

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, JULY 24, 2007**

The meeting was called to order by Mayor McPherson at 8:00 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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Council President Reyes read the provisions of the Open Public Meetings Law.

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Mayor McPherson made a presentation to Recreation Superintendent Lori Rosenbower upon her resignation from her position. She thanked her for her dedicated service to the Borough while serving as the first female Superintendent of Recreation and wished her all the best in her future endeavors.

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Mayor McPherson opened the hearing of citizens.

Al Frank, 124 Eastern Way – He commended the DPW for Wall Field being cleaned up and the corner of Eastern Way and Highland Cross looking very nice. Mr. Frank stated that he was at the Planning Board meeting for the new Master Plan and he understands that there might be an extension of Wall Field. He said that unfortunately the DPW raised the grass on the baseball field, dug it all up and left the field unusable. He said the ground is three inches deep of soft dirt and the kids couldn't play on it because as soon as a ball

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hit the dirt it stops. Mr. Frank said he noticed they did dump a load of clay towards the other backstop, but he is not sure if that is going to be spread down on that backstop or if it is going to be used over an existing ball field but he would like to see something done with it.

Mr. Frank said the second thing he would like to talk about is Meadow Road. He said that at the Planning Board meeting there was an area of Meadow Road that they considered to be redeveloped, which he would like to see. His question was regarding the Dry Cleaner's, for years now vehicles have been parked up against the wall and he is not sure if it is a sidewalk or a parking area, could this be clarified? Mr. Frank said it is ridiculous that people walk pass there and they are two or three inches away from the white line on the street. He said this needs to be addressed as to whether it is parking or not.

Mr. Frank said that he would also like to talk about speeding. He said on July 2nd his son was hit by a car on Washington Ave. The car was coming off of Railroad Ave onto Washington Ave and by the look of the skid marks the driver was speeding but he was issued no summons. He said his wife and he had no desire to go any further, his son had a few scratches, a few bruises and his bicycle is all bent up but he was not hurt. Mr. Frank said that anyone can pull in behind a New Jersey Transit vehicle on Union Ave, do 25 mph from the Union Ave Bridge and see how far the transit bus gets in front of you. He said they definitely do not travel 25 mph on Union Ave and you could also do the same on Ridge Road, they do not do 25 mph. Mr. Frank said he would like to see the speeding issue addressed in town, maybe get the police out there a little bit more in force. He said perhaps have some dialogue with the NJ Transit about their driver's because it is a problem.

Mr. Frank said he would also like to bring up parking on Erie at the corner of Union by the Sunshine Deli. He said that anyone could go passed there at lunchtime and you will notice about 3 to 6 UPS vehicles parked in the yellow zone. Mr. Frank said he doesn't believe they are doing any deliveries because there would not be 3 or 4 vehicles there for deliveries but they are parked in the yellow zone and it makes a hazard there if a car is trying to turn onto Union Ave and another car is trying to go up Erie you cannot get around them and you can't see. He said he would like to see something addressed along that as well. Mr. Frank said that he knows we give UPS, Fedex and such courtesy to use yellow curbs or double park but this is not for delivery purposes it is for lunch or whatever. He doesn't see why we allow this.

Mayor McPherson thanked Mr. Frank for his comments which will be addressed after the hearing of all citizens.

Steve Latushko, 37 Preble Place said that he was there to represent his Street, which is a one way street going up to Park Avenue. He said that it has been a one-way street for over 20 years and in the last couple of years they have had a tremendous amount of people coming down the wrong way. Mr. Latushko said the signs at the top of

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Preble are bent and facing the wrong way and he has called the police department many times with nothing being done. He said four months ago a tractor trailer truck came down the wrong way and he lives in the middle of the block and they heard screeching, the truck was coming so fast he pulled wires out of his neighbors' house with the bricks and all. Mr. Latushko said they had no telephone service for four days. He said with cars constantly going the wrong way he and his neighbors will yell to the people and most of the time they get the finger, sometimes they say they don't speak English and they keep going. Mr. Latushko said they would like another "Do Not Enter" sign at the top of Preble and maybe another 20 feet down so these people who are total idiots see these signs; maybe a wooden horse with a "Do Not Enter" sign. He said everyday they can count between three and six o'clock four to five vehicles coming down the wrong way. Mr. Latushko said that there are many children on the block and some kid is going to get hit; something has to be done. He said at the top of Preble where Stuyvesant meets there is no stop or yield sign the people come out right onto Route 3 without stopping. Mr. Latushko repeated that he has called the police many times to repair the signs and they have not fixed it in years; these signs have to be fixed because it is dangerous.

Mr. Latushko then asked if the town has heard about the construction of Route 3, and when it will begin. He said his brother, a head engineer with the DOT and his other brother's friend owns property off of Route 21, they were told it was starting in September. He said his brother was told that Stuyvesant on top of Preble is becoming a one-way and there is a stop sign at the top of Preble and Park Avenue and he was told it was a done deal and the town should have known about this as well as residents with construction starting in September.

Dennis McKeon, 80 Mountain Way said he has been living in Rutherford ten years and he was there to ask for more funds for the library. He said that this is one of the best libraries in Bergen County but they haven't got enough books. Mr. McKeon asked the

librarian for the New York Preview Books and she responded that they didn't have the funds. He said with living 15 miles outside of New York City we should be able to get that. Mr. McKeon said that with such a great library we should have more funds. Mayor McPherson thanked Mr. McKeon for his comments.

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

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Mayor McPherson said to begin with Mr. McKeon with respect to the library funds, they are still in the budget process and that everyone present would like to see more funding for the library and they are doing the best they can. The Mayor said that recently there has been a freeholder resolution that is an additional \$30,000 for the Bergen County

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Cooperative Library System and they are looking forward to that funding being used for computer technology and assured him that his concerns could be brought to the Director.

