

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, AUGUST 26, 2008**

The meeting was called to order by Mayor Hipp at 8:15 p.m. with the following Councilmembers present:

Councilman Fecanin
Councilman Sommer
Councilman Genovesi
Councilwoman Inguanti
Councilman Sasso

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Councilwoman Keyes - absent

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

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

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Mayor presented the following proclamations/awards:

- To the William Carlos Williams Symposium Committee proclaiming September as **William Carlos Williams Month**
- To the VFW Post 227 and the Veteran's Alliance in recognition September 19th as **POW/MIA Recognition Day**

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Mayor Hipp opened the hearing of citizens.

Bonnie Corcoran, 390 Montross Ave spoke regarding health benefits for the employees and the issue of negotiating for co-pays from employees. She asked if the Council was going to ask the employees, shouldn't the governing body also be making co-payments toward the premiums.

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Arie Moller, 80 Montross Avenue said in regards to bagging of leaves; on his block there about six or seven houses that are done by landscaping companies that blow leaves to the street and in front of his house in a ten foot pile. His question is how is that going to be handled by the ordinance, is he going to get a ticket or fine because it is in front of his house and is there a provision that the companies should haul the leaves away or pay impact fee to the Borough to handle which would be revenue coming into the Borough.

John McParland, 89 Woodland Avenue asked a question regarding Encap and the tax sale, could he please have an update and where that stands.

Councilman Genovesi said in response to Ms. Corcoran, he doesn't think that everyone takes from the citizens, he is not enrolled in the health plan for Rutherford nor the insurance.

Councilwoman Inguanti responded that it was her understanding that there is no mechanism for elected officials or employees to contribute to the health benefits, that is something that has to be addressed at the State level.

Councilman Fecanin responded that he has been on the Council for nine years and he has never used town benefits which saves a lot of money for the Borough.

Councilwoman Inguanti said she doesn't take the benefits, the Elected Body get paid a small stipend, they work a substantial amount of hours, she doesn't disagree if they could work out a mechanism whereby people contribute to the health benefits that would cover the Governing Body. She said this will become a necessity because of the cost but now as she sits on that side of the dais, it is a lot of work and if the health benefit is an incentive to get good people to volunteer to work it is a good investment because it certainly is not being done for the money.

Councilman Sommer said he would be willing to contribute to his benefits from the Borough but it depends on everyone's personal situation if they have other positions in the private sector as discussed, in the three years he hasn't taken advantage of it. He said in regards to the landscaper question which was raised, they are going to address such later tonight. Councilman Sommer said there are two ordinances; one dealing with the leaf collection and a specific resolution regarding landscapers. He said he believes the residents will be very satisfied, they tried long and hard because it has been a long period of time and that Rutherford is one of two towns in South Bergen that do not bag leaves. Councilman Sommer said they are very cognizant of the facts that Mr. Moller brought up, there are people who have taken advantage of Rutherford for years and have driven into the Borough from other towns and left their leaves in Rutherford.

Councilwoman Inguanti responded in regards to the Encap sale; the lien sale will be on September 17th.

Mayor Hipp said in response to Ms. Corcoran's question that he believes that the elected officials should be subject to the same rules and requirements as public employees so when there are contributions he believes it will be incumbent for public

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officials, in fact it would be an automatic. The Mayor said they are in the process of negotiations with the labor unions on that very issue and over the course of the next year, hopefully implementing contributions to the health benefits and public officials will be treated the same. Mayor Hipp said to Mr. Moller comments, the Council is contemplating deals specifically with the issue that he complains of; no one is going to be allowed to dump leaves on the streets if the Council passes this ordinance. Mayor Hipp said as stated there is going to be a tax sale and to update a week and half ago the bankruptcy judge signed a consent order that permitted Rutherford to go forward with the tax sale on Encap. The Mayor said they are very satisfied that they are going to get bidders and receive the funds with full interest; if that goes through as they expect then the Council will be able to adopt the budget that they introduced in March and then finalize the tax rate. Mayor Hipp said he will bring that up in the Mayor's report.

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

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

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8/19

Councilman Genovesi moved the following resolution to close on August 19 at 6:36 pm, seconded by Councilwoman Keyes with all members present voting aye:

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, August 19, 2008 at 6:36 pm in the Committee of the Whole Room to discuss the following matters: personnel – Borough Administrator position.

The meeting was re-convened to open session at 7:14 p.m.

8/19

Councilman Genovesi moved the following resolution to close on August 19 at 9:30 pm, seconded by Councilwoman Keyes with all members present voting aye:

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

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, August 19, 2008 at 9:30 pm in the Committee of the Whole Room to discuss the following matters: Litigation regarding N. Loizzi, negotiations/potential litigation and issues concerning the Recreation Department.

The meeting was re-convened to open session at 10:51 p.m. There being no further business for the August 19th work session, Councilman Genovesi moved to adjourn the meeting at 10:51 pm, seconded by Councilwoman Inguanti with all members present voting aye.

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8/19

Councilman Genovesi moved to approve the Minutes of the Regular Meeting of July 22, 2008, seconded by Councilwoman Keyes with all members present voting aye except Councilmembers Fecanin and Keyes who abstained.

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8/19

Councilman Genovesi made a motion to approve the Minutes of the Special Meeting of August 5, 2008, seconded by Councilwoman Keyes with all members present voting aye except Councilman Sommer who abstained.

