

**MINUTES OF A REGULAR MEETING OF THE  
MAYOR & COUNCIL  
HELD TUESDAY, SEPTEMBER 25, 2007**

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The meeting was called to order by Mayor McPherson at 8:00 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 the following presentations:

- Multi-Cultural Festival Day – September 29, 2007
- Rutherford Congregational Church in recognition of their 100<sup>th</sup> Anniversary
- Woman's Club Organizations in recognition of October as National Domestic Violence Awareness Month
- Veteran's Alliance in honor of POW/MIA Recognition Day

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The following members were accepted for membership for the Rutherford Fire Department:

- Mark Stephenson – Fire Co. No. 3
- Karim Harrison – Fire Co. No. 3
- David LaGruth – Fire Co. No. 1

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Steve Stack - Visual Impressions presented portraits to the Emergency Service Groups from Memorial Day.

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Mayor McPherson opened the hearing of citizens.

Joe Buccinio – 40 Courrier Place, said that his taxes in 2005 were \$6,900 and in 2007 they are now \$9,200, an increase of \$2,300 representing a 33% increase. He said he is a concerned citizen and he has a couple of questions on matters that relate to the things that he sees going on in Rutherford that are causing these tax increases even though you have some budgetary concerns from year to year on how to meet things. Mr. Buccinio said in the Encap matter, is it true that for 2003 through 2006 Encap paid over six million to the Borough? He said of the six million, was two million received in each year, in each of the 2005 and 2006 years. He asked was the Encap money meant for discretionary funds or was it earmarked for specific community projects, specifically can they tell them where the Encap money went and how it was used.

In the matter of capital leasing in the budget, he asked is it true that during 2004 and 2005 the Borough received approximately two million dollars for the sale of the DPW building, which is currently knocked down and a liquor license, was the money from the sale of DPW building and liquor license meant for discretionary funds or should it have been earmarked for capital lease payments which could have decreased those debts.

Mr. Buccinio said in the matter of the police budget that is going to be coming up, when does the current contract for the PBA expire? He said if Mayor McPherson loses the election will she refrain or abstain from negotiations for the new contract which will be in effect for the next administration? Mr. Buccinio asked if Eric Bernstein or his law firm represent the Borough in the negotiations with the PBA for the 2004 contract, is he representing the Borough for the negotiations with the PBA or the new contract, how much will his fee be for representing the Borough throughout the process of negotiating this new contract. He asked if the Borough went out to bid for the services that Eric is providing and is the Mayor aware that Eric Bernstein Associates has contributed over \$14,000 to her campaign and the campaigns of fellow Rutherford Democrats since 2001. Mr. Buccinio asked what role with the Borough Council have in negotiating new PBA contracts, does the public have a role or say in the negotiation of the PBA contract, recognizing the impact of the out of control increases in property taxes, what specific objectives has the Borough hoped to obtain through these negotiations and if so have they started the contract negotiations now? Mr. Buccinio said some of these issues that they want to know is the salary concession, benefits concessions, standard workweek concessions, reduction of work force, have they started the negotiations and if not when will they start? He asked if it were true that 22 police officers have current base salaries before overtime of more than \$100,000 per year, how much overtime cost has the police department incurred as a result of the four policemen having been suspended or terminated and is overtime included in the 2007 budget that the Council passed? Mr. Buccinio said are there other ways to

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control and lower the police budget expenses, is there a calculated ratio of police head count per general population and which guidelines do they follow to see that they are not over budgeting the protection of the public? He said he would like to know specifically for the budget coming up, are they aware that between 2003 and 2006 under this administration the police salaries increased a total of 22%, are they going to follow the norms of these high increases with no additional services when negotiating a new contract or will they strive for no increases to maintain the property taxes at this current level that everyone else can't afford. Mr. Buccinio said for the Chief and the Captains, what are their current salaries and annual pension amounts and would they be 100% vested at their retirement age and of course when they replace those people is that a double process of paying the retired person and those that are being replaced. He said that he doesn't think the public is aware of some of this.