Mayor McPherson said that in respect to Mr. Latushko's concerns with the "Do Not Enter" sign, with Chief Nienstedt as well as police liaison Councilman Frazier being present, she is sure that those issues will be addressed and this was not a matter she was aware of. Mayor McPherson said with respect to Route 3, there was a citizens-liaison committee meeting in June and they received notification that there was emergency bridge work that needed to begin and that is going to begin shortly. The Mayor stated that for safety measures, she will clarify with the Administrator but believes the notification stated the work is to begin during the night time only and on the bridge only between 9:30 pm and 6:00 am starting July 30th. The Administrator confirmed. Mayor McPherson continued that as far as when the rest of the project is to proceed, it is believed to will begin sometime in 2008.

Mayor McPherson stated in response to Mr. Frank's comments, the Council authorized an application to the County Open Space Funding for improvements to Wall Field and believes that some of his comments can be best addressed by the Administrator. The Administrator stated that significant progress has been made with Wall Field; the DPW Superintendent could speak specifically as to the remaining work as it is a work in progress. The Administrator informed Mr. Frank that he should not think that what is there now is the finished product. Mayor McPherson said that Wall Field is not being utilized for practices or anything of that nature and she knows that the DPW has spent a significant amount of time there. The DPW Superintendent gave a description of the work as to how and when it will be completed. Mayor McPherson stated that the other issues raised by Mr. Frank will be addressed by the Police Council Liaison and the Police Department.

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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 June 26, 2007, seconded by Councilwoman Keyes with all members present voting aye.

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7/17 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

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

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1. In the amount of \$225.00 payable to Lori Burke - refund for day camp.
2. In the amount of \$23.00 payable to Bob Kriston - refund day camp trip.
3. In the amount of \$12.00 payable to Cathy Annaballi - refund for day camp trip.
4. In the amount of \$15.00 payable to Savy Gusciora - refund for day camp trip.
5. In the amount of \$30.00 payable to Karri Bille - refund for soccer.
6. In the amount of \$8.00 payable to Angela Evans - refund for day camp trip.
7. In the amount of \$12.00 payable to Karen Kelly - refund for day camp trip.
8. In the amount of \$50.00 payable to James Mould - refund for T. Finnerty Basketball League.
9. In the amount of \$50.00 payable to Susan Temes - refund for T. Finnerty Basketball League.
10. In the amount of \$25.00 payable to Ann Marie Esca - refund for T. Finnerty Basketball League.
11. In the amount of \$25.00 payable to Richard Hruska - refund for T. Finnerty Basketball League.
12. In the amount of \$25.00 payable to Dennis Van Dyk - refund for T. Finnerty Basketball League.
13. In the amount of \$25.00 payable to Steve Cuccinelli - refund for T. Finnerty Basketball League.
14. In the amount of \$25.00 payable to John Considine - refund for T. Finnerty Basketball League.
15. In the amount of \$25.00 payable to Shatina Suarez - refund for T. Finnerty Basketball League.
16. In the amount of \$25.00 payable to Lorena Munoz - refund for T. Finnerty Basketball League.
17. In the amount of \$25.00 payable to Donna Schaetzle - refund for T. Finnerty Basketball League.
18. In the amount of \$25.00 payable to Joanne Mac Millan - refund for T. Finnerty Basketball League.
19. In the amount of \$25.00 payable to Camille Stillson - refund for T. Finnerty Basketball League.
20. In the amount of \$25.00 payable to Leonor Vacca - refund for T. Finnerty Basketball League.
21. In the amount of \$25.00 payable to Jennifer Watt - refund for T. Finnerty Basketball League.
22. In the amount of \$25.00 payable to Mary Ann Herrmann - refund for T. Finnerty Basketball League.
23. In the amount of \$25.00 payable to Sandy Kaufman - refund for T. Finnerty Basketball League.
24. In the amount of \$25.00 payable to Kim Myeong - refund for T. Finnerty Basketball League.
25. In the amount of \$25.00 payable to Pat Yenkosky - refund for T. Finnerty Basketball League.
26. In the amount of \$25.00 payable to Diane Rosamilia - refund for T. Finnerty Basketball League.

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27. In the amount of \$25.00 payable to Mike Perchun - refund for T.Finnerty Basketball League.
28. In the amount of \$30.00 payable to Yu Gao - refund for Day Camp Trip.
29. In the amount of \$30.00 payable to Suzanne Murphy - refund for Day Camp Trip.
30. In the amount of \$35.00 payable to Lynn Stanton - refund for Day Camp Trip.
31. In the amount of \$112.50 payable to Dawn Tucker - refund for Day Camp.
32. In the amount of \$35.00 payable to Angela Evans - refund for Day Camp Trip.
33. In the amount of \$326.18 payable to Stephanie Sloan Brancato Foundation - Tournament leftovers for Day Camp.
34. In the amount of \$30.00 payable to Alison Alexander - refund for Day Camp Trip.
35. In the amount of \$210.00 payable to Roxana Haro- refund for PreK3.
36. In the amount of \$45.00 payable to Judy Yi - refund for Volleyball Camp.