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08/19

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

RESOLVED: That bills in the amount of \$942,031.06 payable from the Current Account, \$100 from Public Assistance # 1, 97c from the Special Escrow Account, and \$11,000 from the Rutherford Business Improvement 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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08/19

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

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

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1. In the amount of \$26.00 payable to Wendy Martinez – refund for day camp trip.
2. In the amount of \$9.00 payable to Dawn Smith – refund for day camp trip.
3. In the amount of \$9.00 payable to Sandra Gentile – refund for day camp trip.
4. In the amount of \$33.00 payable to Lynn Stanton – refund for day camp trip.
5. In the amount of \$24.00 payable to Catherine Salfino – refund for day camp trip.
6. In the amount of \$18.00 payable to Savy Gusiora – refund for day camp trip.
7. In the amount of \$18.00 payable to Marlene Castellanos– refund for day camp trip.
8. In the amount of \$48.00 payable to Rakesh Abbi – refund for day camp trip.
9. In the amount of \$26.00 payable to Lori Gaffney – refund for day camp trip.
10. In the amount of \$10.00 payable to Cathy Annibelli – refund for day camp trip.

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08/19

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

WHEREAS a lien on the parcel of property referred to as Block 104, Lot 4, known as 102 Daniel Avenue and assessed in the name of John Cicchine was sold at the Borough’s Tax Lien sale on May 22, 2008 to Park Finance, LLC and;

WHEREAS the necessary arrangements have been made with the Tax Collector’s Office for the redemption of this lien and a check in the amount of \$9088.34 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$15,000 was deposited in the Premium Trust Account on the day of the sale;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to Park Finance, LLC in the amount of \$24,088.34 in settlement of Tax Title Lien # 0200808.

Principal.....	\$ 8763.21
Interest & Penalty.....	\$ 273.13
Recording Fees.....	\$ 52.00
Premium.....	\$15,000.00
 TOTAL.....	 \$ 24,088.34

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08/19

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

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WHEREAS, the following property owner was cited by the Board of Health for property maintenance violations, necessitating the employment of a landscaper to abate said violations; and

WHEREAS, the Borough of Rutherford incurred a charge of \$400.00 which has been levied upon the premises as a special charge, accruing interest; and

WHEREAS, the Borough of Rutherford has received a 3rd quarter tax payment from a mortgage company;

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$405.07 made payable to the Borough of Rutherford and charge same to 2008 taxes as reimbursement of the property maintenance charge with interest.

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>
52	1	Coston, Arthur & Tonya Re: 96 Washington Avenue

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08/19

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford has received the NJ Homestead Rebate for the following property owners and:

WHEREAS, the following property owners are entitled to a refund of these monies as their property taxes are now paid:

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be and he is hereby authorized to issue warrants totaling \$4459.71 as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
88	21	Anthopoulos, Demos B. & Patricia 17 Courier Place	\$1608.84
27.01	8.01	Bueno, Ronald & Georgia & Hilda Delaney 47 West Pierrepont Ave.	\$1600.87
41	8.01	Rembert, Barbara, & WG Cason & D. Cason 68 Wood Street	\$1250.00

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

RESOLVED: That bills in the amount of \$593,318.93 payable from the Current Account 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 Genovesi moved the following Resolution, seconded by Councilman Sommer with all members present voting aye:

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

1. In the amount of \$60.00 payable to NJRPA – registration three recreation Olympians.
2. In the amount of \$264.00 payable to Joanne Capacyachi – refund for day camp trip.
3. In the amount of \$1,200.00 payable to The Kootz Band – payment for Labor Day Street Fair.
4. In the amount of \$650.00 payable to Steve Augustine – payment for Labor Day Street Fair.
5. In the amount of \$400.00 payable to Dick Richards – payment for Labor Day Street Fair.
6. In the amount of \$400.00 payable to Richard Gutches – payment for Labor Day Street Fair.
7. In the amount of \$20.00 payable to State of NJ Dept. of Children and Families – CARI Preschool processing fees.
8. In the amount of \$5.00 payable to Julie Santana – refund for tennis tournament.
9. In the amount of \$25.00 payable to Keith Lee – refund for tennis tournament.
10. In the amount of \$662.12 payable to Rutherford Board of Education – payment for day camp bus gas.

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For, **FINANCE**, Councilwoman Inguanti reported they received confirmation the Borough will be able to sell the lien on the Encap property, which is a great benefit to the budget as it allows them to lower the reserve on uncollected taxes and it will bring property taxes up-to-date for 2008. Councilwoman Inguanti said the timing of the sale unfortunately prevented the Governing Body from adopting a budget in August, however they will adopt in September. She said residents should know that the CFO is monitoring

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the introduced budget, the Council has also asked for reports on monitoring of the budget line item by line item to help ensure that expenditures are not out-pacing what was budgeted. Councilwoman Inguanti continued they received a number of grants over the last couple of months totaling over \$100,000-\$150,000; they had a reduction in their State Aid of \$197,000 but they did receive Extraordinary Aid of \$200,000; the tax levy went from \$19,614,000 to \$19,110,000; a reduction in salary expenditures of \$147,326; reserve from uncollected taxes went from \$1,056,576 to \$931,812 a reduction of \$124,764; the Borough tax rate exclusive of the County and School, has declined from 5.48% to 4.14% increase for budget year 2008; the overall tax levy increase, including School, County and Municipal Taxes will be 3.39% at the present time. Councilwoman Inguanti said they would always want it to be lower but this is a tough year, they had a lot of tough hits with items that were beyond their control but they are coming in much better than the last couple of years. She said they hope to shave another little off and they hope to go into 2009 with more of a surplus to serve them well especially if they get hit with any bad storms in the beginning of the year.