Mayor McPherson responded that some of the questions that Mr. Buccinio asked she did not have off the top of her head but she told him that with regards to Encap, the \$6.5 million that they negotiated went directly to reduce and limit the property tax increase here in Rutherford, incurred no cost from that and in fact, what they had was a garbage dump that was the Borough's responsibility and is now specifically no longer their environmental or financial liability. The Mayor said in regards to the \$2 million for the DPW garage and the liquor license, that went into the municipal budget so that the burden would not be borne by taxpayers, he is right in fact it did go into the budget to reduce taxes, no there were no budget over-runs in those years. Mayor McPherson said that Rutherford enjoys the lowest debt in South Bergen.

Mayor McPherson continued that she doesn't know what information he has about the lowest debt but she said that it is here in Rutherford, the lowest debt in our surrounding communities for many, many years. Prior to the year 2000, there were no major road improvements, they repaved 49 roads that were neglected in the past and they saw to it that they were done. Mayor McPherson said in reference to the police budget, it is in the adopted budget just like all of the operating budgets, and she will not comment on any negotiations because it would be to the detriment of the Borough whether or not any negotiations are currently underway but indeed the PBA contract does expire at the end of this year. Mayor McPherson said that overtime has been cut over the last seven years.

Mayor McPherson said that some of the other questions he asked she could not respond to at that time but would be more than happy to have these questions presented to the Clerk and she will be able to respond at another time. Mr. Buccinio said how about the matter of Eric Bernstein contributing to her fund. Mayor McPherson said that is correct. Mr. Buccinio asked if she felt that was a conflict of interest? Mayor McPherson said she answered the question and is going to call on another resident.

Bonnie Corcoran – 390 Montross Avenue said that she was not hard hit like everyone else, her taxes in the past two years have gone up 16% but she is still a concerned citizen due to the fact of there are a lot of questions in regards to budgets. Ms. Corcoran said the one thing she does have questions about is the professional service contracts that go out. Regarding Schoor DePalma, the engineer, over the past two-three

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years, 2004 they were paid \$167,000; 2005 they were paid \$155,000; 2006 it went down to \$115,000 yet the budget for 2007 is \$435,000. She said did these contracts go out to competitive bidding? Ms. Corcoran asked if all the engineering work in the town is performed by this engineering firm. Also are they aware they did contribute to the campaign funds in 2003 of \$6,000 and the overall campaign contributions to the Rutherford Democrats was \$17,725 from the years 1990 to 2005. She said she finds that alarming but skirting on the issue of pay to play which is now being scrutinized by the State of New Jersey. Ms. Corcoran said the other fees such as the legal fees, how much do we pay in legal fees? She said she has not done it yet but knows that people have asked for them and have not received them through the OPRA; is this work also put out to bid because she believes they have probably a handful of seven attorneys that work for them and knows that they each specialize in different fields but were they also put out to bid. Ms. Corcoran wanted to know if they were aware that the Attorney Ms. Rizzuto also contributed to the campaign in 2003 for \$6,000.

Ms. Corcoran said the one stickler of hers was Cliffhangers. She said she is getting information through OPRA and for 2006 he was budgeted \$85,000 and in reality his costs were \$179,000. Ms. Corcoran said she was told it was all sponsored and she has asked for the sponsorships because she would like to see them because there is no way it costs \$179,000 to run Cliffhanger shows, she has done it. Ms. Corcoran asked if they were aware in the December 19, 2006 meeting page 11 or 12 of the minutes, the Council took out money from the FICA account of \$16,000 to pay Cliffhangers so apparently taxpayers are paying him which she finds a little disturbing.

She said the other thing that also has her intrigued is the Santana case; as they know Ms. Santana was kidnapped from her home unfortunately by bounty hunters, everybody was horrified, she is now suing the town of Rutherford along with one of the police officers who is now suing them. She asked if we are ready for the settlements, are they settling, are we going to litigate, how much is that going to cost and is that put into next year's budget because the case was just put on the dockets as of this spring. Ms. Corcoran said she knows one of the police officers is planning to try to get his job back, do we have it in the budget where they will get their back pay and back increases?