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7/17 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

RESOLVED: That bills in the amount of \$477,717.63 and \$7,474,479.68 payable from the Current Account, \$5,000,000.00 from the Capital Fund, \$450.00 from the Rutherford Downtown Partnership Account, and \$50.00 from the Public Assistance Trust Fund #1, 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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7/17 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

WHEREAS the Tax Collector has issued a Tax Sale Certificate on June 7, 2007 on a parcel of property referred to as Block 189.01, Lot 14 and more commonly known as 182 Vanderburgh Avenue and;

WHEREAS the necessary arrangements have been made with the Tax Collector's office for the redemption of the Tax Sale Certificate and a check in the amount of \$8291.70 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$5100.00 was deposited in the Premium Trust Account on the day of the sale;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$13,391. 70 to Park Finance, LLC in settlement of Lien # 200711

Principal\$8101.39
Interest & Penalty.....	\$ 138.31
Fees	\$ 52.00
Premium\$5100.00

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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 \$35.00 payable to Karen Kelly – refund for day camp trip.
2. In the amount of \$25.00 payable to Laura McCarthy – refund for day camp trip.
3. In the amount of \$15.00 payable to Carol Gilhauley – refund for day camp trip.

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4. In the amount of \$38.00 payable to Delia Roldan – refund for day camp trip.
5. In the amount of \$38.00 payable to John Gibney – refund for day camp trip.
6. In the amount of \$25.00 payable to Mary Cairns – refund for day camp trip.
7. In the amount of \$100.00 payable to Boiling Springs Bank – purchase of Savings Bonds for July 4th Baby Parade Winners.
8. In the amount of \$38.00 payable to Wendy Martinez – refund for day camp trip.
9. In the amount of \$16.00 payable to Kalpna Shah – refund for day camp trip.
10. In the amount of \$23.00 payable to Dana Jones – refund for day camp trip.
11. In the amount of \$144.00 payable to Connie's Kids – payment for day camp trip.
12. In the amount of \$210.00 payable to Mary Weber – refund for 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:

WHEREAS, the following warrant be issued in the amount indicated for the purpose stated:

1. In the amount of \$5,000 payable to Reserve Account for postage for all departments.

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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 \$724,030.17 payable from the Current Account, all as detailed as follows on the attached sheets be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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

WHEREAS the Tax Collector has issued a Tax Sale Certificate on June 7, 2007 on a parcel of property referred to as Block 92, Lot 14 and more commonly known as 15 Walnut Street and;

WHEREAS the necessary arrangements have been made with the Tax Collector's office for the redemption of the Tax Sale Certificate and a check in the amount of \$7827.04 has been deposited in the Tax Sale Suspense Account and;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$7,827.04 made payable to U.S. Bank-Cust/ Sass Muni v dtr in settlement of Lien # 200707.

Principal.....	\$7,597.88
Interest & Penalty.....	\$ 217.16
Fees	\$ 12.00

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For **FINANCE**, Councilwoman Keyes said that they are still in a holding pattern with regard to adopting the budget and they are still waiting on Trenton for the Extraordinary Aide numbers. Councilwoman Keyes said that the Department Heads have received their weekly printouts on their budget status and most are in line with the 20% budget cuts that were put forward on top of the 2006 budget lines. She said that the auditors have given a complete and good audit review on the 2006 audit. Councilwoman Keyes said that she asked for authorization and consent and it was received for the \$8.5 million tax anticipation note that the Borough needs to go out for, which is primarily for the funding of the Rutherford School District and their budget requirements and that covers our payments to them for July, August and September.

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 August meeting.

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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 Mayor and Council of the Borough of Rutherford have been advised of the proposed amended settlement of a Tax Appeal filed on behalf of William P. and Mary E. Rottino under Docket Nos.: 005110-2006 and 003275-2007 for the years 2006 and 2007; 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 Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any 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 by the Chief Finance Officer and is attached hereto and made a part hereof.

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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 Mayor and Council of the Borough of Rutherford have been advised of the proposed amended settlement of a Tax Appeal filed on behalf of Marshall A. and Rika Schlimer under Docket Nos.: 00512-2006 and 003280-2007 for the years 2006 and 2007; 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 Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any 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 by the Chief Finance Officer and is attached hereto and made a part hereof.

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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 Mayor and Council of the Borough of Rutherford have been advised of the proposed amended settlement of a Tax Appeal filed on behalf of Paul M. and Grace Laurora under Docket Nos.: 007292-2006 and 003283-2007 for the years 2006 and 2007; 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 Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any 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 by the Chief Finance Officer and is attached hereto and made a part hereof.

*

Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes 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 Afram and Amena Koumi under Docket Nos.: 005324-2006 and -2007 for the years 2006 and 2007; 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

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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 Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any 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 by the Chief Finance Officer and is attached hereto and made a part hereof.

*

Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes 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 Maurice Weill, Trustee under Docket Nos.: 002307-2005, 001005-2006 and 001280-2007 for the years 2005, 2006 and 2007; 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 Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any 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 by the Chief Finance Officer and is attached hereto and made a part hereof.

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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 Mayor and Council of the Borough of Rutherford have been advised of the proposed amended settlement of a Tax Appeal filed on behalf of Joseph F. McAllister under Docket Nos.: 008343-2006 for the year 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 Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any 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 by the Chief Finance Officer and is attached hereto and made a part hereof.

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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 Mayor and Council of the Borough of Rutherford have been advised of the proposed amended settlement of a Tax Appeal filed on behalf of Lane J. Biviano under Docket No.: 008075-2006 for the year 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 Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any 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 by the Chief Finance Officer and is attached hereto and made a part hereof.

*

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

WHEREAS, a New Jersey Meadowlands Commission Grant Application in the amount of \$100,000 had been proposed by the Borough of Rutherford for police cars and law enforcement equipment; and,

WHEREAS, the Mayor and Council of the Borough of Rutherford, believe it is the best interests of the people of Rutherford to amend this Grant Application so that the Grant Funds may be used instead for the purchase of one mini bus for \$59,000 and for the purchase of other Department of Public Works equipment for the remaining \$41,000;

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

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to the Executive Director of the New Jersey Meadowlands Commission so that implementation of the aforesaid amended projects may be expedited.