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

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Councilwoman Inguanti made a motion to adopt the Resolution for the Temporary Budget, seconded Councilman Genovesi. As no discussion was requested roll call was taken with Councilmen Sommer, Genovesi, Sasso and Councilwoman Inguanti voting aye and Councilman Fecanin voting nay:

WHEREAS, R.S. 40A:-19 provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2008 budget, temporary appropriations shall be made for the purpose and amounts required in the manner and time therein provided; and,

WHEREAS, the total of these temporary appropriations does not exceed 25.00% of the total of the appropriations of the preceding fiscal year, after excluding in both instances appropriations for interest and debt redemption charges, capital improvement fund and public assistance.

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations for April, May and June be made and that a certified copy of this Resolution be transmitted to the Chief Financial Officer for his records:

	Salaries & Wages	Other Expenses
Mayor & Council	5,500	1,000
General Administration	0	
Financial Administration	70,000	1,300

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Borough Clerk	55,000	25,000
Computer Maintenance		20,000
Auditing and Accounting		1,000
Assessment of Taxes	21,000	2,000
Collection of Taxes	28,000	2,000
Legal Services & costs		44,000
Municipal Court	49,000	3,000
Engineering Services		10,000
Public Buildings & Grounds	161,000	25,000
Planning Board	600	4,000
Board of Adjustment	600	2,500
Shade Tree	70,000	7,000
New Jersey Meadowlands Commission		40,000
Insurance:		
Workers Compensation		150,000
Group Insurance Plan		800,000
Other Insurance Premiums		10,000
	Salaries & Wages	Other Expenses
Liability Insurance		150,000
Fire Safety Code	60,000	3,000
Fire Department		40,000
Prosecutor	1,925	
Public Defender	600	
Police	836,925	50,000
Construction Department	97,000	3,000
Office of Emergency Management		700
Police Dispatch/ 911		19,000
Roads	250,000	30,000
Garbage	180,000	15,000
Recycling	150,000	
Sewers	7,000	7,000
BCUA Sewer		214,000
Passaic Valley Sewer		125,000
Dumping Fees		150,000
Rutherford Senior Citizens Center		13,000
Animal Control Services		5,000
Board of Health	101,000	4,000
Administration of Public Assistance	25,000	500
Recreation	56,000	5,000
Education Plan for Employees		3,000
Library	218,000	37,000
Utilities:		
Gasoline		55,000
Fuel Oil		10,000
Electricity & Gas		100,000

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Telephone	25,000
Street Lighting	70,000
Water	11,000
Debt Service:	
Interest on Bonds	151,837
Green Trust Loan (Principal and Interest)	2,799
Bergen County Improvement Authority:	
Interest	18,000
Principal	39,341
FICA	150,000
Police & Firemen's Retirement System	635,000
Public Employees Retirement System	300,000
Fire Widow's Pension	6,000
Capital Improvement Fund	100,000
TOTALS	\$2,444,150
	\$3,695,977

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Councilwoman Inguanti said in regards to the 2008 Capital Budget, she wanted to point out to the public that in reviewing the numbers they really have worked hard with the Department Heads to dwindle down the needs of the Departments which has allowed them to provide for the Capital Improvement needs which are long term improvements lasting more than five years. She said they managed to such without incurring new debt, just moving forward on projects that have been approved under the previous Governing Body and reallocating funds that perhaps the projects were no longer necessary or had been accomplished through other means. Councilwoman Inguanti said she is very happy with how hard everyone worked and how cooperative everyone was in understanding that it was a tough year and as a Governing Body and something she would like to pursue, is to really identify the Capital Improvements that realistically can be achieved in a season, a considered period of time so they don't have things lingering on where they have borrowed money but they have no plan in place to complete the project. Councilwoman Inguanti said it helps keep things neater for projects that might be planned for items in two to three years, but in terms of acquiring the funding, she would like to do that in a condense period of time so they are not borrowing money and have it sit there for years without the project moving forward.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer 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 Volvo North America under Docket No.: 006762-2008 for the year 2008; and

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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 other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

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

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer 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 Volvo North America under Docket No.: 002737-2008 for the year 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 other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

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

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8/19

Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

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

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

Grace Episcopal Church

Merchandise Raffle

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For **POLICE**, Councilman Genovesi commented that there was a recent letter to the editor that depicted situations within the Police Department which he humbly disagrees with. Councilman Genovesi said the year started off rocky with the Department as far as his interaction with them but immediately after being appointed, he, the Borough Attorney, the PBA contract and arbitration began; then three months of discussions between the Governing Body and the Department whether a Chief or Director was right for the Town and to be honest he didn't know what to expect in January with respect to his ability to interact with the Department and they to him. He said the Department is doing an incredible job, he believes they are among the finest officers in Bergen County if not the finest, he believes they display professionalism at all times and the Director John Thompson was the absolute best fit for the situation they were in, he has pulled the Department very nicely and Captain Egbert and Captain Merli are working very well as far as he can see with Dir. Thompson. Councilman Genovesi said starting from Lieutenants to Patrolmen they are all doing a great job. He said a lot has been accomplished during the first eight months of the year; purchase of two new squad cars; pistol range is going to be updated; the automated fingerprint identification system will be coming into the Department; they managed to order two years of ammunition when other Departments can't get their ammunition; there were reports in the media a shortage of ammunition because of the war and the prices are increasing. Councilman Genovesi said the Department renovation which is up for second reading is something he worked very closely with the Department on and their teamwork has facilitated his desire to have the project come to fruition and he really wants to let everyone know how much of an asset they really are to the community and they are very dedicated and absolutely the finest officers. The Department is going through some changes as far as staffing which they saw with Dir. Thompson, it is going through some changes with the renovation and the upkeep of the building and in essence they are starting to see a new face and new