Mayor McPherson responded that she believes that everyone in the room is aware that revaluation did not take place in the Borough for 20 years, taking place for the first time last year. The Mayor said that the present Council did not have any control over when it is scheduled and what the assessed value is at the end of the day, they were ordered to do so by law, that is not something they can control. The Mayor said that another misunderstanding may be that the increase in taxes by virtue of revaluation adds additional funding to the Borough, that is not so. Mayor McPherson said what happens is that there's a redistribution, there were some property owners, some commercial, some private who were paying greater than their fair share and by virtue of the revaluation they pay a fairer share and they all begin to redistribute what they are collecting there. The Mayor said it is not an increase that comes to the Borough in terms of what they can pay for, it does not cover the increase in fuel and utility costs, it doesn't cover the increase in pension costs from the State.

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The Mayor continued regarding questions about the professional services contracts and no they had not gone out to bid but she said starting for the first time in the year 2000, there were caps on professional service fees and professional contracts that were not there before and in fact the legal fees are now done properly and the appointments done properly when they had not been done properly before. Mayor McPherson said there are legal fees incurred, they have incurred legal fees for example, as this was an important issue to Ms. Corcoran, the boarding house at 144 West Newell. That was a right objective and they also closed the Maples. The Mayor said there are legal fees and in fact there are engineering fees, the engineering fees come into play for the many capital projects through grants and aide and sponsorship and through the capital budget. Mayor McPherson said in regards to Cliffhanger and FICA, they are all required and obligated by law to take out the numbers for FICA and for Cliffhanger she doesn't know how to say this any differently than she has said before, the productions that Cliffhanger does for the Borough and also for the Police Department and also for the Downtown Partnership generate more in sponsorships than they cost the Borough to do. The Mayor said the 125<sup>th</sup> Anniversary Celebration last year was not in the budget, that is not something that is in the \$85,000 it is not a salary, he is not a salaried employee, he assists them in finding sponsors, and she knows that Ms. Corcoran was in the business of producing special events she can only say that thus far the Council has been satisfied at some particular point and time perhaps she could give them a proposal but they have done a good job for the Borough.

Ms. Corcoran asked about the taking out of the FICA account. Mayor McPherson responded that they are obligated to do such by law and the amount that is taken out for FICA is far exceeded by what they get in sponsorships which that information has been given out before. Ms. Corcoran said she has never heard them and she has actually put an OPRA request in. The Mayor responded that all of the OPRA requests are being conducted in the confines of the law, they are responding as quickly as they can to the many OPRA requests that have been filed.

Michael Sharfman – 396 Carmita Avenue said that his taxes, like everyone else's, have gone up. He said one concern he has as an accountant, he would like to know when the 2006 audit will be ready and will the public have to pay for it and was the performance of the audit put out to bid. He said more importantly, line items that show up on the prior budgets such as medical insurances, in the annual budgets there are line items that are labeled group insurance plan for employees, what are these insurance plans that are included in this line item, medical, dental, vision so forth. Mr. Sharfman asked if this line item is purely limited to premiums and if not, what are the types. He said since 2005 the town's cost for the group insurance plan for employees was 2.5 million up to 3.2 million in 2007, the concern is why the big increase. Mr. Sharfman said this is very troublesome, is it true that the Borough employees do not pay anything out of their pockets towards the premiums for medical, dental and vision insurance? Is it true that the employees do not pay any co-pays when they visit a doctor or receive medical, dental or vision care, is there a deductible on the medical insurance or is the first dollar of cost paid by the insurance company? Is it true that DPW employees need to work only 20 hours per week in order to be eligible to receive full medical insurance paid for by the Borough? How many hours per week are required by other unions in order to receive full medical? Which union contracts