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Under the Consent Agenda, Councilman Reyes made a motion to approve the renewal of the Healthplex dental contract from August 1, 2007 to July 31, 2008, 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 Borough of Rutherford, (hereinafter the Borough) is a member of the South Bergen Municipal Joint Insurance Fund for its property and casualty coverages; and

WHEREAS, the Rutherford Little League, Inc. (hereinafter the Rutherford Little League) owns a building located on Borough property and historically has operated said building through a lease agreement which memorializes the terms and conditions for said operation on municipal property; and

WHEREAS, the current property coverage (building and contents) for said structure is provided for by a policy secured by the Rutherford Little League through the conventional commercial insurance market; and

WHEREAS, at the Borough's request, the Borough's Risk Management Consultant has researched and subsequently advised the Borough that property coverage (building and contents) could be provided for this facility by the South Bergen Municipal JIF at a substantial savings to the organization, as illustrated in the Consultant's Report, which is attached hereto; and

WHEREAS, the Rutherford Little League provides an invaluable recreational and character building opportunity to the youth of Rutherford and serves as an integral part of the fabric of this community.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Rutherford, County of Bergen, State of New Jersey, hereby approves the addition of property coverage (building and contents) of the Rutherford Little League Inc. through the Borough's membership in the South Bergen Municipal Joint Insurance Fund; and

BE IT FURTHER RESOLVED, the Borough Risk Management Consultant is hereby instructed, in coordination with the Borough Administrator and the organization's leaders, to develop a Valuation Statement and supporting documentation necessary to effectuate coverage for an **August 1, 2007** effective date with said documentation to be provided to the South Bergen JIF for approval as soon as administratively practical; and

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BE IT FURTHER RESOLVED, the Borough Attorney is hereby directed to draft an amendment to the existing lease with the Rutherford Little League so as to incorporate the applicable language to meet the legal definition of insurable interest as prescribed by the insuring agreements pertaining to property coverage (building and contents) of the South Bergen Municipal JIF; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Borough's Risk Management Consultant, Borough Attorney and Borough Chief Financial Officer upon adoption.

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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 is a member of the South Bergen Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2007 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough of Rutherford agrees to renew its membership in the South Bergen Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the South Bergen Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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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 BOROUGH COUNCIL OF THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than the majority of the full membership of the governing body) **AS FOLLOWS**:

Section 1. In anticipation of the collection of taxes during the current fiscal year, there are hereby authorized to be issued tax anticipation notes of the Borough, each to be known as "Tax Anticipation Note of 2007," in amounts not exceeding \$8,500,000. The

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proceeds of such notes shall be applied only to purposes provided for in the budget or for which taxes are levied for the current year.

Section 2. The following certificate has been prepared by the Borough and is filed in the office of the Borough Clerk:

CERTIFICATE WITH RESPECT TO TAX ANTICIPATION NOTES

I, Edward Cortright, Chief Financial Officer of the Borough of Rutherford, in the County of Bergen, New Jersey HEREBY CERTIFY as follows:

1. The gross borrowing power in respect to tax anticipation notes for the fiscal year of 2006, being 30 percent of the tax levy for all purposes of the fiscal year of 2006, plus 30 percent of the amount of miscellaneous revenues realized in cash during the fiscal year of 2007, is \$17,853,369.

2. The amount of notes outstanding in anticipation of the collection of taxes of the fiscal year of 2007, except such notes as will be renewed by or paid from the proceeds of the notes to be issued, is \$3,500,000.

3. The net borrowing power, being the excess of the first over the second of the two above amounts, is \$14,353,369.

4. This certificate is made with respect to \$8,500,000 Tax Anticipation Notes of 2007 about to be authorized by the Borough Council of the Borough of Rutherford.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of July, 2007.

Section 3. The following matters in connection with the notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than 120 days following the end of the fiscal year.

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer.

(c) All notes shall be in the form prescribed by the Local Budget Law and otherwise as determined by the chief financial officer and such officer's signature upon the notes shall be conclusive as to such determination;

(d) Notes issued hereunder may be renewed from time to time, provided, however, that no renewal note shall be issued later than the last day of the fiscal year.

(e) All notes shall be executed by the Mayor and the Chief Financial Officer and attested by the Borough Clerk.

Section 4. The chief financial officer is authorized and directed to determine all matters in connection with the notes not determined by this or by a subsequent resolution and such officer's signature upon the notes shall be conclusive as to such determination.

Section 5. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver them from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Borough, and the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations.

Section 7. The chief financial officer is authorized and is directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or

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delivery of the notes pursuant to this resolution is made, such report to include the amount, the description, the interest rate and the maturity of the notes sold, the price obtained and the name of the purchaser.

Section 8. The chief financial officer, in connection with other professionals of the Borough acting under his direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the Borough, as it may be so updated from time to time, to be distributed in connection with the sale of obligations of the Borough. The chief financial officer is hereby authorized to execute such disclosure document on behalf of the Borough.

Section 9. (a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), and provided that an issue of notes authorized by this resolution is not exempt from the Rule and provided that an issue of notes is not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as an issue of notes of the Issuer remains outstanding (other than an issue of notes which has been wholly defeased), the Borough shall provide in a timely manner to each nationally recognized municipal securities information repository ("National Repositories") or to the Municipal Securities Rulemaking Board, and to the appropriate State information depository, if any, ("State Depository," and together with the National Repositories, the "Repositories") notice of the following events with respect to an issue of notes, if material (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities; and
- (11) Rating changes.

(b) The covenants and undertakings contained in this Section are made for the benefit of the holders or beneficial owners of the notes issued under this resolution.