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attitude and a new beginning for the Department. He said he is extremely grateful to be able to work with them.

Councilman Genovesi reported for the month of July; National Night Out – August 5th was well attended by the residents and members of the Department and the Department wishes to send a special thank you to Capt. Egbert for his efforts. He said the organization and structure of the Department was revised and has been distributed to all Department members. The Department purchased a new breathalyzer machine and 15 officers have been scheduled for the cross-over training at the Bergen County Institute for Public Safety; 25 officers attended a total of 27 days of training for topics such as: Arrest, Search and Seizure, Fire Arms and Drug Interdiction; 5 Juvenile arrests; 36 adult arrests; 1 robbery; 64 auto accidents; 10 non-reportable accidents; 4 drivers and 4 passengers were injured; total number of summons issued 889 parking and 250 moving. Councilman Genovesi said on the agenda there is a resolution \$38,000 grant from NJMC for law enforcement equipment which was a balance left over from \$100,00 NJMC grant; \$62,000 was used to purchase two new cars and the balance is being used for seven major components that the Department wanted to utilize with that money. He said \$7,000 will be spent on antennas for the squad cars; crossing signs, cross walk paint, new video recording equipment as set forth by the Attorney General, digital phone recorder, and play back for calls at the police desk, a State Police network radio, with the remainder being put into a Community Policing budget.

Councilman Genovesi said the Police Department is being renovated with funds authorized but not issued and taxpayers have been paying interest on those funds since 2004 and they were able to take a punch-list of 16 items and narrow it down to 12 and work with the money they had available \$62,000 to get the renovations underway. He wished to thank the Mayor and Council and the Police Dept. and Engineer for their support and hard work.

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

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

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

- | | |
|--|-------------------------------|
| ➤ PTA Saint Mary High School | Off- Premise Draw |
| ➤ Junior Women’s Club of Rutherford | Off-Premise 50/50 |
| ➤ Grace Episcopal Church | On-Premise Merchandise |

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Under the Consent Agenda, Councilman Genovesi moved to authorize the request to hold a block party on Maple Street on September 20 (r/d 9/21), seconded by Councilman Sommer with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved to authorize the request to hold a block party on Wheaton Place on September 20 (r/d 9/21), seconded by Councilman Sommer with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved to authorize the request to hold a block party on Addison Avenue on October 11 (r/d 10/12), seconded by Councilman Sommer with all members present voting aye.

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

WHEREAS, the Borough of Rutherford, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Borough of Rutherford has the need to purchase two (2) 2008 Marked Ford Crown Victorias from Warnock Fleet at a price of \$30,760.55 each under Cranford Co-Op Contract Number 101; and

WHEREAS, *Warnock Fleet, 175 Route 10, East Hanover, New Jersey 07936* has been awarded a contract for two (2) 200 Marked Ford Crown Victorias by the Rutherford Police Department; and

NOW THEREFORE BE IT RESOLVED, that the Borough shall award the purchase of two (2) 2008 Marked Ford Crown Victorias from Warnock Fleet of East Hanover and that the funds for same have been certified by the Chief Financial Officer as seen by said attachment.

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

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WHEREAS, a New Jersey Meadowlands Commission Grant application in the amount of \$100,000 had been proposed by the Borough of Rutherford for law enforcement equipment and parks and open space improvements in the municipality of Rutherford Borough and,

WHEREAS, the Mayor and Council of the Borough of Rutherford believe it is in 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 two police interceptors for \$62,000 and other law enforcement equipment detailed as follows:

1. Three Bee III Ka-Band Dual Antenna Radar Units	\$ 7,026
2. Five fluorescent yellow green pedestrian crossing signs	1,480
3. Thermoplastic paint with reflective beading for high pedestrian traffic crosswalks and centerlines	7,444
4. Video recording equipment located in the detective Bureau replacing outdated equipment. (This system is a requirement set forth by the NJ Attorney General when crimes are involved)	12,732
5. Digital phone recorder and instant playback audio for calls received at the police desk	6,194
6. One State Police Network Radio for Car 421 (The departments Stealth Vehicle)	393
7. Community Policing Budget	2,731
TOTAL	<u>\$38,000</u>

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 projects may be expedited.

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Under the Consent Agenda, Councilman Genovesi moved to the request to hold the Annual Homecoming Parade on Saturday, October 11th, seconded by Councilman Sommer with all members present voting aye.

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

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

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

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➤ **RHS All Sports Booster Club**

On Premise 50/50 Raffle

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Under the Consent Agenda, Councilman Genovesi moved to authorize the request to hold a block party on Summit Cross on September 14, seconded by Councilman Sommer with all members present voting aye.

