

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, AUGUST 28, 2007**

The meeting was called to order by Mayor McPherson at 8:07 p.m. with the following Councilmembers present:

Councilman Frazier
Councilman Reyes
Councilman Fecanin
Councilman Sommer
Councilwoman Keyes
Councilman Genovesi

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 Pat & Jim Castle - Kaleidoscope of Hope Foundation in recognition of September as Ovarian Cancer Awareness Month. Mr. Castle spoke regarding the many fundraising efforts this Foundation established and as part of the awareness Rutherford will have ribbons tied around trees on Park Avenue and Ridge Road.

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Mayor McPherson opened the hearing of citizens. As no one wished to speak the hearing of citizens was closed.

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Councilman Genovesi stated that the Borough has been evaluating a service provider for cable and they have received a lot feed-back from the residents. Councilman Genovesi asked the Mayor to open the public hearing on the cable tv franchise renewal. Mayor McPherson opened the public hearing and as no one wished to speak, the Mayor asked Ms. London for any comments.

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Ms. London stated that tonight was the second of the two public hearings. She said though this is the last hearing, the survey is still available to the residents on the website for another 30 days. Ms. London said after the 30 days expires they will prepare the report for the Mayor and Council. She said the report will be issued in early December summarizing the comments from the survey, any complaints that have been filed with the BPU or with the Borough and any correspondence. Ms. London said they received a letter from the School Superintendent Leslie O'Keefe requesting an increase in programming time for the schools. She continued saying they are looking for additional comments and anything that the Borough would want so they can include that as part of the negotiations with Comcast. Ms. London said that to date they have received 144 responses which is good.

Mayor McPherson asked if the surveys that are being compiled both from the website and elsewhere is being reviewed and ultimately will there be a report to the governing body regarding this surveys and comments. Ms. London said that she believes they are keeping a copy here in the Borough as well as at her office. She said they will be tabulated, there will be a computer sheet to show the number of responses in each category and then they will provide an analysis of what those results show.

Councilman Sommer asked in regards to the 144 responses if they are from the website, and are the other responses that are coming in paper format. Ms. London responded that the 144 include those that were either mailed in or done electronically. Councilman Sommer asked if she could provide a benchmark for other towns similar to the Borough, is this a representative sampling, average, high. Ms. London responded that she believes it is a little high based on what she has seen in the past and the Borough is doing very well it shows that people have something to say and are taking the time and filling out the survey.

Mayor McPherson closed the public hearing.

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Councilwomen Keyes gave the following report regarding the adoption of the 2007 Municipal Budget.

Finance Committee Report -Adoption of 2007 Municipal Budget

"We are here tonight to present and to adopt the 2007 Municipal Budget. As you all recall, we introduced our preliminary budget in March which levied an approximate increase in taxes of 24%.

The Finance Committee had three targets:

1. **A 24% tax increase was unacceptable and could not stand;**

2. **To work with each department head to cut up to 20% in costs; in addition to working with their 2006 operating budget figures (Not every operating area is able to reach a 20% reduction, and that has been anticipated)**
3. **To achieve a spending plan of under 3% in comparison to the 2006 spending.**

We were able to meet these targets. We are able to present a budget to you this evening that is nowhere near the introduced 24% but is now approximately 14 1/2%.

This equates to approximately \$390 based on the average assessed home of **\$448.000**.

Notably, we have kept the spending plan under 3%, and when compared to 2006 levels, we actually came in at 2% compared to 2006. This 2% increase in spending includes the "normal" increases that we incur to operate the municipality, such as Utilities, Pensions, Insurance, and Employment Costs. This is where the bulk of our costs lie.

I will tell you that we have been very aggressive and rigorous in our efforts in making **cuts** to all of the departmental operating budgets, and importantly, without jeopardizing the **ESSENTIAL services that are provided to our residents, such as garbage & snow removal services, 24 hour police and fire protection and the general upkeep & maintenance of the Borough.**

On the subject of Encap:

Now, to be clear on this... **Encap** must address all of the issues now being presented to them by the DEP and other government agencies. **Not the Borough of Rutherford.**

The Agreement that this Borough has with Encap protects the interest of its residents. This fact has been published on the Borough's website, and is available in public records, as the Mayor has spoken to this fact numerous times in her efforts to correct this mistruth. To date, we have received over \$6.5 million dollars from Encap that has been applied directly toward the Borough's operating budget to reduce the tax burden to our residents over the last **4 years**. And, just as important, is the fact that the landfills that fall under the jurisdiction of the Borough of Rutherford are being capped at no expense to our residents.

Importantly, all legal costs, engineering costs and Bond Counsel expenses are, and have been, paid for by Encap and not the residents & taxpayers of Rutherford.

On the subject of our Debt Service:

The Finance Committee has also been reviewing the Debt Structure of the Borough. To date, we have already realized approximately \$600,000 in a reduction in our Debt Service in this year's budgeting process alone because we restructured the debt with the BCIA specific to the leasing of various capital equipment items.

The Borough has also gone before the LFB in an attempt to restructure the Borough's bond debt. We submitted **one** application, and we were denied. Importantly, we were asked for

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additional documentation to support our application and request to restructure. And, unfortunately, in the process of gathering this information, the credit markets began to tighten and spreads moved against us. Further, in consultation with Borough financial professionals, we decided to remove our application for the time being, as market conditions were unfavorable, due to factors outside of our control. We are taking the position that we will continue to monitor the credit markets with the intention to effect another application to restructure when the credit markets stabilize, and importantly, when market conditions are favorable again to our advantage. It certainly is in our best interest to do so.

These are the facts. Some will no doubt try to introduce interpretative argument that is geared to spin and/or confuse the issue. But, these are the facts. The budget process is transparent.

Now, I don't want to leave the Debt topic just yet, because we have Debt obligations, and it's important to understand why? So, let's put it into perspective especially when trying to assess the question of taking on long-term debt to finance capital equipment, as we have. Capital Equipment that is identified as necessary, particularly in the context of normal maintenance either because these capital equipment items (that include fire trucks, etc.) are approaching or are beyond their normal life cycle, or because through normal wear-and-tear are no longer effective, is by and large financed, if not always, through the undertaking of long-term debt obligations. Important is that by comparison the Borough of Rutherford has one of the lowest debt ratios to assessed value relative to other municipalities similar in size within the area. And, what this means is that we don't take this option lightly, and we certainly do not exploit it!

Just to take this one more step further. Municipalities on all levels make capital improvements and/or buy capital equipment (which by the way is defined as having a life span of five or more years). In practice, it would be impractical to pass along the costs of capital items to taxpayers when the items are purchased. And, everyone knows that you can't save for these items either, as you might in a "household" budgeting process. So, in practice, it is customary and expected that capital items which include capital equipment and capital improvements, including road repairs, are financed over a period of years. The alternative would be to incur the costs upfront and then to pass the costs along to taxpayers as repairs, maintenance, and equipment are committed. Or, still yet, you can do nothing and just forget about maintenance and equipment all together. This is not an option for this community.

I hope, no, I know, that we have learned from the mistakes made in the past. In looking back, there was comparatively little debt, and there was very little in the way of grants or aid coming into the Borough as well. And, importantly, nothing was being maintained either. No official road maintenance plan, no sidewalk or curb repair work. Normal maintenance was not happening.

Some may not know this history while some may have forgotten. But, I remember seeing Rutherford on Channel 4 News one night in the mid-90s because the snow had not been removed or plowed during a snow. Now at the time, I was not as familiar with the

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workings of the town, and I wasn't quite sure if the message was that we had only had one plow in the town or what the story was...but now we all know what "one plow" meant.

Either way, the Borough was ineffective in providing essential services to the residents and taxpayers of Rutherford at that time. It was an inefficient use of taxpayer funds! And, the infrastructure of the Borough was in decay. I don't believe that there are any residents here tonight that would agree nor tolerate this kind of mismanagement.

We have, under the direction of this Mayor, been able to repair 49 roads, and replace numerous pieces of vital equipment and we didn't do it with bonding alone, we did it by securing grants and aid...to the tune of over 11 million dollars since January 2000. Our CFO can go into that a bit further down the line.

Do we rely too much on Grants and Aid? I don't think so. Grants and extraordinary aid help to negate the costs and true tax burden of Capital Equipment and Improvements, including road repairs. It translates into a smaller bonding commitment as well. So, I think it's our obligation to source as much grant and aid money as may be necessary to help defray the costs of capital items. Why not? And, shame on us if we don't take every opportunity that is practical, diligent and makes sense in an effort to relieve and reduce the tax burden to residents and taxpayers.

Conclusion:

So, tonight we present a budget that carries a municipal tax increase of approx \$390 on the average assessed home. Yes, to live in the Borough of Rutherford with services that include:

- (1) Public works employees, who are also our volunteer firemen and women, to come down your street five times a week, two days for trash, one day for recyclables, one day for brush, one day for metals, and let's not forget street sweeping, leaf and snow removal – All with a reduced staff and no new hires to replace retired staff or personnel who have moved on. These are the services that a municipality is supposed to provide!
- (2) One of the finest and recognized libraries in all of Bergen County
- (3) A performing arts center that has reinventing itself thanks to the efforts of our Mayor and Freeholder, the County has stepped up and committed millions of dollars to its revitalization. We will soon have a viable "anchor" and "family" forum without having to travel outside of Rutherford to the "Mega" cinemas in order to enjoy a movie with your family or loved one.
- (4) For our recreation programs at Memorial and Tamblin Fields.
- (5) We have a nationally accredited senior center that not only brings out our seniors here in Rutherford, but is able to attract seniors from our surrounding neighbor towns, all of these services cost our property owners, **approximately one dollar a day.**

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In short, we are all familiar with the expression that a picture is worth a thousand words. But, I would venture to guess that we have received a lot for our tax dollars, above and beyond the notional payment for municipal services because we have people working for you that genuinely care about this town.