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provide the Borough employees with medical insurance for life? Are the employee's spouse covered with medical for life? How many currently retired employees and/or spouses are receiving medical insurance for life? If currently there are a few retirees receiving medical for life, in the future when the current pool of employees retire, how will the town be able to afford the medical for life while at the same time pay for the medical insurance for new employees who have taken their place on the active duty roster? Has anyone built a spreadsheet or report that shows how much the Borough will be spending on medical insurance premiums for the upcoming years? What is the process that the Borough follows and analyzes repeating bids that medical insurance companies submit for the Borough's medical plan? Mr. Sharfman continued that these are extremely important questions to him because as a self employed person he does not get these types of benefits, his are quite costly.

Mayor McPherson responded that the 2006 audit report will be available after the Council Meeting as confirmed by Mr. Cortright. The Mayor said the question as to was it put out to bid, no the Borough has auditors that perform that function and work very well with Mr. Cortright. Mayor McPherson said in regards to the line items of medical insurance and the group insurance plan, all of the unions in the Borough, much like public school teachers and other public employees at the state level, have contractual obligations in which it was traditional that medical insurance was paid, the Borough of Rutherford is no different than the State of New Jersey, the Board of Education of Jersey City, any other number of places that you might add, where there are in fact medical insurances paid for public employees. The Mayor said she believes the theory was in the past public employees were not receiving the same salaries as those in the private sector so that in order to entice and get the best public servants, this was offered as an incentive and she doesn't believe that the Borough is alone in these types of contractual obligations which have existed for years. Mayor McPherson said Mr. Stafford can answer as to the union contracts, but hesitates and asked the Borough Attorney what we will or will not be doing in the future in the terms of labor negotiations. The Mayor said she would rather make a statement as follows without singling any particular employee but be reminded that we are talking about Borough employees, these are not strangers, these are our neighbors, these are people who sit next to us in church, sit next to us on the bleachers and are our neighbors, volunteer firefighters as many of our DPW workers are also volunteer firefighters, they are your coaches and many cases they have coached your children, in many case they coached the employees. Mayor McPherson said that there may be a big misunderstanding about what our public employees are getting and how many of them we have; In 1999 when she came into Office, there were 235 public employees today there are 199, there has been a significant reduction in the Borough's staff and there has not been a significant reduction in the services received. The Mayor said the they are blessed to have dedicated Borough employees who live here, they are residents, they care and receive the same tax bill that everyone does, they are not going to do something that is going to impact that tax bill, in many cases they're available to you 24 hours a day in fact Mr. Cortright has met individually with many people to explain the budget, as well as the Tax Collector, The Clerk, The Administrator have also been available as has the Governing Body. Mayor McPherson said as far as contractual obligations they are going to seek in future negotiations, she doesn't believe she is permitted to answer that specifically. Mr. Stafford said in regards to the questions, the number is 20 hours a week minimum and

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that is not uncommon throughout the State and in many bargaining agreements that he has dealt with and negotiated with privately and publicly. Mayor McPherson said the question was generally asked, what are we going to do with contractual negotiations, she said they are going to do what they have been doing and that is to make sure that we have a work force and an agreement that allows them to provide the residents in the most cost effective way, the services that they have heard that they need.

Mr. Sharfman said since 1999 the Mayor said the force has gone down, but cost have gone up significantly, they've dropped almost 100 people but the cost has gone up almost \$700,000 from just 2005 to 2007 with less employees with higher rates. Mayor McPherson said there are contractual agreements that are in place for percentage increases, perhaps as he might receive where he works; that's what that might be contributed to.