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For **PUBLIC WORKS**, Councilman Sommer reported as Liaison the Hambletonian Day was very successful in the Borough with the Downtown Partnership and the Borough being magnificent hosts. Councilman Sommer reminded all that the Labor Day Street Fair was being held the upcoming weekend which is also a combination of the Downtown Partnership and the Borough with many local organizations participating.

As Liaison to the Nereid Boat Club, Councilman Sommer was pleased to announce that they have the funding for a park area though it has been a slow process, be patient because a beautiful waterfront park is going to set apart Rutherford from surrounding towns and the way it is being developed is state-of-the-art. He said the interface between the river and land is being sloped in a way that rock and shrubbery can grow with some flood control measures being put into place. Councilman Sommer said he believes it will encourage membership both on the younger level to older.

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Councilman Sommer said there were two items related to the leaf collection, though they had talked about it in the past, for many of them it can be viewed as a drudgery, it is difficult enough with the trees dropping a variety of berries, flowers in addition to leaves. He said they are at the point to address the severity of being sanctioned by the State with the Storm Water Sewerage Act and other towns like Allentown for well over 20 years have been bagging their leaves and they are a tree-lined neighborhood. Councilman Sommer said it is going to be hard to adjust to because it is different and more time and they realize not everyone like seniors or those not as fit to be able to do this work, they have hotlines and a lot of charitable organizations, younger students; they will get through this transition and it is going to be good for the town. He said the one mystic that they must remove is this is not primarily, partially a tax saving consequence; it is a necessary activity; yes they will save some money but what they are actually saving is the water, the environment and they need to pay attention to those things.

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Councilman Sommer asked if he could alter slightly from the agenda because he had another obligation he had to get to. Mayor Hipp approved the request.

Councilman Sommer moved that the ordinances on first reading for Recycling and the Landscapers be placed forward on his report, seconded by Councilman Genovesi, with all members present voting aye; with the exception of Councilman Fecanin voting nay.

ORDINANCES – 1st READING

Councilman Sommer said the purpose of the ordinance is to amend the requirements for the disposal of leaves within the Borough for the compliance for the Storm Water General Permit and they are establishing requirements of how to get there. He said while paper bags, not plastic, can be obtained from places like Home Depot and Lowe's and the Borough is going to supply some; also acceptable are 32 gallon container which most everyone has can be brought out to the curb and not let them spill out to the street or shrubbery, tree branches and so forth. Councilman Sommer said that is key because rain sometimes early snow occur and the leaves get compacted under the snow which becomes a mess going into the storm drains and clogs them and they also pass into the storm drains causing pollution. He said there is a fine not to exceed \$500 in violation of the ordinance and again it is year one and any ordinance that doesn't have a sanction is really no law at all.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 82A ENTITLED RECYCLING, YARD WASTE AND FOOD PACKAGE FOR THE DISPOSAL OF LEAVES.**

Councilman Sommer moved this ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Inguanti.

Mayor Hipp opened the Ordinance for Council discussion.

Councilman Fecanin said he will be voting no against the ordinance because of the time constraints and to allow something better to let the residents know in advance. He said he believes they could do other things within the seven day period that they have to be off the street, right now suspend things and maybe start next year to give the residents more notice. Councilman Fecanin said he understands the regulation and has been involved with it for eight years, there is a time constraint that it has to be off the street and he thinks it is seven days but if they try to put their heads together and let the DPW and people come up with an idea. He said because of the short notice he feels it is going to hurt them and the town is going to look like a bomb hit, how are they going to get the elderly to pick up their leaves; there are 18,500 people in the town probably 100,000 trees, it is too quick and he can't see it happening. Councilman Fecanin believes if they started it next year it would have worked better.

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Councilman Genovesi said that he has a general confusion over the ordinance, he understands the impact that it is going to have on the residents in fact he was confronted with that impact on Park Avenue on Saturday and it brought things to his mind that he hadn't thought of. He said he wondered if anyone has the ability to or has looked into changing around duties in town; one resident suggested to him that they suspend twice a week garbage pick up and the second day use for leave pick and that be done just for the months of October, November, December. Councilman Genovesi said he doesn't know if that is a good idea or if anyone has looked into it but it raises questions in his mind whether this is the absolute right thing to do; Has any Councilmember or the Mayor had an opportunity to speak to DPW about that?

Councilman Sommer responded there was a discussion about the trash pick up and forego one for that time period; it was addressed and even if it was would they be able to get all the leaf collection accomplished with no overtime using the same methodology in process as they have done in the past, he didn't believe so. He said not if they look on track with a truck coming by and picking up bags versus what is involved with the major process of pushing and gathering the piles and the back hoes to put them in trucks, it is more than a one day cancellation. Councilman Sommer said he does agree with it that is it is painful and it would have been better if they were able to give it to the public in March, they had many meetings on it but what they struggled on as the news letter that was done it took a lot of re-writing, getting the information right and so to get a blast out there which was sent out. He said the concept that they are going to bag leaves has been out there in one form or another for at least two or three months; it may not have been in writing or in the mailboxes but it was certainly in the newspaper and discussed in the meetings. Councilman Sommer said he doesn't believe if they push it off till next year, it won't be any easier, it still won't be any fun.