(c) The chief financial officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of notes prior to their offering. Such officer is hereby authorized to enter into written contracts or undertaking to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(d) Any filing made pursuant to (a), (b) or (c) above may, in lieu of filing with each National Repository and State Repository, if any, be made solely by transmitting such filing to the Texas Municipal Advisory Council (Texas MAC) at www.DisclosureUSA.org

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provided that the United States Securities and Exchange Commission has not withdrawn its interpretive letter to Texas MAC dated September 7, 2004 approving use of the Texas MAC Central Post Office.

(e) In the event that the Borough fails to comply with this resolution or the written contract or undertaking, the Borough shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. This resolution shall take effect immediately.

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

RESOLVED, that the Chief Financial Officer be and he is hereby authorized to issue a wire transfer in the amount of \$3,619,766.32 payable to Commerce Bank, NA, Mt. Laurel, NJ in settlement of certain BCIA leases, with an offsetting charge to the 2007 Bond Ordinance in the Capital Fund.

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Councilwoman Keyes gave a summary of the committee reports and stated that all are available at the Clerk's office.

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As liaison to **Community Development**, Councilwoman Keyes reported receipt of the 2007 Bergen County Municipal Park Improvement Program and asked it be held to the August meeting.

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For **Buildings and Public Utilities**, Councilman Genovesi said that this evening is the first of two public hearings that will be held in regards to the Cable TV franchising renewal. He said the second hearing will be August 28th. Councilman Genovesi said that the Borough has been going through the cable television franchise renewal process which the Borough Attorney has been putting a lot of hours into and he wished to thank her for such. He said as part of the renewal process, the Borough is evaluating the service provider and the performance and assessing the future cable television needs of the community. Councilman Genovesi said the first surveys are here and located in Borough Hall which they are receiving feedback from residents. He urged residents to voice their opinions and he thanked the residents who have already participated.

Mayor McPherson opened the public hearing on the cable TV franchising. As no one wished to speak Leslie London, McManimon & Scotland LLC was called upon to give an update. Ms. London said the Borough is in the ascertainment phase of refranchise renewal with Comcast of the Meadowlands. She said as part of the ascertainment process, it involves obtaining information from the public concerning Comcast's performance over the past renewal period. Ms. London stated that the franchise ends December 23, 2008. She said the phase involves soliciting input from the public which they are doing through the survey, they have contacted the office of cable TV to ask if any complaints have been filed, they've asked the company to advise of any correspondence that have gone directly to them and tonight the first of two public hearings to invite the public to come and make comments concerning service, things they would like to see in the future and what they will do with this information is develop a report that will be submitted to the Office of Cable

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TV. Ms. London said the report is due December 23, 2007 and continued to say that it is very important to hear from the public because that information will be part of the report. She said that in the near future they will be advising of the responses that have come in.

Councilwoman Keyes said that one of the things she would like to see from Comcast is a more aggressive approach in dealing with the Senior Citizens and offering them discounted service because this is a topic that she hears seniors talking about. Mayor McPherson said that as with the Budget hearings, this too will be carried over until August 28th.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi reported that for the month of June, 2007 uniform construction code revenue \$37,758; Construction Department revenue \$5,455; Grand Total \$43,213; total value of construction \$1,198,485; total number of permits issued 176; total number of construction department inspections 643. Councilman Genovesi said this report is available with the Borough Clerk.

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Under the Consent Agenda, Councilman Reyes made a motion to accept the offer of donation of Toughbooks Computers for Building Department use, seconded by Councilwoman Keyes with all members present voting aye.

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For **POLICE**, Councilman Frazier thanked the resident of Preble Place for highlighting the problem on Preble and as the Mayor indicated, with the Chief of Police present, this will be looked at closely and followed through. Councilman Frazier continued that safety of the residents is always of the utmost importance.

Councilman Frazier gave the following report: 1,327 summonses issued; 1,240 calls for assistance; 44 arrest; 81 automobile accidents investigated; 140 – 911 calls. Councilman Frazier stated that all reports are on file with the Borough Clerk.

*

7/17 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier 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

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Friends of the Library

Off Premise 50/50 Raffle

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7/17 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier 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:

0256-44-001-002
t/a **Vin De Matisse Liquors**
167 Park Avenue

AND BE IT FURTHER RESOLVED, that the Borough Clerk be authorized to sign the above licenses and that the Borough Clerk 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 to accept the request to close Monona Avenue from Darwin to Grand Avenues for a block party to be held September 8 (r.d.Sept.9), seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes moved to accept the request to close Eastern Way from Highland Cross to East Passaic Avenue for a block party to be held August 11 (r.d.Aug.12), seconded by Councilwoman Keyes with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes moved to accept the request to close Addison Avenue from Wheaton to Lincoln Avenues for a block party to be held September 2 (r.d. Sept.3), 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:

Rutherford Project Graduation -2008 Off Premise 50/50 Raffle

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As **Planning Board** liaison, Councilman Frazier advised of a notice to property owners the variance for Arby's Restaurant, 96 Meadow Road.

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For **PUBLIC WORKS**, Under the Consent Agenda, Councilman Reyes made a motion to authorize applications for 2008 Municipal Aid Program for transportation projects – Chestnut Street from Erie Avenue to West Passaic and East Passaic Avenue from Meadow Road to Orient Way, seconded by Councilwoman Keyes with all members present voting aye.