Our CFO, Ed Cortright will go through the pie charts that we have on display here tonight, so that you can clearly see exactly where each dollar goes. We put together this display just for that purpose."

Mayor McPherson called upon the Borough CFO Ed Cortright to make his presentation on the budget.

Comments by Chief Financial Officer Edward Cortright regarding the adoption of the 2007 Municipal Budget at the August 28, 2007 meeting of the Mayor and Council:

"Before I get into the subject of the tax breakdown, I would like to explain to this group a very important statistic that I'm going to be using to explain how your municipal taxes and school and county taxes are apportioned and that is the assessed valuation of the average home in Rutherford. We use as the assessed valuation of the average home the total of \$448,840 which was a number that was not arrived at arbitrarily. The way we calculate this is by referring to the Borough of Rutherford's official tax duplicate and when we go into the tax duplicate there is a total of the assessed valuation of all residential homes in Rutherford. What I do is take that total and divide by the number of residential homes and when that simple division is made, we come up with an average home of \$448,840. This is the average and it's comparative to what we had used in prior years.

As we look at this tax breakdown, we notice this large part of the pie chart, 58% of your tax dollar goes to the schools or \$5,117 on the average home. The Governing Body has no control over school taxes. Similarly, county taxes, 9% of your tax dollar, equal approximately a \$799.00 value of your tax bill. It is this 33% that we are under discussion tonight. This is what funds your Police Department, Department of Public Works, Road Department, Recreation, Library, Board of Health and Social Services Department. This is the only part of your tax breakdown that the Mayor and Council have control. Now again, using \$448,840 as an average, the average municipal increase is approximately \$390. The average school increase is approximately \$386 and the County, \$76.00. As Councilwoman Keyes just said this increase represents to a little more than one dollar per day and again this is what funds all of the items that I had made mention of before.

Now the second chart I would like you to look at is where each \$100 of your tax dollar goes. Once again, we bring out the fact that \$58.31 of each \$100 goes to the schools and \$9.12 funds the County and as I said before, the Mayor and Council have no control over those items. When we look over the other aspects of the municipal budget, the ones that come to \$32.56 for each \$100 of your tax dollar, you are going to note that there are various items there of which the Mayor and Council have no control over whatsoever which I'll go into momentarily. I just want to bring out a few of the more salient aspects of how much it costs to run the various aspects of the Borough. The Police Department costs \$5.97 for each \$100, the Recreation Department - \$.44 for each \$100,

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Library - \$1.19 for each \$100, the Fire Department \$.38 and we can be very grateful that we have volunteers because that \$.38 what be a lot higher figure than what it is; the DPW - \$4.62 for each \$100. Now, I've said before that in this \$32.56 for items over which the Mayor and Council have no control, this is in addition to the county and school taxes of which the Mayor and Council have no control. I'm not going to list each and every individual one, just the highlights. If we take a look at pensions and FICA, they represent \$1.69 per each \$100, that's a total in the 2007 budget of \$1,336,000 or an increase, not in our control, of \$240,000. Insurance, including group insurance, liability and worker's compensation, \$5.20 per each \$100. That's a total in the 2007 budget of \$4,100,000 or an increase over which we have no control of \$646,000. Utilities and sewage occupy \$3.85 per each \$100 which is \$2,819,000, an increase of \$96,000. One of the items I would like to bring to your attention is debt service. Debt service occupies \$2.62 per each \$100 and as Councilwoman Keyes explained, we have one of the lowest debt service ratios in South Bergen County. The State of New Jersey has a mandate that the total maximum amount that a municipality is allowed to borrow is equal to 3 ½ % of the total worth of the Borough. The total worth of the Borough is \$2,460,000,000, 3½% of that is approximately \$86,000,000. Rutherford's debt service is approximately \$20,000,000, that's our total outstanding debt which means we are under the maximum by \$67,000,000. Now no one is suggesting that we borrow another \$67,000,000, I just make mention of it because it does show that we are way under the State maximum.

In conclusion, if we take a look at the entire spending plan of the Borough of Rutherford, salaries and wages, debt service, utilities, department head operating expenses, pensions, the reserve for uncollected taxes, etc., the increase in the overall spending plan for 2007 is 2%. This is the smallest increase in many, many years. This was accomplished through the cooperation of the department heads, the reduction of over 13 positions through attrition, the restructuring of the BCIA debt service, scaling down overtime in the Department of Public Works and the Police Department and maximizing to the hilt municipal generated revenues and yet it has to be stressed that there will be no reduction in municipal services in 2007. I would just like everyone to know that the governing body, the Finance Committee and the Borough Administrator and I are available any time to answer any questions you may have on the 2007 budget. Thank you."

Mayor McPherson opened the hearing of citizens on the topic of the 2007 municipal budget.

Charles Burrhus, Jr. – 267 Mortimer Avenue stated that he has been a Rutherfordian for over 50 years, it's a great town and unfortunately it has become unaffordable. Mr. Burrhus said he understands that Mrs. Keyes and Ed Cortright came up with charts, but what happens when the town becomes unaffordable. He said he just got a \$2,800 increase in the reval last year, unfortunately for this town the reval was done at the height of the real estate market. Right now what his house is evaluated at, there is no way he could get it. As many people know there aren't many homes selling in Rutherford and the ones that are, are below market value for what they were assessed at. His point is with the increase it boils down to one thing that he can see and that is the town is spending more than it is bringing in and the town has to be run like a business. Mr. Burrhus asked how can we survive, what is going to happen there, we can't rely on state aid because the

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State is belly up. He asked where are we, where are we going in this town, the thing is we have to pull our horns in; we can't keep taxing, taxing, because the well is going to run dry. He is not saying that they haven't done a good job with what is there but he thinks that they should rethink the finances in this town.

Marie Freitas – 440 Stuyvesant Avenue stated that she understands that they have a budget for she to also has a budget and her salary increase last year was 3%, where is she suppose to pull this 15% increase from.

Frank Wilson – 171 Montross Avenue commented to Councilwoman Keyes that after looking over the budget, some of the things that were said about the reductions in upwards of 20% per department, the information he had in front of him shows the amount saved was \$150,206 which in the overall budget is six-tenth's of one percent. Mr. Wilson said it is being said 10% here and 20% here the bottom line comes to six-tenth's of one percent as the overall budget. He said the overall budget is salaries, wages, debt service, special events coordinators, social services contracts and everything else; out of the whole thing we have a \$150,000 savings according to the information he obtained from the CFO. Mr. Wilson said correct him if he is wrong but that's the number that we cut out.

Councilwoman Keyes said that she will correct him in one way and that is when she stated that they were attempting to cut 20% from every operating department's budget, they were not successful in doing 20% across the board. She said that some areas were not cut 20% and she believes Mr. Wilson is aware of such. Mr. Wilson said that most areas, if you look at the overall operating budget, which is everything: salaries, wages, gas, fuel, etc. we came down to six-tenths of one percent, we haven't reduced 1% into the overall budget, expenditures. Councilwoman Keyes called upon Mr. Cortright to address this issue. Mr. Cortright said that what Mr. Wilson is referring to are the department head operating expenses, this is not counting salaries and wages, these are the nuts and bolts operations of the various departments including the Department of Public Works, the cost of computer paper, the cost of data processing. He said it is that that has been reduced by \$150,000, that is what Mr. Wilson is referring to not salaries and wages. Mr. Wilson said that is what he stated, the overall operating expense, the overall budget has to include salaries and wages, everything is included, basically the bottom line that he is looking at six-tenth's of one percent cut. He said as he goes through the budget it was said that debt services were cut. Councilwoman Keyes said reduced by \$600,000. Mr. Wilson said isn't that deferral, didn't they just restructure and push the debt out longer, we didn't make it go away. Councilwoman Keyes responded no, that is not accurate and told Mr. Wilson that he is welcome to sit down with Mr. Cortright as he had previously to go over the numbers but the debt restructuring with the BCIA saved the Borough \$600,000. Mr. Wilson responded that he just wanted clarification.

Susan Jameson – 29 Clark Court wanted to revisit with Mrs. Keyes' comments including the very nice things that are here in Rutherford. Ms. Jameson said she doesn't believe there is anybody in this room or in Rutherford that doesn't want to do what they can to help support some of these wonderful things like the library. She said she works with frail elderly, the disabled and she has been in the Kip Center on numerous occasions and it is a wonderful place. Ms. Jameson said that they still need to look at the idea that was presented even before, there is an incredible disparity between the increase cost of

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living and the taxes being several double digit raises. She can look at the chart and see where a lot of it goes but there is no jive with disparity between the cost of living increases and the taxes it takes to keep this town going. Ms. Jameson said they have mentioned all the wonderful things and she has lived in this town since 1994 and there are many, many people who could tell you they have lived here for decades longer than that, there families for generations. She said that since she has lived here, this past year maybe a little over she has never seen so many for sale signs on almost ever street two or three; people are scared on top which they can't afford and are being put out. Ms. Jameson said she doesn't know where the money is going to come from to pay for what they want to do to keep this town going if people are moving out because the budget isn't in jive with what we can afford. She said as beautiful as this town is she is looking at what she has to do to survive it's not a matter of inconvenience. Ms. Jameson said she read an article in the paper about three weeks ago, a letter to the editor talking about the librarian it said that people were complaining about the taxes but they should look at all the wonderful things about Rutherford, which is true but it also said that these people are sending their kids off to college, they've got nice homes as if the taxes were well, we don't like it, its an inconvenience. She said for some people it is desperate, it's not a matter of inconvenience these taxes are suffocating and she doesn't know if they realize just how tough it is on some people, it's not like they are making so little money. Ms. Jameson said she doesn't know if they understand, if they are insulated, cause the Council all lives in this town, she doesn't know if there is some insulation they have to what is going on.