Councilwoman Inguanti said they met and discussed this over several months and they thought about introducing a landscaper ordinance on it owns because as she understands it and was hoping that the idea of suspending the second garbage pickup she hoped that would have been the answer. She said because she knows it is going to be a hardship for many people but they have been assured by the DPW Superintendent that it doesn't get the job done that they are still out of compliance even if they did that, it is not just one day extra week, the problem is the volume of leaves and they are trying this, she wants it to be successful and as small a burden as possible to the resident but obviously if there are areas where there are problems if at the end of the leaf season it looks like a bomb hit it they are going to have to adjust and look for other ways, different equipment. She said they are endeavoring to gather volunteer organizations that could assist seniors or handicap people in terms of bagging leaves, there is a real shortage of jobs the old-fashion type, delivering papers, mowing grass, raking leaves that young people could do. Councilwoman Inguanti would like to offer that as a possibility, if they hire a landscaper and don't want the added expense of having them bag it, perhaps they could hire a neighborhood teenager and perhaps for \$20 and a couple of pizzas, they could get the leaves bagged. She hopes they could look at this and it is not something the Governing Body is trying to do to the residents, they all live here with trees on their property so they really understand the enormity and not looking to punish anyone but landscapers who have abused the privileged and dumped on Rutherford streets. Councilwoman Inguanti

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said while she would like to delay it she thinks if they wait until next year, 2009 is when they have been assured by the DEP they will start coming down like a hammer, they gave municipalities five years to ramp up the programs and last year there was the removal of the additional DPW services like stone pickup, electronic pickup, etc. it was better but it still wasn't great. She said they really need the residents to assist with this and she has been told that many of the landscapers in town are buying the appropriate equipment so that they will be able to do it in a cost effective way and she hopes they can all work together to keep the community clean and safer and reduce flooding in the future.

Councilman Sommer said he echoes the vision that Councilwoman Inguanti brought up, when there have been snow storms large and small, he gets a lot of door bells of kids who want to shovel the walk, he says no because he does it and midway through he says its \$20 why didn't I have the kids do it. He said so that can be evolved into the leaf bagging and so on, that energy is out there and the notice has been out, though it is not something anyone wants to hear, it just has to be done and by putting it off till next year it will still be just as painful.

Councilman Fecanin said as he was on vacation in July, that was the first time he heard about collecting leaves, they have never talked in depth at any meetings, maybe at the DPW meetings but he never heard anything until July. He said he is for the ordinance just not for this year because of the time constraint and he understands the regulations. Councilman Fecanin said he believes that half the residents of the town have no clue that they have to bag so if they vote on it tonight, they need to put it in the papers, something more has to be done.

As no further discuss was requested, the discussion was closed.

All members present voting aye with the exception of Councilman Fecanin voting nay.

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Councilman Sommer said the complimentary ordinance deals heavily with the landscapers and it contains violations and penalties that will be monitored. He said the landscapers will have notice that they will have to register, pay \$50 to get a permit, show proof of insurance, stickers will be placed on the rear back bumper to show they have been licensed to provide business in Rutherford. He said they perform a service to our residents and many of our residents are not suited for the bagging or raking and have hired landscapers and they do not want to discourage landscapers but they are cognizant that they do abide by the rules. Councilman Sommer said they didn't put in too many rules but it should suffice them to be able to monitor even though it was not the majority, he feels this ordinance will help.

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

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The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, TO ESTABLISH CHAPTER 82B FOR THE LICENSING OF LANDSCAPERS.**

Councilman Sommer moved this ordinance be passed on first reading and advertised according to law, seconded by Councilman Genovesi.

Mayor Hipp opened the Ordinance for Council discussion; hearing none the matter was closed.

All members present voted aye.

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Councilman Sommer excused himself from the meeting at 9:15 p.m.

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For **FIRE**, Councilman Sasso reported that all items were consented to in the work session.

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Under the Consent Agenda, Councilman Genovesi approve the request to accept the resignation of David LaGruth from Union Truck & Bucket Co. #1, seconded by Councilman Sommer with all members present voting aye.

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Councilman Sasso announced the Nicholas Nunno Foundation – 1st Annual Charity Ball on Friday, October 17th and additional information can be found at www.nicholasnunnofoundation.org.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Fecanin reported the report is on file with the Borough Clerk.

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Councilman Fecanin asked the Mayor to make the permanent appointment of Yadira Feroz as Technical Assistant to the Construction Official from the Certification of Eligibles from NJ Department of Personnel.

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Under the Consent Agenda, Councilman Genovesi moved to approve the agreement and resolution for the request for right of way for Fibertech Technologies Networks, LLC, subject to approval of Counsel as to form, seconded by Councilman Sommer with all members present voting aye:

WHEREAS, Fiber Technologies Networks, L.L.C. ("Fibertech"), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBP") in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the Borough of Rutherford for non-exclusive permission to occupy public rights-of-way within the Borough of Rutherford for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, the granting of such consent is and shall be conditioned upon Fibertech' continued compliance with all existing and future ordinances of the Borough of Rutherford and its entering into a written agreement with the Borough of Rutherford to, inter alia, indemnify and hold the Borough of Rutherford harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford hereby authorize the Mayor and Borough Clerk to enter into a contract with Fiber Technologies Networks, L.L.C., of Rochester, New York, subject to approval of the Borough Attorney as to form.