Pat Kinzler – 105 Vreeland Avenue said that his wife told him not to say what their taxes are because she is too embarrassed, but they went up over \$5,000 close to \$6,000 in the last two years. Mr. Kinzler said that when they responded that the revaluation was really a redistribution of tax money, the property tax revenues of the Borough for calendar year 2003 were \$13.8 million; in calendar year 2004 - \$14.4 million; the reval in 2005 at the end of the year and that budget and set prior to the reval, the 2005 property tax revenue was \$14.8 million. So if it is true that this was just a redistribution, property taxes should still be \$14.8. However, in this year's budget, property taxes are \$18.8 million which is more than a redistribution. Mr. Kinzler said on the internet you can look up anybody's property taxes, it is public record and the number of people in this town who from 2005 to 2007 have seen their taxes go up 35% or more is phenomenal. He said in regards to the audit, it appears that our auditor has made contributions to the Mayor's campaign so again does she feel that there is any conflict of interest when an auditor is making political contributions to the campaign's of the Mayor and the Democratic candidates. In this year they contributed \$500 to the primary and he knows it was a real tough battle. Mr. Kinzler said spending; 2003 operating expenses, not including capital purchases, he spent enough time in Mr. Cortright's office trying to get these numbers right, \$21.4 million, this year \$25.7 million. He said spending is going up primarily in wages and benefits. The comments about medical for the employees in town, he struggles with in private industry, people contribute toward their medical and are in an environment where it seems like our town employees are getting better benefits than they get at their jobs. He said it doesn't seem right that we should be taxed to give benefits better than what they can obtain for ourselves with working everyday. Mr. Kinzler said no one has offered him medical for life, no one has offered him medical for 20 hours a week, no one offers the pension plans that these employees get.

Mr. Kinzler spoke about municipal debt which was \$8.9 million at the end of 2002, excluding school debt, purely municipal government. According to Mr. Cortright's spreadsheet, when they are done refinancing the debt this year, it will be \$19.2 million, so it has gone up over \$10 million in the last four years. He said at the same time they've spent \$6 million in Encap money and they spent the \$2 million of asset sale money that Joe referred to; so debt is up 10 million and 8 million is gone. Mr. Kinzler said the taxes this year, even though they went up, do not cover all the municipal government spending

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this year, he recognizes there is grant money and other things, but the town debt this year is going up \$1.7 million. He said debt is up, property taxes are up, town spending is up. He said they have done a lot of research in the last few weeks because basically they are at a breaking point. They found that the auditor has contributed to the campaign, the lawyer and engineer have contributed to the campaign, Lincoln Equities has contributed to the 2003 campaign at least \$6,000. Mr. Kinzler said the Bond Counsel contributes so truly, if they were concerned about the residents they would ask all the service providers to lower their fees by the amount of those contributions and the taxpayers would get the benefit. Mr. Kinzler said at the end of the day it is their money and they are asking the Mayor to respect their money. He stated that he pays \$17,000 in property taxes, he can't go on this way and needs help.

Mayor McPherson said in response to the internet, the only reliable source for tax bills is the tax collector's office, the internet is not a reliable source in fact it has been circulated that her taxes, members of the Council's taxes, her families taxes have actually gone down, so she suggested that they consult the tax office. She said that those statements are not correct. Mayor McPherson commented that in regards to it being all of his money, that is what all of us here are thinking about and with reference to Highland Cross, in 2004 there was a Visioning Committee and Visioning Process that took place where that proposal was soundly rejected, they continue to reject that and one of the issues was, and she couldn't recall if Mr. Kinzler was at the meeting, if such an over development were to come into the Borough, be assured that they would be looking at a lower tax bill. The Mayor said in reference to the fact that these meetings have taken place it's not the understanding that the residents, perhaps not the ones in the room but the 18,000 people outside that are attending the Little League dinner or maybe attending a back to school night, don't want to see Highland Cross come in, don't want to see over development and this Council rejected that and will continue to reject it in spite of the fact that one of the principles of Linque, in fact has taken credit for Councilman Genovesi's election, that was in the Bergen Record, its a fact as a Record article. Mayor McPherson said she is not sure what else she can add to those comments or questions that Mr. Kinzler asked except to call upon Mr. Cortright to comment on the pension plan, wages, benefits.