Bonnie Corcoran – 390 Montross Avenue said that she understands that Councilwoman Keyes went through the whole budget and she went through it to and she found it very disconcerting. Ms. Corcoran said that her husband works for a large corporation, if they have to cut the budget they cut it and everybody across the board gets a cut. She said she didn't see the Mayor and Council salaries, the Planning Board salaries, the Adjustment salaries and find it is \$4,000, but it is \$4,000 that can be used somewhere else. Ms. Corcoran continued with Cliffhanger, the attorney fees and she knows Rutherford has about six law suits coming up and she is a little shocked to hear that they are paying a little over a quarter of a million dollars for lawyers when some of those lawsuits could have been avoided. She pointed out to Councilman Genovesi the construction code and construction costs went up, maybe Mr. Uhl could explain because it went up 30% from an operating expense of \$8,000 to \$28,000, she requested that be explained. She said why are we paying Cliffhanger \$85,000 when Encap and the banks and our local newspapers are supporting the events like the street fair. Mayor McPherson responded that Mr. Cortright will respond on the construction revenues but she wanted to make clear that the Special Events Coordinator is not a salary but for the materials he provides. The Mayor said the sponsorships that they have been successful in securing pay for those events. Ms. Corcoran said that she has run amusement parks and it doesn't take \$85,000 for what he is doing for this town. Mayor McPherson said she disagrees and asked Mr. Cortright to respond to the construction revenues that Ms. Corcoran referred to. Mr. Cortright said that the \$20,000 that Ms. Corcoran is referring to is the elevator inspector, what was done was that there was a part-time elevator inspector who was being paid a salary and in 2007 what is happening is he is no longer on the payroll. Mr. Cortright said they found it more cost effective if an individual do this on a, individual basis as opposed to being on the

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salary and wage payroll, it's a consulting fee. He continued to say that the Borough is mandated to this.

James Fedorko – 68 Washington Avenue said that he has lived in this town for two years and it is a great town. Mr. Fedorko said the taxes are killing him and now they want to raise them again and he knows that they are trying their best but he asks that they give a little bit more and go through and try to find some ways to cut the budget. He said he knows it is difficult, with his family, there is inflation and he tries to cut his own budget to save for his kids' education and it's not easy. Mr. Fedorko asked them to go back and look to cut, pinch a penny here and there. He said he was in the army for many years and his commanders gave him a mission and it seemed impossible, but he comes together with his team and he tells them the mission, not being popular when he tells them, what he has to do but they get it done by working hard. Mr. Fedorko requested the Council to go back and get it down because people are very adaptive to situations so you may go back and you may find you can adapt and cut so that there is not an additional tax burden.

Theodore Brunson – 438 Stuyvesant Avenue said that he is a retiree and he has been living in the town almost 50 years and he can't afford it. Mr. Brunson said there is continual increases and he can't afford it and he wanted them to know that. He said the Council should look back again at some of the figures.

Peggy Quinn – 500 Union Avenue said that she grew up in Rutherford and she wanted to thank the Mayor and Council for working hard on the budget. Ms. Quinn said that she wanted to say to people on fixed incomes apparently they have not been notified of the senior tax freeze, so their taxes would be frozen as of last year, retroactive. She continued to say she is proud of Rutherford because she was away for many years and every time she came back it looked like it was going the way of some other towns around us. Ms. Quinn said she thinks the Mayor and Council have brought them into the 21st Century and she appreciates it.

Mayor McPherson asked Mr. Cortright to comment on the referenced senior tax program. Mr. Cortright said they can contact Caryn Miller in the Rutherford Tax Office and she will explain the relatively simple steps that can be taken by our seniors who are on a fixed income to get their property taxes leveled off at he believes last year's levels, so they will not have to pay any of the increases from the school or county.

Barbara Russell – 125 Hobart Avenue said that she would like to commend the Mayor and Council because she understands taxes and she is 65 and she works with senior citizens for 31 years so she does understand the problems. Ms. Russell said that she does understand that when she walks down Park Avenue and goes to East Rutherford, Lyndhurst or other towns in the southwest area she chooses to live here and prioritize what she spends. She said that she is still working but she will retire and she loves her town and in the past 8 years, she has lived here over 50 years, she has never seen such improvements in this town. Ms. Russell said she remembers when there were all those shovels on national TV in 1990, they were humiliated because at that time they had a representative of this town standing on Park Avenue saying our DPW and our workers, which were minimized, cleared the town and the television camera showed Lyndhurst and East Rutherford and saw black asphalt and Rutherford was covered with snow. She said

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this DPW and police department are second to none and we need every employee in this town for safety with the police department, the fire department, equipment costs money and we do need that and you pay for the services with taxes we don't like them but we have to look at the quality of the town which she loves and she knows everyone loves.

Ms. Russell said she is sure Susan Jameson is a county employee, as herself, are going into negotiations for contracts for salaries, that is part of the county share that we get taxed on. She said people's salaries that provide services which are mandated are needed in this town and she certainly thinks that while she can appreciate the concerns of the people here she knows that this Mayor has taken leadership and forged ahead, it is very easy to present why don't you cut here and why don't you cut there. Ms. Russell said she hasn't heard anyone say where, what do you want to do, do you want the services reduced, no they don't. She said when you present a problem you need a solution. Ms. Russell said she wished someone would come forward and present the solution.

Brenda Izzo – 26 Clark Court said she appreciates the lecture and if you want to cut, cut salaries 10% across the board that is what they do in the corporate finance. Ms. Izzo said she appreciates Councilwoman Keyes discussion, when you say to people that this time is not opportune to refinance; interest rates have never been lower, the only way you don't get a good rate is if your credit rating stinks. She said please tell her that is not the case of this town. Councilwoman Keyes responded this is not the case. Ms. Izzo responded that we couldn't get a more opportune time, it is not true what was said by Councilwoman Keyes. Ms. Izzo said she doesn't know what the Council did with the windfall that they got last year of money from the tax increase and she doesn't know what this \$390 is, but if you have a \$10,000 tax on a \$448,000 house that's \$1,500. She said you can say that's county and school, but that is the tax increase 15%. Ms. Izzo said she doesn't know how they could look citizens in the eye with a straight face in all good conscience after the increase last year and have an increase this year, she doesn't know how they manage to do it.

Maureen LaFaso – 335 Mountain Way said that in the past five years her taxes have increased 50% from when they initially moved into town, another 15% she will have to have \$920 for taxes. Ms. LaFaso said she moved to Rutherford because it was a great town, good schools, she made friends, her kids are all routed here but it's become a point that she has to move out. She said as far as cutting she sees there is a \$634,000 increase for the health insurance and she thinks that the employees should kick in because where she works everything had to be cut back and employees had to contribute and if you don't want to contribute you find another job. Ms. LaFaso said the contracts are set so they are pretty safe but she doesn't think it is fair that they have to keep digging into our pockets so everybody else has prime rib for their benefits, that's an area that she thinks could be cut, maybe it won't be a big amount but it is something.

Robert Genardi – 155 Montross Avenue said to Councilwoman Keyes that she asked a while back as far as if residents had a way to cut the budget or ideas. Mr. Genardi said that if the Borough was to go to HMO's and co-payments, how much could the Borough save on health insurance. Mayor McPherson said that such questions should be answered by the Administrator and she would like everyone to keep in mind that they have negotiated union contracts that extend for a number of years. Mr. Stafford said that those

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benefits are covered by negotiating bargaining agreements and the bargaining agreements require when changing plans, similar or better. He continued that a simple change to HMOs with copay would be an unfair labor practice. Mr. Genardi said that in regards to the contracts and about the unions and so forth, recently the Governor in Pennsylvania, their unions came out with a hard contract for state employees and this is what the Governor said to them, if you don't abide by our contract rules you can all stay home.

Mr. Genardi referred to Councilwoman Keyes said in the budget he wants to know the insurance commissioner title and the recycling coordinator, they have a base salary of \$8,000 and \$5,000; why is the Borough paying \$40,000 for these two titles? Councilwoman Keyes responded that she doesn't know that they are. Mr. Genardi said that there was discussion about the phone system at a few meetings, did Councilwoman Keyes manage to save any money on the phone systems. Councilwoman Keyes referred to Mr. Cortright if he had received the recommendation yet from the survey and Mr. Cortright said that they are still undergoing an audit being done by a company called Extel which specializes in over-billing by Verizon and AT&T and the other telephone companies that they deal with. He said they go into all the bills and find all the mistakes because the bills are extremely difficult to understand and some times the things for which you are being billed are not even listed on the bill. Mr. Cortright said this company is going to get the Borough a refund from AT&T, Verizon and other companies that they deal with which is going to be a sizable increase. He continued saying they have to give them 30% of a finder's fee for what they get back for the past four years but anything going forward IS 100%. the second thing that they are in the process of doing is looking at other telephone companies in addition to the telephone companies that they use right now. Extel is one of them, there's another company that has come forward and wants our telephone service too. Mr. Cortright said they estimate conservatively that they reduce the telephone expenses by \$4,000 because the change is not going to be made until fall of 2007 but in 2008 you will see significant changes in the amount budgeted for the phones. Councilwoman Keyes said that review is still going on and Mr. Genardi responded so there was no savings of \$10,000.