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7/17 Under the Consent Agenda, Councilman Reyes moved to adopt the final Community Forestry Management Plan, seconded by Councilman Frazier 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 Mayor and Council of the Borough of Rutherford authorized the advertisement for bids for One (1) Adult Mini Bus With Minimum Of Sixteen (16) Ambulatory Passenger Seats And Track System For Two (2) Passenger Wheelchairs;

WHEREAS, two (2) bids was received on July 7, 2007;

WHEREAS, the bid submitted by Arcola Sales and Service Corp. for the unit price of \$54,990.00 appears to be in accordance with the Bid Package and the Specifications,

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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 \$54,990.00 for the purchase of the Adult Mini Bus, which certification shall be attached to this Resolution and filed in the Borough Clerk's office;

WHEREAS, Arcola's Bid Proposal has been reviewed by Chris Seidler, Superintendent of the Borough Department of Public Works, and the Borough Purchasing Department Clerk, and is found to be in compliance with the bid specifications;

WHEREAS, the Governing Body hereby finds that the bid of Arcola is responsive and that Arcola is the lowest responsible bidder, and that such bid for one Adult Mini Bus shall be awarded to Arcola Sales & Service Corp., subject to the complete and prompt legal review of Anne Marie Rizzuto, Esq., Borough Attorney;

WHEREAS, The Governing Body finds that the bid proposal of Factory Direct Bus Sales is non-responsive to the Bid Package in several technical specifications, including the lack of a service and maintenance facility with in the State of New Jersey;

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 (1) Adult Mini Bus With Minimum Of Sixteen (16) Ambulatory Passenger Seats And Track System For Two (2) Passenger Wheelchairs, in the amount of \$54,990.00, be and is hereby accepted and awarded to Arcola Sales and Service Corp., 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 agreements and other documents as may be required on behalf of the Borough of Rutherford to complete the transaction;

3. The Borough Clerk is hereby authorized to retain the bid security of Arcola Sales and Service Corp., until such time as the bid bond is filed, and to return the bid security to the unsuccessful bidder.

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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 Mayor and Council of the Borough of Rutherford authorized the advertisement for bids for One (1) Vacuum Catch Basin Cleaner With 5-Yard Capacity Mounted On Existing Already-Owned Heavy Duty Truck Chassis;

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WHEREAS, one (1) bid was received on July 13, 2007;

WHEREAS, the bid submitted by Jet-Vac, Inc. for the unit price of \$128,000.00 appears to be 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 \$128,000.00 for the purchase of the Vacuum Catch Basin Cleaner, which certification shall be attached to this Resolution and filed in the Borough Clerk's office;

WHEREAS, Jet-Vac Inc.'s Bid Proposal has been reviewed by Chris Seidler, Superintendent of the Borough Department of Public Works, and is found to be in compliance with the bid specifications;

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WHEREAS, the Governing Body hereby finds that the bid of Jet-Vac, Inc, is responsive and that the bidder is a responsible entity, and that such bid for one Catch Basin Unit shall be awarded to Jet-Vac, Inc., subject to the complete and prompt legal review of Anne Marie Rizzuto, 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 (1) Vacuum Catch Basin Cleaner With 5-Yard Capacity Mounted On Existing Already-Owned Heavy Duty Truck Chassis, in the amount of \$128,000.00, be and is hereby accepted and awarded to Jet Vac, Inc., 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 agreements and other documents as may be required on behalf of the Borough of Rutherford to complete the transaction;
3. The Borough Clerk is hereby authorized to retain the bid security of Jet Vac, Inc., until such time as the bid bond is filed.

*

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

WHEREAS, the Mayor and Council of the Borough of Rutherford authorized the advertisement for bids for "**Two (2) Units - Refuse Collection Truck Body** with 32 Cubic Yard Capacity and Rear-Loading Compaction, Chassis, and Low Entry Tilt Crew Cab";

WHEREAS, two (2) bids were received on July 10, 2007;

WHEREAS, the bid submitted by Raritan Valley Truck Sales, Inc. for the per unit price of \$214,888.00 and total price for two (2) units in the amount of \$429,976.00 is in accordance with the Bid Package and the Specifications, and responsive to same, and in accordance with applicable laws and regulations;

WHEREAS, Edward C. Cortright, the Chief Financial Officer, has certified in writing to the Governing Body that funds are available in the amount of \$429,976.00 for the purchase of the two (2) refuse trucks, which certification shall be attached to this Resolution and filed in the Borough Clerk's office;

WHEREAS, Raritan Valley's Bid Proposal has been reviewed by Chris Seidler, Superintendent of the Borough Department of Public Works, and the Borough Purchasing Department Clerk, and is found to be in compliance with the bid specifications;

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WHEREAS, Anne Marie Rizzuto, Esq., Borough Attorney, has reviewed the Bid Proposal of Raritan Valley and has determined that it substantially complies with all major aspects of the Bid Package and the Public Bidding Laws of the State of New Jersey, and has recommended that the Mayor and Council find that Raritan Valley is the lowest responsible bidder and that its Bid Proposal is the most responsive to the Bid Package and applicable law;

WHEREAS, the Governing Body duly deliberated upon this matter in closed session at its work session meeting on July 17, 2007 and at its regular meeting on July 24, 2007;

WHEREAS, the Governing Body hereby finds that the bid of Raritan Valley is responsive and that Raritan Valley is the lowest responsible bidder, and that such bid for the purchase and sale of two (2) refuse trucks shall be awarded to Raritan Valley;

WHEREAS, the Governing Body finds that the bid proposal of Air Brake & Equipment to supply two (2) refuse trucks for the total amount of \$423,608.00 is non-responsive to the Bid Package in several aspects, including the delivery date, the year of the model, other technical issues and specifications, and other legal matters, and that Air Brake & Equipment is not the lowest responsible bidder;

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 "Two (2) Units - Refuse Collection Truck Body with 32 Cubic Yard Capacity and Rear-Loading Compaction, Chassis, and Low Entry Tilt Crew Cab", in the total amount of \$429,976.00 be and is hereby accepted and awarded to Raritan Valley Truck Sales, Inc., 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 agreements and other documents as may be required on behalf of the Borough of Rutherford to complete the transaction;

3. The Borough Clerk is hereby authorized to retain the bid security of Raritan Valley Truck Sales, Inc., until such time as the bid bond is filed, and to return the bid security to all unsuccessful bidders.