Mr. Cortright said that one of the things he wanted to point out is when taking a look at the 2007 budget spending plan, salaries and wages, other expenses, every item of expenditure, that number is \$25,702,000; for 2006 \$25,188,000 and he believes when he did the calculation that means the total spending plan went up in 2007 by 2%. Mr. Cortright said that one of the reasons they were able to accomplish this was by cutting Department Head operating expenses, through the process of attrition, not replacing about a dozen and half employees and by making cuts everywhere possibly and that is how a 2% increase was achieved. Mayor McPherson told Mr. Kinzler that his five minutes is up and if he wished to address them at the end she wished to give someone else an opportunity. Mr. Kinzler responded that he appreciates that but he heard the Mayor said to Michael he could have one moment of comment, so Ed is correct for 2007, it may have gone up 2% but you've been Mayor for more than one and look at the history of the spending increase, it's not 2% every year.

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Madeline Mignone – 168 Mountain Way said that she wasn't planning on speaking but she couldn't help herself. Ms. Mignone said it was stated before that the public employees have been offered free health benefits historically because of their low pay. It is public knowledge today that this is no longer the reality in today's world. She wanted to know if the health benefits will be re-evaluated to accommodate today's salaries and the cost of living of today. Ms. Mignone said it was stated that the Borough employees are not strangers, she wishes that was true, one of the employees, Timothy Stafford is not and she would like to know what his salary increase was in the past two years. Mayor McPherson said he did not receive a salary increase this year and it is true Mr. Stafford does not live here, his base salary last year she didn't have off the top of her head but agreed to email it to Ms. Mignone.

John Hipp – 143 Highland Cross said he also wasn't going to speak tonight because he didn't want this to be viewed by the critics as a political theatre because that is not what it is about, it's not about politics, it's not about Republican or Democrat. Mr. Hipp said it is about the taxes and there are a lot of people talking about the high taxes. He asked Ed to confirm the costs of the services. Mayor McPherson asked Mr. Hipp to address his comments to the Council then they would call on Mr. Cortright. Mr. Hipp said he is just trying to save time because he only has five minutes. Mr. Hipp then said Ed mentioned that it was a 2% increase in municipal services, is that correct? Mayor McPherson again asked Mr. Hipp to please complete his comments and Mr. Cortright will then answer the questions. He said then he won't ask Ed to comment unless he is wrong. Mr. Hipp said the municipal tax increase, the tax levy went up 15% this year alone, it went up 18% last year, a combined 33% increase in the municipal tax levy from this administration. He asked if anybody would address this from the Council and he asked Councilman Frazier to answer. He asked has municipal tax services increased 33% in the last three years? Mayor McPherson said at the end of the hearing of citizens the Council will respond. She told Mr. Cortright if he would like to respond to Mr. Hipp right now he could, it is not a political theatre. Mr. Cortright said in answer to the question, the total budget from 2007 versus 2006 did in fact go up 2% but when Mr. Hipp refers to the total amount to be raised by taxes, the municipal purpose tax, yes we are correct on that in stating that the increase in the municipal purpose tax overall from 2007 to 2006 is 15.5%. However, if you count the County, School and Borough, that increase is only 10.73%. Mayor McPherson thanked Mr. Cortright and then asked Mr. Hipp to complete his comments and the Council will respond at the end. Mr. Hipp said last year's municipal increase was 18% isn't that correct? Mayor McPherson asked Mr. Cortright to respond. Mr. Cortright said that is correct.