Mr. Genardi said in reference to a previous statement regarding the event coordinator to be specific he was paid \$179,621.

As no one further citizens wished to speak, Mayor McPherson closed the hearing of citizens on the municipal budget.

Councilwoman Keyes made a motion on the adoption of the 2007 Municipal Budget as it stands with an increase of 14.5%, seconded by Councilman Reyes. Mayor McPherson asked for discussion by the Councilmembers.

Councilman Reyes said thanked everyone for attending this meeting because it is important to have the public input and their involvement. He said there have been 12 budget meetings in the past which were opened to the public. Councilman Reyes commented that he doesn't live in a vacuum or is insulated, he is a police officer on a police officer salary raising a family, he lives here, owns a home here and pays taxes here so he understands a lot of the issues that are being discussed. Councilman Reyes

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continued saying that his role is to be responsible in getting the best budget for the residents of Rutherford. He said he has three children going to college so he is also dealing with heavy expenses. Councilman Reyes said he would like to take a moment to talk about the budget which is everyone's responsibility to discuss.

Councilman Reyes' statement: "Since the beginning of the year I have been actively reviewing and addressing this budget. I have worked along with Mayor McPherson, Councilwoman Keyes as well as the Borough Administrator Tim Stafford and Chief Financial Officer Ed Cortright attempting to find the best balance between revenues and appropriations to best serve our residents. In doing so we are confronted with the rising costs of pensions, health care, insurance and utilities. In order to keep costs down we kept the wages portion of the budget down and did not fill positions made available through retirements and we are asking our employees to do more with less. Our Department Heads, understanding the challenge, stepped up and worked with us to make further cuts and together we found ways to cut spending.

On the revenue side, we continue to get funding through grants that enable the Borough of Rutherford to progress at no cost to Rutherford taxpayers. These grants are available to the municipalities that actively seek them in competition with other municipalities. Grants such as the \$129,000 Community Development Grant for the William Center Plaza that Councilwoman Keyes and I advocated for. The \$521,000 New Jersey Department of Transportation Grants that Councilman Fecanin has advocated for street paving or the police cars and police generator that Councilman Frazier advocated for under the Municipal Assistance Grant to name a few. This is not including the \$500,000 Extraordinary Aide money we got from the State of New Jersey which we were only eligible for if we introduced a budget by March 12, 2007. So in working on the budget we look at ways to bring in revenue or cut spending. Knowing that the municipal budget is 33% of the tax bill there is very little room to work with. Some may say we have not made enough cuts including layoffs, to the Recreation, to the DPW, to the Police. So in making these difficult decisions I feel that any further cuts would hurt every resident's quality of life. The one thing that I have learned in 20 years of policing and teaching criminology is that if you ignore crucial services like DPW, Recreation, Fire, Health Department and the Police the town will deteriorate. Call it the broken window theory, quality of life or just plain old common sense. New York City has been a prime example of the importance of taking care of a municipality at the basic level. I take pride in Rutherford and I support clean streets, safe streets, a strong and vibrant Recreation Department for our kids. I won't play politics with the Borough of Rutherford. I have committed myself to take on the challenges and responsibilities for a better government and not to sit back and just vote no.

When we introduced the budget on March 6, 2007, I spoke out regarding the responsibility that every elected official had towards this budget. In fact I am going to quote from the Minutes, which are on the website so you can feel free to read the Minutes of the Mayor and Council. The Minutes of March 6, 2007. This is in quotes: "Councilman Reyes said with the introduction being passed it is the responsibility of every elected official here to put in recommendations, suggestions or how we can gain more revenue or cut the expenditure and it is all of their responsibility to get that information to the Finance Committee." I think we can all agree that this isn't a one person job, it's not just the

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Mayor, it's not just Councilwoman Keyes. It is all of our responsibilities to be responsible for the budget and for what happens in the Borough of Rutherford. We introduced the budget on March 6, 2007 and I have to say this because this is the way that this vote is going to go. I have to address Councilman Genovesi voting no and if we all voted no on March 6, 2007 we would have missed out on saving the taxpayers a half million dollars on extraordinary aide. This has been something that has been clearly told to us by the Attorney and our Chief Financial Officer. Last week on August 21, 2007, the Council voted on amending the budget to include the extraordinary aide and lower the tax increase and Councilman Genovesi again voted no. We have had over 12 public meetings regarding the budget and Councilman Genovesi has not made one recommendation regarding the budget to the Finance Committee or at a public hearing. He will sit back and vote no but he has made zero contribution and if we followed his vote we would have missed out on a half million dollars in extraordinary aide and the tax increase would have remained at 24%. Now to be fair to Councilman Genovesi I am going to ask him if he would like to respond and tell the public and other Council members and all of us here what recommendations have you made or what grants and funding you have gone after. Mayor McPherson asked Councilman Genovesi if he would like to respond.

Councilman Genovesi responded that he didn't know that once again Council President Reyes, when he started in January they asked to vote for the placement of the Council President and he voted for Councilman Reyes because he honestly thought once again that he was above this type of behavior. He said obviously Councilman Reyes is not. Councilman Genovesi said the last time he got attacked by Councilman Reyes was in March and he failed to mention that. Mayor McPherson said to Councilman Genovesi let me. Councilman Genovesi responded that he wasn't finished and told Mayor McPherson that she was out of order. Mayor McPherson said she is not out of order and the question that Councilman Reyes asked was if he had any recommendations for the budget. Councilman Genovesi said he will finish his comments.

Councilman Genovesi said since January this has been a learning process and he said he would look to support this budget and he tried. He said when the discussion of the liquor license came up in town, he voted in favor in hopes that \$600,000 would come into the Borough and help the Borough with the tax situation. Councilman Genovesi said personally he is against having alcohol in Rutherford, people who know him know that. He said he did it because it was on the other side of Route 17 and in hopes it would help the budget situation. Councilman Genovesi said he has tried to put in his views into discussion but at every turn Councilman Reyes has not accepted his comments or his opinions and he has thrown them back at him. He continued to say he will not amuse Councilman Reyes with an answer to your question, he has tried, he has asked Ed Cortright if he could be involved in the meetings and he asked Councilwoman Keyes also to notify him. Councilman Genovesi said to date he did not receive one invitation to a budget meeting and he is saying that he should support something he does not support; since 2004 the tax levy has gone from 13 million to 18 million, that is folks money, that's their money. Councilman Genovesi said that Councilwoman Keyes talks about purchasing equipment, he has tried to go along with the discussion for the purchasing of equipment, he has tried to understand, he has asked Superintendent Chris Seidler what the purpose of purchasing vehicles is but his point to Councilman Reyes is nobody has ever asked these folks what

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they want to purchase and what they did not want to purchase and he thinks that is wrong. Mayor McPherson asked Councilman Genovesi if he could conclude his comments. Councilman Genovesi said he was not finished. Mayor McPherson said he would have another opportunity to speak on the discussion. Councilman Genovesi said no, he was not finished. Mayor McPherson said Councilman Reyes has a comment to continue with and then asked Councilman Reyes to continue.

Councilman Reyes said that he believes the question asked was fair and he stated that they are all part of this and one person gets to vote no and doesn't give any recommendations or suggestions. He said is that what we expect from our elected officials, just to sit back and vote no and by voting no, not making any recommendations. Councilman Reyes said he is not a politician, he is just trying to serve the Borough of Rutherford to the best of his ability and the one thing he does know is that it is easy to vote no and then go out and tell everybody that he voted against the budget, that is the easy way out. He said ladies and gentlemen, nobody voted us into office to take the easy way out, they were voted into office to take on the hard challenges to do what is right for the residents of Rutherford. Councilman Reyes said he supports the budget for a clean and safe Rutherford that we can be proud of. Mayor McPherson asked if there were any Council Members who wished to speak regarding the budget.

Councilman Frazier said that voting on this budget hasn't been a happy experience in a long time, whatever times it was where it was easy upon those who have to act upon a proposed budget and all who will be affected by the budget because all will have to pay whether they sit on the Council or in the audience. He said that is one way saying specifically to, yes it is a question one raises every year whether it is this or outside in our personal lives, it seems to become more and more difficult to make ends meet. Councilman Frazier said somehow or other we try to do what we can to keep going along and the year of the evaluation as is known that is State generated and there is probability that to some degree, why did we have to be evaluated this year. He said because the impact of that which we weren't evaluated in a long time and he suspects that the State government said it is Rutherford's turn and therefore we have felt the impact of that kind of evaluation and we have to act accordingly. Councilman Frazier said when it comes to the proposed budget and what is in place now, it seems relatively easy if the Governor of Pennsylvania has lifted up his sword and has told folks what they must do or else, well he guesses that's the way to look at things but he does feel that we have bargained in good faith as it relates to the public servants in terms of the Police Department and other Borough Departments and those contracts have been enacted and he questions whether he believes the residents would expect the Borough to break the contracts that have already been established because he believes that those persons who work for the Borough they live in this Borough, Lyndhurst are maybe living next door to some of the them. Councilman Frazier said we are already into their contracts and they have certain benefits that he believes some may feel envious of and he doesn't mean envious in a negative way but envious of because of who they work for may not do that and when it comes to corporations, which he may be wrong, but he knows that where there are salaries on the lesser level, middle management and some folks like that, when times get hard he doesn't know how it is but sometimes those up in the ozone levels, it appears that the CEOs may make enough money to support the Borough's and town's which they live.

