATION BONDS AND GENERAL IMPROVEMENT BONDS OF THE BOROUGH, APPROPRIATING NOT TO EXCEED \$10,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF ONE OR MORE SERIES OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,500,000 FOR FINANCING THE COST THEREOF.**

Mayor McPherson opened the public hearing for discussion on this Ordinance. As there was no citizen wishing to speak, the public hearing was closed.

Councilwoman Keyes asked that this ordinance be carried to the next meeting.

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MINUTES OF REGULAR MEETING HELD JUNE 26, 2007

6/19 For **Ordinance on second reading**, Councilman Frazier asked for 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 7, ENTITLED ALCOHOLIC BEVERAGES, ORDINANCE #1377.**

Mayor McPherson opened the public hearing for discussion on this Ordinance. As there was no citizen wishing to speak, the public hearing was closed.

Councilman Frazier moved that the ordinance be passed on second and final reading and advertised according to law, seconded by Councilwoman Keyes with all members present voting aye.

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For **Ordinance on Second Reading**, Councilman Frazier 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 126 ENTITLED VEHICLES AND TRAFFIC, ORDINANCE 2140-74.**

This is to establish weight limits for trucks on Marginal Road.

Mayor McPherson opened the public hearing for discussion on this Ordinance. As there was no citizen wishing to speak, the public hearing was closed.

Councilman Frazier moved that the ordinance be passed on second and final reading and advertised according to law, seconded by Councilwoman Keyes with all members present voting aye.

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Councilwoman Keyes moved to adjourn at 9:15 p.m. seconded by Councilman Sommer with all members present aye.

Borough Clerk