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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 Mayor and Council of the Borough of Rutherford authorized the advertisement for bids for "**Two (2) Units – Heavy-Duty Street Sweepers** - Diesel-Powered, 7.3 Cubic Yard Capacity, Stainless Steel Hopper Assembly, Regenerative Air Design, Twin Gutter Brooms, and Dual Steering;

WHEREAS, two (2) bids were received on July 6, 2007;

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WHEREAS, the bid submitted by Grassey Equipment Company for the price for unit #1 in the amount of \$164,500.00 and the price for unit #2 in the amount of \$160,000.00, for a total price for two (2) units in the amount of \$324,500.00 is in accordance with the Bid Package and the Specifications, and responsive to same, and in accordance with applicable laws and regulations;

WHEREAS, Edward C. Cortright, the Chief Financial Officer, has certified in writing to the Governing Body that funds are available in the amount of \$324,500.00 for the purchase of the two (2) sweepers, which certification shall be attached to this Resolution and filed in the Borough Clerk's office;

WHEREAS, Grassey Equipment's Bid Proposal has been reviewed by Chris Seidler, Superintendent of the Borough Department of Public Works, and the Borough Purchasing Department Clerk, and is found to be in compliance with the bid specifications;

WHEREAS, Anne Marie Rizzuto, Esq., Borough Attorney, has reviewed the Bid Proposal of Grassey Equipment and has determined that it substantially complies with all major aspects of the Bid Package and the Public Bidding Laws of the State of New Jersey, and has recommended that the Mayor and Council find that Grassey Equipment is the lowest responsible bidder and that its Bid Proposal is the most responsive to the Bid Package and applicable law;

WHEREAS, the Governing Body duly deliberated upon this matter in closed session at its work session meeting on July 17, 2007 and at its regular meeting on July 24, 2007;

WHEREAS, the Governing Body hereby finds that the bid of Grassey Equipment is responsive and that Grassey Equipment is the lowest responsible bidder, and that such bid for the purchase and sale of two (2) sweepers shall be awarded to Grassey Equipment;

WHEREAS, the Governing Body finds that the bid proposal of Jet-Vac, Inc. to supply two (2) sweepers for the total amount of \$309,600.00 is non-responsive to the Bid Package in several aspects, including several major technical issues and specifications, and that Jet-Vac, Inc. is not the lowest responsible bidder;

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 "Two (2) Units – Heavy-Duty Street Sweepers - Diesel-Powered, 7.3 Cubic Yard Capacity, Stainless Steel Hopper Assembly, Regenerative Air Design, Twin Gutter Brooms, and Dual Steering", in the total amount of \$324,500.00 be and is hereby accepted and awarded to Grassey Equipment Company, 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 agreements and other documents as may be required on behalf of the Borough of Rutherford to complete the transaction;

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3. The Borough Clerk is hereby authorized to retain the bid security of Grasse Equipment Company, until such time as the bid bond is filed, and to return the bid security to all unsuccessful bidders.

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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 Mayor and Council of the Borough of Rutherford authorized the advertisement for bids for "**Two (2) Units - V-Box Salt Spreaders, Retrofitted To Existing Already-Owned Dump Bodies**";

WHEREAS, three (3) bids were received on July 13, 2007;

WHEREAS, the bid submitted by Cliffside Body Corp. for the per unit price of \$12,205.00 and total price for two (2) units in the amount of \$24,410.00 appears to be in accordance with the Bid Package and the Specifications, and responsive to same, and in accordance with applicable laws and regulations;

WHEREAS, Edward C. Cortright, the Chief Financial Officer, has certified in writing to the Governing Body that funds are available in the amount of \$24,410.00 for the purchase of the two (2) salt spreaders, which certification shall be attached to this Resolution and filed in the Borough Clerk's office;

WHEREAS, Cliffside Body's Bid Proposal has been reviewed by Chris Seidler, Superintendent of the Borough Department of Public Works, and the Borough Purchasing Department Clerk, and is found to be in compliance with the bid specifications;

WHEREAS, Anne Marie Rizzuto, Esq., Borough Attorney, has reviewed the Bid Proposal of Cliffside Body and has determined that it substantially complies with all major aspects of the Bid Package and the Public Bidding Laws of the State of New Jersey, and has recommended that the Mayor and Council find that Cliffside Body is the lowest responsible bidder and that its Bid Proposal is the most responsive to the Bid Package and applicable law;

WHEREAS, the Governing Body duly deliberated upon this matter at its work session meeting on July 17, 2007 and at its regular meeting on July 24, 2007;

WHEREAS, the Governing Body hereby finds that the bid of Cliffside Body is responsive and that Cliffside Body is the lowest responsible bidder, and that such bid for the purchase and sale of two (2) salt spreaders shall be awarded to Cliffside Body;

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

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1. The Bid for the purchase and sale of "Two (2) Units - V-Box Salt Spreaders, Retrofitted To Existing Already-Owned Dump Bodies"; in the total amount of \$24,410.00 be and is hereby accepted and awarded to Cliffside Body Corp., 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 agreements and other documents as may be required on behalf of the Borough of Rutherford to complete the transaction;

3. The Borough Clerk is hereby authorized to retain the bid security of Cliffside Body, until such time as the bid bond is filed, and to return the bid security to all unsuccessful bidders.