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He said some may say look at that CEOs salary as opposed to what some employees may be making within the corporation itself. Councilman Frazier said to say maybe what we need to do is cut him out, he is not sure that is the way to do it. He has seen public officials who were over this State, say cut they cut the tax and later on look back we find that doing that, cutting 10% didn't work because there were other problems that no one could see so there are a lot of problems go both ways, yes this is difficult and painful as we continue to move we hope that times get better all the way around in our Nation and in our Borough so we aren't placed in a situation where it is difficult for all of us to survive. Councilman Frazier said many instances in the Borough it is difficult for all of us to survive and yes he will be voting for the budget but there are difficulties in the budget that they will have to live with for now the person that was speaking about \$129,000 to one employee there is a little more to that than what meets the eye because he has difficulties in believing that this Council would have authorized somebody to be paid \$129,000 out of the taxes within Rutherford.

Councilman Fecanin said that Councilman Keyes and Reyes hit on it and there is not much more he can say but some of the residents of Rutherford have been here a long time. He said his family has been here over 110 years, he is third generation and has children who go to the school system and they want to stay in Rutherford. Councilman Fecanin said his taxes went up over \$5,000 on re-eval and he just got hit with an \$8,000 car insurance bill for his son, so he is up \$11,000. Councilman Fecanin said he feels for all the residents and thanks God for a great job that calls him into work when he needs the money but that is the only way he could survive by working hard. He said they sat in Department meetings, he sat with the DPW and they are down over 11 men, they took a truck off the road, not one service has been stopped, they still get they're garbage picked up. Councilman Fecanin asked if they wanted their garbage picked up once a week, especially during the hot summer which may cause rodents to come in. He said Rivervale did that and there are skunks and animals all over the place, they chose not to do that because they pay for the services, you pay for Rutherford. Councilman Fecanin said Rutherford is not ratable rich, which has been said before, we don't have chemical factories, we don't have warehouses, we don't have big industry like the surrounding towns and that is why Rutherford is like it is. He said Councilman Reyes talked about Councilman Genovesi, we are not here to do personal attacks but they have a job to do, like he did with the DPW Department, Councilman Reyes did with Fire Department not once did Councilman Genovesi come across with any cuts. He said they have had residents come up, a person running for mayor this year that's says sharpen your pencil, not one idea did he come up with and show us how to sharpen our pencil. Councilman Fecanin said it is easy from the outside to sit back and tell us what to do, come up with a solution and they received not one. He said he has voted no against budgets, when the school referendum was voted down when it came in front of them for the first time, they didn't know what to do they went back to the Superintendent they had to make cuts. Councilman Fecanin said that's their job but they got out of it and we had to do their budget and then they made proper cuts and it went through. He said these are decisions they make every day, he is on the phone with DPW what can we do, we have the Mayor reaching out for grants, they never had this before. Councilman Fecanin said back in the early 90s he thinks they topped that one year of ten years of service from past administration, the Mayor and the rest of the Council overpast that in one year in grant

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money received. He said so it can't be said they are not working hard and regard to the comment made about the salary of the Mayor and Council; he believes he gets \$3,000 a year and if you break it down, it comes to cents and yes he does need the money but he is working hard for that \$3,000. Councilman Fecanin said the Mayor is working hard for her \$4,000, she spends more time in Trenton than she does in the Borough of Rutherford fighting for the Borough three or four times a week. Councilman Fecanin said he just wants to let everybody know that this is not a personal attack and he has a responsibility to the residents of the Borough. He said Councilman Genovesi has to come up with some ideas, its easy to say no and come out smelling like roses. Councilman Fecanin said he understands it is hard, he has senior family members in town, its tough on them, they own their home but when they bought their home at \$14,000 back in 1910 its worth much more. He said but things go up, cost of living goes up, he being in a union cost of living goes up 3% a year; he is in the same boat. Councilman Fecanin said he has to look at other alternatives; his wife has to work extra hours and he has to work a lot of extra hours but to stay in Rutherford that is what you have to do. He said again, we are not East Rutherford with chemical factories, apartments all over the place or condos building all over surrounding us. He said we need Encap, these are the answers for the future of Rutherford, we might not like to hear it, we need Encap and we need big development on Highland Cross to help with the taxes; otherwise we have no other property and it falls on the residents. Mayor McPherson asked if any other Council Members wished to make a comment.

Councilwoman Keyes said that she wanted to address one issue, yes there is a tax increase this year and yes there was one last year but from 2000 to 2007 the average tax increase is 4.17% on the municipal side. She said as you go through the years there were some years with no increase at all, 2004 there was a minor increase of 1.79%; 2005 there was a 3.56% and last year was almost 13 and now it is 14%; it does average out. Councilwoman Keyes says she knows it doesn't help anyone's pocketbook right now but she did want to get that on the record.

Mayor McPherson asked if any other Council Members wished to make a comment and no other Council Members wished to make a comment. Mayor McPherson made the following statement:

"Tonight we will adopt a budget that the Finance Committee has been working on for many months, our Chief Financial Officer Ed Cortright, Ed thank you for being here this evening; Our Finance Chair Councilwoman Keyes, our Council President Richard Reyes, our Administrator Timothy Stafford have been very diligent throughout these efforts. Councilmembers, our Professionals, our Department Heads and our employees and members of the public have been sought out and given many opportunities to offer suggestions and ideas. We have had the public hearing continued at all of our meetings since the time of adoption and also have asked for input through the Borough's website and other means. But this budget is a culmination of all that input, tonight we will adopt a budget in which we have labored to provide for and protect the Borough and its residents. Keenly aware of the hardship that a tax increase is for many of our residents, we have worked very, very hard to reduce the tax burden on our residents by aggressively and successfully pursuing grants and aide and sponsorships this year as we have always done. In 2007 alone we have secured close to \$1million; \$928,243 at last count to be exact and

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\$11million over the last eight years. It has been suggested that we are spending money that we do not have when in truth we are spending money that we have gained that the Borough never had before and this funding has provided vital emergency services, road and park improvements as well as special events at no cost to our residents. It takes a lot of time and effort and ability to research and apply for and gain funding outside the municipal budget but to suggest that we should not do so is foolish. To secure such funds or to fail to secure such funds is to settle for less for Rutherford. This budget, while undertaking all the efforts already referenced by others does not eliminate services and does not impact public safety and while we will continue to explore all avenues to reduce costs we will make another application to restructure the debt and that restructuring will not extend the life of the debt. Any further reductions in staff such as that as an example, I am going to tell you, will jeopardize our residents and our Borough. We have heard again and again through the visioning process and our master plan review, what our residents expect from us. They expect us to preserve and protect Rutherford not to allow it to deteriorate and decay. They do not want us to be like any other community but the Rutherford they treasure. They do not want ratables that costs us our character like the Highland Cross Development that has been proposed in the past and rejected by the majority of this governing body. First and foremost, our residents expect us to provide services and maintenance of the Borough in the most cost conscientious and effective way. We have done that in this budget with a reduced workforce, with limited spending and with an infusion of almost \$1,000,000 in funding outside the municipal budget. Our residents expect us to provide for our seniors and we have done that in this budget by funding recreation programs and the mini-bus and helping emergency services and the Kip Center. No we have not placed a 20% reduction on the Kip Center. They also expect us to do the same for new families and for our older established families. They expect us to protect the value of our downtown and their homes and their hometown and we have done that with this budget. There are difficult choices to make in this budget year and there are difficult choices to make in every budget year and yet the choice is ultimately clear, to do that which is best and which protects and provides for our residents while preserving the vision for the Borough that has been so clearly set forth for us. I remain dedicated to that purpose and I know that the majority of the people sitting here before you do as well and we have done that in this budget."

Mayor McPherson asked for a roll call vote.

Councilman Frazier asked if he could make a statement in reference to the budget or after the vote of the budget. Mayor McPherson responded that Councilman Frazier may proceed with any additional comments. Councilman Frazier said that he has a procedural comment regarding communicating or making a presentation to the budget committee as the budget was being formulated. He said it was his understanding that the budget committee was comprised of Mayor McPherson, Councilwoman Keyes, Councilman Reyes, Borough Administrator and Chief Financial Officer. Councilman Frazier said any additional member of the Council would be under the Sunshine Law, would not have been able to be in that meeting regardless if it were he or whoever else on the Council. He said it would be a different type of forum by which any of us who are on the Council would share whatever it is they wanted to share with the members of the Finance Committee, is that correct? Mayor McPherson responded that an additional Council Member, she wanted to

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make it clear, Council Members certainly could make their recommendations in a variety of ways. The Mayor said they could make them at the work session, but to answer the question, to have another Council Member present at the Finance Committee meetings would have resulted in a quorum, however, to be clear had a quorum resulted a public notice would have been necessary. Mayor McPherson said at no time did any other Council Member ask to attend any of the Finance Committee meetings and there are other opportunities for Council Members to make recommendations, no Council Member requested to do so by attending a Finance Committee meeting. Councilman Frazier thanked Mayor McPherson making that clarification in light of some of the conversation that took place. He said he gave a figure of \$129,000 based on one of the comments that the residents that used that figure but whatever the specific figure is regarding the Event Coordinator it still comes down to the same thing that was other areas by which the monies came in for the Event Coordinator.