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Under the Consent Agenda, Councilman Genovesi moved to approve the request for right of way for Abovenet Communications, Inc. use approval resolution and agreement, subject to approval of Counsel as to form, seconded by Councilman Sommer with all members present voting aye:

WHEREAS, Abovenet Communications, Inc ("Abovenet"), a Delaware Corporation with offices located at 360 Hamilton Avenue, White Plains, New York , is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBP"); and

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WHEREAS, Abovenet has requested the consent of the Borough of Rutherford for non-exclusive permission to occupy public rights-of-way within the Borough of Rutherford for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, the granting of such consent is and shall be conditioned upon Abovenet's ' continued compliance with all existing and future ordinances of the Borough of Rutherford and its entering into a written agreement with the Borough of Rutherford to, inter alia, indemnify and hold the Borough of Rutherford harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford hereby authorize the Mayor and Borough Clerk to enter into a contract with Abovenet Communications, Inc of White Plains, New York, subject to approval of the Borough Attorney as to form.

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Under the Consent Agenda, Councilman Genovesi moved to accept the grant agreement and resolution authorizing Mayor to sign same for preservation of WWI Monument of \$39,700 from Bergen County, seconded by Councilman Sommer with all members present voting aye:

WHEREAS, the Mayor and Council of the Borough of Rutherford wishes to enter into a grant agreement with the County of Bergen, for the purpose of using \$39,700.00 in 2007 Historic Preservation Trust Fund Grant Program for the Preservation of the Rutherford World War I Monument;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby authorize Mayor Hipp to be the signatory to the aforesaid grant agreement.

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For **HUMAN RESOURCES**, Councilman Sasso reported that the Pre School will be holding open-houses on September 11 & 12 with the Pre-School Program opening on September 15th at Tamblyn Civic Center. Councilman Sasso said registration is still continuing for Fall Soccer both boys and girls; starting Sept. 8 the Recreation Dept. hours will resume late nights on Mondays from 8:00 a.m. to 7:00 p.m. He announced the Touch-A-Truck Event will take place Sunday, September 28th at Memorial Field from 1:00-p.m. to 3:00 p.m. Councilman Sasso also reminded all the school is beginning and asked everyone to be conscience of the children walking.

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Under the Consent Agenda, Councilman Genovesi made a motion to accept the change order in the amount of \$11,475.15 for the Memorial Field Tennis Courts, seconded by Councilman Sommer with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved to accept the recommendation of Pre-School personnel Laura Ward and Daryl Sudol, seconded by Councilman Sommer with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved for Mayor Hipp to form a Committee for the Tryon Field Concession/Restroom Project, seconded by Councilman Sommer with all members present voting aye.

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Under the Consent Agenda, Councilman Genovesi moved to authorize the Borough Engineer to prepare bids for fence and backstop project, seconded by Councilman Sommer with all members present voting aye.

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MAYOR'S COMMITTEE REPORT

Mayor Hipp reported with regards to the Encap tax sale status, Encap has filed for Chapter 11 Bankruptcy protection. Judge Winfield heard certain motions before her and among them was a motion by Wachovia Bank to dismiss the bankruptcy petition and/or lift the automatic stay to allow them to proceed on foreclosure. The Mayor said another motion before the Judge was concerning the application by the Meadowlands Commission to use processed dredge material and sewer sludge from the Passaic Valley Sewerage Commission as part of the capping of the Lyndhurst landfills specifically Avon and Kingsland. Mayor Hipp said an application was submitted by MVD2, otherwise known as the Trump Organization to terminate the exclusivity period and allow the Trump Organization and its partners to submit a plan of reorganization in competition with Encap. The Mayor said Judge Winfield held off deciding all three of those applications and they are waiting to find out what happens in the next two weeks.

Mayor Hipp announced that Friday, September 5th there will be a Block-A-Palozza which is the Youth Advisory Council's first annual end of the summer party, being held at Memorial Field from 7:00-11:00 p.m. with free admission but they will be raising money by selling food and beverages, they will have a DJ. The Mayor encouraged all children in ninth to twelfth grade to attend.

Mayoral Appointments:

Yadira Feroz as a Technical Assistant to the Construction Official.

Councilman Genovesi moved confirmation, seconded by Councilman Fecanin with all members present voting aye.

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Laura Ward as Lead Teacher and Director of the PreSchool Program

Councilman Genovesi moved confirmation, seconded by Councilman Sasso with all members present voting aye.

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Daryl Grace Sudol as Teacher's Aide of the PreSchool Program.

Councilman Sasso moved confirmation, seconded by Councilman Genovesi with all members present voting aye.

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Mayor's Proclamations:

**September – William Carlos Williams Month
September 19th – POW/MIA Recognition Day**

Resolutions:

Mayor Hipp said as part of the introduced budget in March, one line item of revenue was the sale of the cellular lease; they have struggled through the last several months to see if they could avoid it. The Mayor said one of the problems they had the past year was an expense item which was about \$364,000 in interest payments that they had to pay on tax anticipation notes which were issued last year. Mayor Hipp said that was a one time expense item because they will not have that item in the 2009 budget as a result of procedures they were able to follow to avoid having to issue TANS. The Mayor asked the Council to authorize the auction so that they could take care of the line item with a one time assignment and generate revenue necessary to pay off the expense; the alternative would have been to raise the tax levy the additional \$364,000 which would have raised the tax rate. Mayor Hipp said he believes it is prudent while he is opposed to paying for reoccurring expense items with one time revenue generation items, he believes that is bad policy in this case he is asking the Council to allow for the assignment so that they can take care of the one time expense revenue. Mayor Hipp said he believes they will receive at least \$364,000 at the public auction if not more.