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Under the Consent Agenda, Councilman Reyes moved to accept the letter of resignation from Chauncey Campbell from the DPW effective August 1, 2007, seconded by Councilwoman Keyes with all members present voting aye.

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For **FIRE**, Councilman Reyes reported that 49 incidents occurred, 1 structural fire, 1 vehicle fire, 5 other types, 21 false alarms, 17 other alarms, no civilian injuries or firefighter injuries, the estimated dollar loss \$26,000, mutual aid was given four times and the total man hours was 291. He said that the Fire Department reports are on file at the Borough Clerk's office.

Councilman Reyes thanked the Mayor and Council for their support in re-establishing the Shade Tree Committee and supporting the Community Forestry Management Plan. He said it is important to remain the Borough of Trees and this is a proactive approach. Councilman Reyes also thanked Chris Seidler, DPW Superintendent and the DPW for all the work they have done regarding the Community of Forestry Management Plan they provided a great deal of information for this project.

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Under the Consent Agenda, Councilman Reyes made a motion to approve the request to take Engine 4 to Hackensack for member's wedding on September 21st, seconded by Councilwoman Keyes with all members present voting aye.

*

Under the Consent Agenda, Councilman Reyes moved to authorize the letter of intent to Bergen County Historical Preservation Grant for rehabilitation of World War I Monument and authorize the Borough Engineer to review the condition of monument, 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 Bergen County Historic Preservation Trust Fund of the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund provides grants to non-profit organizations for assistance in the preservation of historic buildings, districts and sites.

WHEREAS, as part of the 2007 application by Felician College to the County of Bergen is the requirement that the applicant must obtain a resolution of acknowledgement that the municipality in which the project is located knows the application is being made.

WHEREAS, Felician College has informed the Borough of Rutherford of its intent to apply for a Bergen County Historic Preservation Trust Fund grant for assistance in the historic preservation of Iviswold, the Castle at Felician College, located on property known as 223 Montross Avenue, Block 35, Lot 1 on the tax map of the Borough of Rutherford.

WHEREAS, the Borough of Rutherford does not assume any financial liability or other responsibilities related to the application or the project.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Rutherford acknowledges that Felician College is applying to the Bergen County Historic Preservation Trust Fund.

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Under the Consent Agenda, Councilman Reyes moved to authorization to enter into contract for the Eternal Flame Project, seconded by Councilwoman Keyes with all members present voting aye.

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For, **HUMAN RESOURCES**, Councilman Sommer reported that at the work session a presentation was given on the rehabilitation of the tennis courts at Memorial Field and it will be about four weeks before the bids will be ready and published.

Under the Consent Agenda, Councilman Reyes moved to authorize the Borough Engineer to prepare specifications and advertise for bids on the Memorial Field Tennis Court project, seconded by Councilwoman Keyes with all members present voting aye.

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MINUTES OF REGULAR MEETING HELD JULY 24, 2007

Under the Consent Agenda, Councilman Reyes moved to accept the letter of resignation from Lori Rosenbower as Superintendent of Recreation effective August 17, 2007, seconded by Councilwoman Keyes with all members present voting aye.

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As Liaison to the **Ambulance Corp**, Councilman Sommer reported for the month of June they responded to 88 calls, 53 classified as medical emergencies, 17 trauma, 10 motor vehicle this includes residents and non-residents, and 11 mutual aid calls.

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As Liaison to the **Local Assistance Board**, Councilman Sommer reported that on a general assistance case level that involves 34 people, they are being aided by \$16,000 for a variety of needs. He said they also receive gift card donations for the month of June \$1,000 was distributed to the needy.

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Mayor McPherson invited all to the Hambletonian Parade and Festival on Saturday, July 28, 2007.

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Mayor McPherson reported that the draft Master Plan is available on the Borough's website and some changes will be made as a result of the July 20th meeting. The Mayor wished to clarify recent newspaper articles which suggested that what the Master Plan was recommending by way of proposal was an increase in the number of multi-family high density housing, that is simply not so. The Mayor said the areas that they have recommended limit moderate residential uses are along Meadow Road and also Jackson and Erie Avenues, these being areas that present commercial uses, troublesome to the residential quality of the area. Mayor McPherson said that the next hearing on the draft Master Plan will be held September 20th and urged the residents to review the website. The Mayor stated that the Community Forestry Management Plan, by motion of the Planning Board, has been incorporated into the draft Master Plan Statement.

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Mayor McPherson made the following appointments:

7/17

Cathy Botti to the Board of Adjustment. Councilwoman Keyes moved confirmation appoint Cathy Botti to the Board of Adjustment, seconded by Councilman Frazier with all members present voting aye.

MINUTES OF REGULAR MEETING HELD JULY 24, 2007

To the Shade Tree Committee -
John Tagliabue
David Phillips
Steven Savitski

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AN SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, AMENDING THE FOLLOWING CHAPTERS: CHAPTER 53, LITTERING; CHAPTER 26, DOGS AND KENNELS; CHAPTER 82A, RECYCLING.**

Councilman Reyes moved this ordinance be passed on first reading and advertised according to law, seconded by Councilman Frazier with all members present voting aye.

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For **Ordinance on second reading**, Councilwoman Keyes asked for the Clerk to read by 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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For **Ordinance on second reading**, Councilman Frazier asked for the Clerk to read by title only the ordinance.

MINUTES OF REGULAR MEETING HELD JULY 24, 2007

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 #214074.**

This is to establish a handicap space at 176 Santiago Avenue

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 advertised according to law, seconded by Councilwoman Keyes with all members present voting aye.

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Councilman Frazier moved to adjourn at 9:00 p.m. seconded by Councilwoman Keyes with all members present aye.

Borough Clerk