As no other Council Members wished to comment, Mayor McPherson asked for roll call vote. All Council Members voted aye with the exception of Councilman Sommer and Councilman Genovesi who voted nay:

Municipal Budget of the Borough of Rutherford, County of Bergen for the Fiscal year 2007,

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2007;

BE IT FURTHER RESOLVED, that said Budget be published in the News Leader in the issue of March 15, 2007;

The Governing Body of the Borough of Rutherford does hereby approve the following the Budget for the year 2007.

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Rutherford, County of Bergen on March 6, 2007. A hearing on the Budget and Tax Resolution will be held at the Municipal Building Council Chambers on May 22, 2007 at 8:00 o'clock PM at which time and place objections to said Budget and Tax Resolution for the year 2007 may be presented by taxpayers or other interested persons.

*

Councilman Reyes made a motion to move that all the items on the Consent Agenda be passed, seconded by Councilman Frazier and unanimously approved on roll call.

*

Under the Consent Agenda, Councilman Reyes moved approval of the Minutes of the Regular Meeting of July 24, 2007, seconded by Councilman Frazier and unanimously approved on roll call.

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*

8/21 Under the Consent Agenda, Councilman Reyes 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:

1. In the amount of \$50.00 payable to Vanderhoof Transportation– payment for bus to Radio City.
2. In the amount of \$35.00 payable to Alexandra Hanson-Harding – Day Camp Trip.
3. In the amount of \$482.76 payable to Rutherford Board of Education – Day Camp Trip.
4. In the amount of \$50.00 payable to John Weigel– refund for Co-Ed Volleyball over payment.
5. In the amount of \$50.00 payable to Madlyn Mignone– refund for Co-Ed Volleyball over payment.
6. In the amount of \$50.00 payable to Keri Bennett– refund for Co-Ed Volleyball over payment.
7. In the amount of \$50.00 payable to Linda Stafford– refund for Co-Ed Volleyball over payment.
8. In the amount of \$50.00 payable to Sheila O’Donoghue– refund for Co-Ed Volleyball over payment.
9. In the amount of \$50.00 payable to Barbara Bennett– refund for Co-Ed Volleyball over payment.
10. In the amount of \$150.00 payable to Yadira Feroz– refund for Day Camp.
11. In the amount of \$75.00 payable to Gabe Panella– refund for Day Camp.

*

8/21 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

RESOLVED: That bills in the amount of \$3,815,406.94 payable from the Current Account, \$316.00 from the Rutherford Public Assistance Trust Fund #1, and \$322.32 from the Civil Rights – Multi Cultural 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.

*

8/21 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

WHEREAS the Tax Collector has issued a Tax Sale Certificate on June 7, 2007 on a parcel of property referred to as Block 152, Lot 12 and more commonly known as 239 Orient Way and;

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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 \$17,762.76 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$5,100 was deposited in the Premium Trust Account 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 \$22,862.76 made payable to U.S. Bank-Cust/Sass Muni v dtr in settlement of Lien # 200709.

Principal.....	\$16,848.20
Interest & Penalty.....	\$ 862.56
Fees.....	\$ 52.00
Premium.....	\$ 5,100.00

*

8/21 Under the Consent Agenda, Councilman Reyes 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 8, Lot 1.03, known as 332 Union Avenue and assessed in the name of Frank & Maria Farallo was sold at the Borough's Tax Lien sale on June 7, 2007 to R.U. Del Vecchio Pension Trust 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 \$3,300.30 has been deposited in the Tax Sale Suspense Account;

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to R.U.Del Vecchio Pension Trust in the amount of \$3,300.30 in settlement of Tax Title Lien #0200702.

Principal.....	\$3,151.04
Interest & Penalty.....	\$ 107.26
Recording Fees	\$ 42.00
TOTAL.....	\$ 3,300.00

*

8/21 Under the Consent Agenda, Councilman Reyes 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 1, Lot 1.03, known as 378 Riverside Avenue and assessed in the name of Belal Rahim and Marie Kennedy was sold at the Borough's Tax Lien sale on June 7, 2007 to Robert Rothman Pension Trust and;

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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 \$8,550.29 has been deposited in the Tax Sale Suspense Account;

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a warrant made payable to Robert Rothman Pension Trust in the amount of \$8,550.29 in settlement of Tax Title Lien #0200701.

Principal.....\$8,130.03
 Interest & Penalty.....\$ 368.26
 Recording Fees\$ 52.00
 TOTAL.....\$ 8,550.29

*

8/21 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford has received the 2006 NJ Saver Rebate in the amount of \$146.36 for the property owner listed below and it has been deposited in the Borough of Rutherford's Current Account and;

WHEREAS, the taxes on this property are current and the owner is entitled to a reimbursement of this money.

NOW THEREFORE BE IT RESOLVED, that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$146.36 made payable to Judith Anderson of 211 West Newell Avenue.

*

8/21 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

WHEREAS, the following taxpayer has received a NJ State Tax Court Judgment reducing their property assessment for 2006, and;

WHEREAS, this taxpayer is entitled to a refund of taxes overpaid;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$55,371.66 and charge same to Budget Operations.

BLOCK	PLOT	NAME & ADDRESS	AMOUNT
219	1	EGDC & The Irwin Law Firm Re: 301 State Highway 17	\$55,371.66

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*

Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call:

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

1. In the amount of \$2,520.50 payable to Theatre Direct International – payment for 25 orchestra tickets for Grease.
2. In the amount of \$1,508.00 payable to Theatre Direct International – payment for 25 orchestra tickets for Hairspray.

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Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call:

RESOLVED: That bills in the amount of \$1,108,002.28 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 Councilman Frazier and unanimously approved on roll call:

WHEREAS, the following taxpayer has received a NJ State Tax Court Judgment reducing their property assessment for 2005 and 2006, and;

WHEREAS, this taxpayer is entitled to a refund of taxes overpaid;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$2,270.08 and charge same to Budget Operations.

BLOCK	PLOT	NAME & ADDRESS	AMOUNT	YEAR
76	12.02	Margaret & Frank Nisi &	\$ 704.46	2005
		Michael A. Vespasiano, Atty.	\$1,565.62	2006

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For, **FINANCE**, Councilwoman Keyes reported that the Williams Center now accepts credit cards at the cinema box office; the County has been addressing some repair concerns and the Center is gearing up for the gala scheduled for October 13, black tie and red carpet five star evening to support the Center and the fundraising efforts.

Councilwoman Keyes reported for the Kip Center held a successful Boardwalk and Beach Day which was sponsored by the Rutherford Democratic Club. Maintenance to the building is being done while the Center is closed and a keypad is being installed for members to swipe as they enter the building. The Hall Fame Dinner Dance will be held on October 10, 2007.

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08/21 Councilwoman Keyes moved the following Resolution, seconded by Councilman Reyes all members present voting aye with the exception of Councilman Genovesi who voted nay:

RESOLUTION TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2007 was approved on the 6th day of March, 2007 and,

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Rutherford , County of Bergen, that the following amendments to the approved budget of 2007 be made:

Anticipated Revenues:

	From	To
3. Miscellaneous Revenues – Section B: State Aid without offsetting Appropriations		
Extraordinary Aid	0	\$500,000
3. Miscellaneous Revenues – Section C: Special items of general revenue anticipated with prior written consent of the Director of Local Government Services:		
Additional Dedicated Uniform Construction Code Fees Offset with Appropriations	63,000	73,000

Anticipated Revenues (continued)

3 Miscellaneous Revenues – Section F

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Special Items of General Revenue Anticipated with Prior Written Consent of
The Director of Local Government Services – Public and Private Revenues
Offset with Appropriations:

	From	To
Bergen County Community Development Block Grants:		
Williams Center Improvements	0	127,840
Barrier Free Curb Cuts	0	80,426
NJ DEP Green Community Grant	0	2,000
Bergen County Open Space Program	0	231,500
Bergen County Municipal Recycling Assist. Program	0	8,360
NJ Dept of Law & Public Safety - Click It or Ticket	0	4,000
County of Bergen – Office of Prosecutor – Forfeited Funds	0	43,572
 3. Miscellaneous Revenue – Section G – Special Items of General Revenue anticipated with Prior Written Consent of the Director of Local Government Services: Other Special Items:		
Additional Municipal Court Fines	0	10,000
 Total Miscellaneous Revenues	5,090,626	6,108,324
 Subtotal General Revenues	6,335,626	7,353,324
 6. Amount to be Raised by Taxes for Municipal Budget		
a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes	19,667,552	18,349,278
7. Total General Revenues	26,003,178	25,702,602

	From	To
8. GENERAL APPROPRIATIONS		
a) Operations Within Caps		
GENERAL GOVERNMENT		
General Administration		
Salaries and Wages	213,000	192,803
Other Expenses	13,305	10,644
Mayor and Council		
Mayor's Expenses	3,000	1,500
Municipal Clerk's Office		
Salaries and Wages	140,000	212,702
Financial Administration		
Salaries and Wages	256,464	241,464
Other Expenses	10,450	8,360
Computerized Data Processing		
Other Expenses	36,000	28,800
Collection of Taxes		