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Councilman Genovesi moved to authorization of preparing a resolution for a public auction of one cellular lease currently owed by the Borough, seconded by Councilwoman Inguanti with all members present voting aye.

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ORDINANCES – 2nd READING

Councilman Genovesi described that the ordinance has 12 expenditures ranging from the placement of electrical panels, improve circulation, automatic door in the vestibule of the building for compliance with ADA, basement flooding will be taken care of with sump pumps so he asks the Council for their approval.

He said it is a publicly owned building, it needs improvements and is an asset for the community. He said that it is prudent to maintain its upkeep.

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

The Clerk read the ordinance by title only as follows: **CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$61,300 FOR VARIOUS IMPROVEMENTS TO THE POLICE DEPARTMENT ANNEX, IN, BY, AND FOR THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION.**

Councilman Genovesi moved this ordinance be passed on second and final reading and advertised according to law, seconded by Councilwoman Inguanti.

Mayor Hipp opened the Ordinance for public hearing.

Arie Muller, 80 Montross Avenue asked if the \$61,000 includes the \$38,000 from the grants or can that money be used for the building?

As no further comments or question were raised, the hearing was closed

Councilman Genovesi said there are two separate funding sources; the \$61,300 is money appropriated in the past 2004-2005-2006 for general improvements to the Police Department such as a new dispatch desk which were never realized. He said money had been set aside years ago for general improvements to the Department, authorized but not used. Councilman Genovesi said the other issue of \$38,000 is a separate funding source of a \$100,000 grant from New Jersey Meadowlands Commission this current year to purchase two Crown Victorias' which they purchase each year through a State Co-op, they are two separate issues. He said to the question can that \$38,000 be used towards Police Dept. improvements, he would probably say no because the NJMC is the one who makes

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the final decisions on what the funds can be spent on and from speaking with the CFO the money usually goes towards equipment.

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

All members present voting aye.

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Councilman Genovesi stated the ordinance repeals existing boardinghouse regulations which are no longer needed as there are no remaining licenses and the intent is to not have any more.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUTHERFORD, TO ABOLISH CHAPTER 14, ENTITLED, BOARDING HOUSES AND LODGING HOUSES.**

Councilman Genovesi moved this Ordinance be passed on second reading and advertised according to law, seconded by Councilman Sasso.

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

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

All members present voted aye.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 68, ENTITLED, PEACE AND GOOD ORDER.**

Councilwoman Inguanti moved this ordinance be passed on second reading and advertised according to law, seconded by Councilman Sasso.

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

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Mayor Hipp opened the matter for Council discussion.

Councilman Genovesi stated that he voted no on the ordinance on first reading, he doesn't support it and had various discussions with different law enforcement people who told him it doesn't matter, they can still do their job, Councilman Sommer tried to explain that as well. He said for some reason he doesn't see it that way, he understands that they can face a lawsuit or penalties but it is his personal opinion that the police should have this as a tool.

Mayor Hipp said for the record, he knows a lot has been said about public drunkenness and the moral issue about it; the problem is that by an act of legislature some 35 years ago, the ordinance was actually repealed. The Mayor said they are actually just removing it from the books; they have no authority to enforce and by doing so it exposes them to potential liability as is a case in another town. He said they received a letter from their joint insurance fund counsel urging them to remove the ordinance from the books so they don't get in trouble and if they fail to do so and they are sued they may not get coverage, it is a risk of getting covered under liability. The Mayor said he understands people not wanting to see drunk people walking on the street, but this was taken away 35 years ago so he asks the Council to please act responsibly to enact the ordinance on 2nd reading to protect the town from liability.

As no further Council wished to speak the discussion was closed.

Councilman Fecanin, Councilwoman Inguanti, and Councilman Sasso voted aye; Councilman Genovesi voted nay.

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Mayor Hipp opened the second hearing of citizens.

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

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Councilwoman Inguanti stated that the Bergen County Film Commission will be sponsoring the Reel Jersey Film Festival at the Williams Center, September 25th – 29th and for more information they may go to the website or to the Williams Center; there will be a Saturday night gala to benefit the Williams Center specifically and Lee Grant is scheduled to be in attendance; Friday night sponsored by Weird Jersey there will be horror film festival being catered by White Castle. The Councilwoman stated that the proceeds will go towards a classic film series and she urged all to go and support the festival.

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8/26 Councilman Genovesi moved the following resolution, seconded by Councilman Fecanin, with all members present voting aye:

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, August 26, 2008 at 6:45 p.m. in the Committee of the Whole Room to discuss the following matter:

Borough Administrator position

The meeting re-convened to open session at 7:35 p.m. for the work session.

8/26 Councilman Genovesi moved the following resolution, seconded by Councilman Fecanin, with all members present voting aye:

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, August 26, 2008 at 10:00p.m. in the Committee of the Whole Room to discuss the following matter:

- Former Borough Administrator Resignation Package
- Former Police Chief/Captain Retirement packages
- PBA Negotiations
- Nicholas Loizzi Litigation

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The meeting re-convened to open session at 11:25 p.m. There being no further business for the August 26, 2008 meeting, Councilwoman Inguanti moved to adjourn the meeting at 11:25 pm, seconded by Councilman Genovesi with all members present voting aye.

Borough Clerk