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Salaries and Wages	123,637	109,082
Assessment of Taxes		
Salaries and Wages	64,651	55,186
Other Expenses	6,350	5,080
Planning Board		
Other Expenses	17,550	14,040
Board of Adjustment		
Other Expenses	16,300	13,540
	From	To
PUBLIC SAFETY		
Police		
Salaries and Wages	4,715,949	4,563,545
Other Expenses	165,800	132,640
Office of Emergency Management		
Other Expenses	700	560
Fire Official		
Other Expense	14,130	11,304
Municipal Court		
Other Expenses	13,650	10,920
PUBLIC WORKS		
Street and Road Maintenance		
Salaries and Wages	1,027,512	997,512
Shade Tree Division		
Salaries and Wages	322,000	292,000
Other Expenses	26,600	21,280
Sewer System		
Other Expenses	34,500	27,600
Garbage and Trash Removal		
Salaries and Wages	748,490	718,490
Other Expenses	56,412	45,129
Recycling		
Salaries and Wages	490,000	486,987
Buildings and Grounds		
Other Expenses	225,125	195,500
HEALTH AND WELFARE		
Board of Health		
Other Expenses	43,872	38,782
	From	To
Animal Control Services		
Other Expenses	19,000	15,200
Administration of Public Assistance		
Other Expenses	3,690	2,952
PARKS AND RECREATION		

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Recreation Commission		
Salaries and Wages	240,000	235,000
Other Expenses	36,795	29,436
Education Plans for Employees		
Other Expenses	12,000	5,000
INSURANCE		
Employee Group Insurance	3,157,000	3,066,892
UNIFORM CONSTRUCTION CODE		
Construction Official		
Salaries and wages	377,426	368,766
Other Expenses	8,775	28,775
UNCLASSIFIED		
Telephone	82,000	78,000
 Total Operations (Item 8a) Within Caps	 18,070,623	 17,613,961
 Total Operations Including Contingent Within Caps	 18,072,623	 17,615,961
Detail		
Salaries and Wages	10,326,919	10,081,327
Other Expenses	7,745,704	7,534,634
 (H-1) Total General Appropriations for Municipal Purposes Within Caps	 18,697,413	 18,240,751
 GENERAL APPROPRIATIONS EXCLUDED FROM CAPS		
	From	To
A) Operations Excluded from caps:		
Maintenance off Free Public Library with State Aid	965,661	939,732
Insurance – Employee Group Insurance	0	90,108
Total Other Operations Excluded from caps	3,164,429	3,228,608
 A) Public & Private Programs Offset by Revenues:		
Bergen County Municipal Recycling Assistance Program	0	8,360
NJ DEP Green Community Grant	0	2,000
County of Bergen – Office of Prosecutor – Forfeited Funds	0	43,572
Bergen County Community Development Block Grant:		
Barrier Free Curb Cuts	0	80,426
Williams Center Improvement	0	127,840
NJ Dept of Law & Public Safety Click It or Ticket Grant	0	4,000
Bergen County Open Space Program	0	231,500
Total Public & Private Programs Offset by Revenues	139,545	637,243
 Total Operations Excluded from Caps	 3,303,974	 3,865,851
Detail:		
Salaries and Wages	17,010	72,942
Other Expenses	3,286,964	3,792,909

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C) Capital Improvements Excluded from Caps		
Capital Improvement Fund	45,000	327,000
Total Capital Improvements Excluded from Caps	195,000	477,000
	From	To
D)Municipal Debt Service Excluded from Caps		
Bergen County Improvement Authority		
Principal	993,227	530,628
Interest	213,310	138,118
Total Debt service Excluded from Caps	2,600,791	2,063,000
H-2 Total General Appropriations for Municipal Purposes Excluded from Caps	6,177,765	6,483,851
O) Total General Appropriations Excluded from Caps	6,177,765	6,483,851
L) Subtotal General Appropriations Items H 1 and O	24,875,178	24,724,602
M) Reserve for Uncollected Taxes	1,128,000	978,000
9 Total General Appropriations	26,003,178	25,702,602

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A.40A:4-9, be published in the Bergen Record in the issue of August 24th , 2007 and said publication contain notice of public hearing on said amendment to be held at the Municipal Council Chambers at 8:00 PM on August 28, 2007.

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Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call:

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 BRE/ESA Prop. C/O Apt under Docket Nos.: 03430-2005 and 003364-2006 for the years 2005 and 2006; and

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

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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 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.

*

Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call:

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 110 Jackson Avenue Corp. under Docket Nos.: 007623-2004 for the year 2004; 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 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 Reyes moved the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call:

WHEREAS, an unforeseen combination of circumstances from the flood of April 16th, 2007 resulted in the failure of the Meadow Road 24" diameter trunk line sanitary sewer, and,

WHEREAS, the subject sewer line is a major element of the municipal wastewater collection system conveying the sewage flow from the westerly section of the Borough to the BCUA pump station located at the terminus of Highland Cross, and

WHEREAS, the sewer collapse resulted in the obstruction of the flow of sewage and created the potential for a backflow of wastewater into adjacent residences and commercial buildings,

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that the impeding public hazard from the above mentioned events warranted a formal declaration of a municipal emergency, and

BE IT FURTHER RESOLVED, that this emergency warranted the immediate engagement of a utility contractor to complete the required repairs.

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8/21 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using **\$129,668.00 in 2007 Community Development Block for the Williams Center Plaza** sidewalk improvements; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Timothy F. Stafford to be signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Timothy F. Stafford to sign all county vouchers submitted in connection with the aforesaid project; and

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

*

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8/21 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using **\$231,500 in 2007 Open Space Trust Funds for Tennis Court Rehabilitation** in the Borough of Rutherford; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Timothy F. Stafford to be signatory to the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Timothy F. Stafford to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Rutherford is liable for a dollar for dollar match for any funds awarded in accordance with the Trust requirements;

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8/21 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford desires to submit an application to the **Bergen County Open Space, Farmland & Historic Preservation Trust Fund Grant for improvements to Wall Field**;

WHEREAS, these improvements include removing and replacing existing eight-foot high perimeter fence and four-foot high safety fence located on top of interior retaining wall, color coating the basketball court and replacing pole mounted blackboards; removing existing vegetation along the perimeter of the field and replacing with landscaping; and augmenting the existing turf by adding topsoil and overseeding;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Council of the Borough of Rutherford, Bergen County, State of New Jersey as follows:

1. That the Borough Council hereby authorizes the preparation and submission of an application to the Bergen County Open Space, Farmland & Historic Preservation Trust Fund for the improvements to Wall Field.

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8/21 Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilwoman Keyes and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic

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preservation Trust Fund; and

WHEREAS, said Agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2007 through June 30, 2008;

NOW, THEREFORE BE IT RESOLVED, that the governing body hereby appoints **Councilman Richard Reyes as its representative to participate on the Open Space Trust Municipal Program Regional Committee.**

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For **POLICE**, Councilman Frazier reported the following for the month of August: 1,281 call received, 30 arrests, 165 – 911 calls, 72 auto accidents investigated, 1156 summons issued.

Under the Consent Agenda, Councilman Reyes moved the to accept the request to hold a block party on Belford Ave from Cooper Place to Francisco Ave on September 8 (r.d.9/9), seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved the to accept the request to hold a block party on Sylvan Street from Woodland Avenue to Van Riper Avenue on September 8 (r.d.9/9), seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved the to accept the request to hold a block party on Hasbrouck Place on September 2, seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved the to accept the request to hold a block party on Wheaton Place from Woodland Avenue to Marginal Road on September 15 (r.d.9/16), seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to accept the requesting for permission to hold Annual Homecoming Parade on September 29 at 11:30 a.m. from RHS to Memorial Field, seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes made a motion to approve the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call.

WHEREAS, quotes were solicited for the construction of a concrete pad required in conjunction with the installation of the **Police Department Generator**;

WHEREAS, Covino and Sons Construction Company, Inc. 2-06 37th Street, Fair Lawn, New Jersey, submitted the lowest quote for the required work in amount of \$8,460.00;

WHEREAS, the Borough Engineer has reviewed the submitted quotes and recommends the award of contract to Covino and Sons Construction Company, Inc. in the amount of \$8,460.00;

WHEREAS, the Borough Chief Financial Officer has certified the availability of funds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that they approve the award of contact to Covino and Sons Construction Company, Inc. in the amount of \$8,460.00

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Under the Consent Agenda, Councilman Reyes moved the to accept the request to hold a block party on Fairview Avenue from Montross Avenue to Hackett Place on September 8 (r.d.9/15), seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call:

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 High School Booster Club On Premise 50/50 Raffle

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Under the Consent Agenda, Councilman Reyes moved the to accept the request to hold a church block party on East Passaic Avenue from Park Avenue to Ridge Road on September 30, seconded by Councilman Frazier and unanimously approved on roll call.

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Councilman Frazier requested Chief of Police Steven J. Nienstedt to address the issues brought forward by residents at the previous meeting.

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Chief Nienstedt said that a couple of residents brought a few issues to the last Council Meeting and as they became aware of these issues they followed up the next morning. The Chief said one issue regarding Preble Place and the area that it intersects with Stuyvesant Avenue, a resident said that the one-way street comes up towards the highway and reported that there were bent roadway signs and some missing signs. He said the very next morning we had police officers and members of the DPW check that area and that complaint was unfounded, there were no bent signs in the area nor were there any signs missing. The Chief continued that the same resident also indicated that there was a problem with vehicles traveling down the one-way the wrong way on a continual basis throughout the day putting residents at risk. He said obviously this is a concern to them, they had patrols check the area for violations and erected a jersey barrier placed in the center of the roadway to indicate that it is a one-way with a do not enter sign on the jersey barrier at that intersection.

The Chief said another resident made a complaint in respect to NJ Transit buses continually seen speeding on Union Avenue and he wanted to reassure everyone that police officers are out enforcing motor vehicle violations every single day, this is not some enforcement actions that they take only in response to complaints. The Chief said they have several vehicles on a daily basis who concentrate on motor vehicle violations because it seriously impacts on public safety. He said on the issue regarding NJ Transit, they have been monitoring their speed and haven't found it to be a problem but nonetheless he had members of his staff reach out to representatives at NJ Transit and bring the complaint to their attention so that they could pass word onto their driver that this will not be tolerated by them. He said they will continue to monitor any problems of speeding not only with the buses but other vehicles as well.

Chief Nienstedt said another issue brought up by the same resident was that he observed UPS trucks parked in the area of Sunrise Deli which is at the intersection of Erie and Union Avenue on a daily basis at around 2:00, parking violation of State statutes parked illegally, they have police officers monitor that and he personally check that area many times passing through the intersection. He said the reports are that the UPS trucks usually are parked there on a daily basis and are found to be parked legally near the intersection directly in front of the deli and there were no violations observed and that complaint was also found to be unfounded. Chief Nienstedt said the same resident had concerns about vehicles parked along side the Flash Cleaners near the intersection of Meadow Road and East Passaic Avenue. He said that part of the property adjacent to the buildings is being reviewed because people park along side of the building but they are not on the roadway. He said they have contacted the Building Department and this situation is currently under review and a determination will be made as to whether or not these vehicles can legally park there. Chief Nienstedt said the residents' concern was that it is a hazard to pedestrians who might have to walk along that section of the roadway and can't walk in the area that might be considered the sidewalk even though it is paved over because of vehicles being parked. He said this was reviewed by staff members and he considers that does not constitute an eminent hazard to anyone and he believes pedestrian can safely walk along that area. The Chief said they will make a determination about whether or not vehicles should park there, and he wanted to reassure everyone that it is not a hazardous situation at this time and he will give an update in the near future when

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the determination is made and whether or not the vehicles should be parked there. Chief Nienstedt concluded that they have looked into all of the situations, some of which as he indicated have been totally without basis and unfounded, nonetheless he would like to get input from the residents, the public are the eyes and ears of the police department, they need to work in partnership with people and they encourage people to let them know when they see problems around town. The Chief requested that if residents do see something that might be an issue, which might impact in a negative way on public safety, he asks that residents contact the Police Department directly rather than wait till the next Council Meeting because they would like to address the issues immediately. He said he would be happy to answer any questions regarding the issues he discussed. As no one had any questions, Mayor McPherson thanked Chief Nienstedt.

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For **PUBLIC WORKS**, Councilman Fecanin wished to thank Sharon DelVecchio at the DPW for her the work she does regarding the tonnage and for the recycling containers at the different events. Councilman Fecanin reported that the crews completed the restoration at Wall Field which are on top of the daily pickups. He said they repaired five water pitch basins at various locations throughout the town and that work was previously done by the contractor, and they now do it in-house saving \$2,000 per year. Councilman Fecanin said they received two brand new street sweepers, road repairs and construction will be completed by the end of next week before school starts, five remain; two new sanitation trucks will be delivered in early December, salt spreaders are expected to be delivered in November. Councilman Fecanin said he commends Superintendent Seidler for coming up with the idea of salt spreaders being put onto truck chassis that the Borough currently has, these spreaders enable them to be more efficient spreading salt by eliminating the piles being left behind. The Councilman said the Mini-bus is expected in November.

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Under the Consent Agenda, Councilman Reyes moved to accept the request for use of the mini-bus on October 27 for tour of the West End of Rutherford in conjunction with the 100th Anniversary of the Congregational Church, seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to accept the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call:

WHEREAS, the New Jersey Transportation Trust Fund Authority Act and the 2007 NJDOT Municipal Aid Program has provided funds for the improvement of municipal roads; and

WHEREAS, East Passaic Avenue, is in need of various improvements;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that they approve the application for same in the following amount as noted for the program herein listed:

Improvements to East Passaic Avenue **\$183,315.04**

BE IT FURTHER RESOLVED that the Governing body of the Borough of Rutherford authorizes Mayor Bernadette McPherson as the authorized representative to execute said required application proving proper certification on behalf of the Mayor and Council to indicate the Borough's intention to comply with assurances enclosed within the application documents if its request for funding is approved.

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Under the Consent Agenda, Councilman Reyes moved to accept the following Resolution, seconded by Councilman Frazier and unanimously approved on roll call:

WHEREAS, the New Jersey Transportation Trust Fund Authority Act and the 2007 NJDOT Municipal Aid Program has provided funds for the improvement of municipal roads; and

WHEREAS, Chestnut Street, is in need of various improvements;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that they approve the application for same in the following amount as noted for the program herein listed:

Improvements to Chestnut Street - Phase I **\$337,783.04**

BE IT FURTHER RESOLVED that the Governing body of the Borough of Rutherford authorizes Mayor Bernadette McPherson as the authorized representative to execute said required application proving proper certification on behalf of the Mayor and Council to indicate the Borough's intention to comply with assurances enclosed within the application documents if its request for funding is approved.

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Under the Consent Agenda, Councilman Reyes moved to accept the proposal for contract for a Tamblyn Field Sod Project for \$19,280 cost to be split for St. Mary High School, seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to authorize the Labor Attorney to take appeal in the matter of Steiger vs. Borough of Rutherford, seconded by Councilman Frazier and unanimously approved on roll call.

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Councilman Fecanin advised of notice to property owners regarding the garage closure at 415 Riverside Avenue.

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For **FIRE**, Councilman Reyes thanked the firefighters for their sacrifices the volunteers make to protect this community. He said for the month of July there were 61 incidents, three were other types of fire such as brush and trash; 35 false alarms; 22 other alarms and no injuries were reported. Councilman Reyes said that the report is on file in the Borough Clerk's Office.

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Under the Consent Agenda, Councilman Reyes moved to accept the request for permission to take Co. #1 and #4 to attend the bicentennial parade in Wyckoff on Saturday, September 1, seconded by Councilman Frazier and unanimously approved on roll call.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi reported for the month of July construction fees collected, uniformed construction code revenue \$39,371; construction department revenue \$7,430 equally \$46,801; total value of construct for July \$2,690,035; total number of permits issued 177 and total number of construction department inspections 718. Councilman Genovesi said this report is on file in the Borough Clerk's Office.

*

Under the Consent Agenda, Councilman Reyes moved to accept the request for maternity leave for Yadir Feroz, seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to authorize the Borough Engineer to analyze the ability of the Union Avenue Firehouse to handle load of cell tower in response to proposal for same, seconded by Councilman Frazier and unanimously approved on roll call.

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For **HUMAN RESOURCES**, Councilman Sommer said the report is on file in the Borough Clerk's Office. He said the Rutherford Volunteer First Aid Squad responded to 97

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calls and in many cases these were life and death and it is important that we have these dedicated people who respond 24/7.

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Councilman Sommer recommended the appointment of Maria Mayo for the teacher aide position in the Pre-K Program.

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Councilman Sommer stated that applications for the Green Acres Grant will be accepted through October 26 and the Mayor and Council and other community members can submit ideas on what we could apply those funds.

Councilman Sommer said the Health Department is sponsoring a Multi-Phasic Blood Screening Program on Friday, October 19th and Saturday, October 20th.

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Councilman Sommer said the Department of Social Services are looking after a spectrum of people in town and to see that their needs are taken care of from a variety of either donations, State Aide and the amounts are in the tens of thousands that are distributed during the month of July.

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Mayor McPherson requested authorization for the Borough to participate in the "Celebrate New Jersey Program". The Mayor said on behalf of the Borough she is seeking donations as a minor contribution to participate. Mayor McPherson said this is an awareness and education for fourth grade children throughout the State about New Jersey's many points of pride.

Councilwoman Keyes made a motion to accept the request to participate in the "Celebrate New Jersey Program", seconded by Councilman Sommer and unanimously approved on roll call.

Mayor McPherson made the following appointments:

William Neumann as a Mayoral appointee to the Rutherford Downtown Partnership. Confirmation made by Councilwoman Keyes, seconded by Councilman Frazier and unanimously approved on roll call.

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MINUTES OF REGULAR MEETING HELD AUGUST 28, 2007

Maria Mayo to the position of Pre-K Teacher Aide effective September 4, 2007 subject to the rules and regulations and policies and procedures of the Borough of Rutherford and subject to the rules and regulations of the New Jersey Department of Personnel as well as all applicable New Jersey Statutes. Confirmation made by Councilman Sommer, seconded by Councilman Frazier and unanimously approved on roll call.

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Mayor McPherson made the following proclamation:

Ovarian Cancer Awareness Month – September

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8/21 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: **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

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

Mayor McPherson opened for discussion to the Council Members on this Ordinance. As no one wished to comment Mayor McPherson asked for a motion.

Councilwoman Keyes made a motion this ordinance be passed on second reading and advertised according to law, seconded by Councilman Reyes and unanimously approved on roll call.

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

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

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

Mayor McPherson opened for discussion to the Council Members on this Ordinance. As no one wished to comment Mayor McPherson asked for a motion.

MINUTES OF REGULAR MEETING HELD AUGUST 28, 2007

Councilman Fecanin made a motion this ordinance be passed on second reading and advertised according to law, seconded by Councilman Fecanin and unanimously approved on roll call.

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Under **NEW BUSINESS**, Councilman Frazier requested the Borough Engineer to review the four-way stop at Mortimer and West Passaic Avenues.

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Councilwoman Keyes moved to adjourn at 10:15 p.m., seconded by Councilman Fecanin and unanimously approved on roll call.

Borough Clerk