Mr. Hipp said to conclude his comments, the problem here is taxes and the fact that the municipal taxes in this Borough have gone up 33% in the last two years without an explanation and this is what he thinks it is at the core of what's troubling everybody who got their tax bills this week. He said they saw pie charts, they read the letter, nowhere did it explain why the tax levy increased 15.7% especially when Mr. Cortright has just confirmed that the expenses only went up 2%. He said there is a problem here because the people can't afford it, they can't afford these kinds of tax increases. Mr. Hipp said that while the Governing Body is not going to be able to change the budget, they should at least try to cut the spending for the rest of the year. For example, there were comments

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about the four fired police officers, they can settle that now and avoid the pre-hearings that are scheduled for October. Mr. Hipp said next time they go to the Finance Board they don't need two lawyers, they don't need Ed McManimon and Joe Baumann to show up at the same hearing which is what was done in June. He said now that might not be a lot of money but why did you need him if it means an expenditure of funds that was unnecessary, especially since the Finance Board denied the application. Mr. Hipp said these are the sort of little things and big things that they need to look at when you are trying to focus on their wallets, on the taxpayer dollars, so they ask going forward in this last quarter, please see what you can cut so that at the end of the year the actual costs meet the budget.

Frank Wilson – 171 Montross Avenue said that before he asks his question to the Council he saw the Police Chief and Mr. O'Keefe were present and wanted to take the time officially, they probably saw the letter that Mr. Genardi's wife wrote in regards to the two police officers and the Ambulance Corp. and he wanted to get it out on record that they did an excellent job with one minute response from the Police Station to her residence and if they weren't there she probably would have passed away, so he wanted to bring it up tonight. Mr. Wilson said that if possible at the next meeting give those involved a commendation or proclamation because our PD and Ambulance Corp. deserve it for the outstanding job they do on a daily basis.

Mr. Wilson said the only question he has from the last meeting was to give Mr. Fecanin a chance to clarify some of the statements he made at the August meeting. He said one statement made was that no residents gave suggestions on how to reduce the budget. He said he was personally in contact with Councilwoman Keyes and she could attest to it, with ways to possibly reduce the budget and he did this while he was away at work in Virginia, taking time out from his day to e-mail her some suggestions of how to get the taxes down, so he personally took offense to that because he went out of his way to have a conversation with her to reduce those numbers. Mr. Wilson said the second statement made was again, maybe being caught up with rhetoric, is that he said his taxes went up \$5,000 with the reval, and he knows that his own taxes went up over \$1,000 over yours and they didn't hit \$5,000. He said the final comment was that Councilman Fecanin made was the he has to work extra hours to stay in Rutherford. Mr. Wilson said he works salary and unless he gets a second job making pizza on the weekend, he can't generate anymore income then he is already doing. Mr. Wilson said that he can't make anymore hours, if he works 200 he gets the same money so by making a statement that you have to make more hours to stay and live in Rutherford doesn't help him at all. He said he will defer to Councilman Fecanin and let him answer. Mayor McPherson said that the Council will respond at the end of the hearing.

Peggy Quinn – 500 Union Avenue said that she hears everyone going to the podium but has not heard one answer, one suggestion as to what should be done. She has been at the meetings and has not heard it and she wanted to suggest that they all go Thursday night to the Elks and hear the answers for all of the problems. Ms. Quinn said she would like to know the answers, so maybe they can all go and Thursday night at 8:00, she is advertising, and if they have answers coming out they haven't heard from the other candidates to give any suggestions, just questions.

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Robert Genardi – 155 Montross Avenue said Mr. Wilson brought up the two officers who were summoned to his house on behalf of his mother-in-law. He said those two officers were there in less than 80 seconds. Mr. Wilson said his mother-in-law had no pulse at all, he couldn't get her, he tried CPR and he couldn't get her. He said these two officers worked on her for two and half minutes, they finally got a pulse and it was like 90 degrees that day. Mr. Genardi said the paramedics were summoned they came in about 3 minutes so actually she had no oxygen for about a period of 4 ½ minutes but she had no brain damage which was remarkable. He said these two officers were so well prepared, he has never seen anything like it and that is what he told the Chief that they went beyond and above the call of duty, they were well trained. Mr. Genardi said that Mr. Wilson did put an article in the paper and his wife was so amazed, they did save her life so he wished to thank them. Mayor McPherson said she was so pleased to have Mr. Wilson and Mr. Genardi commending the Police Department and Ambulance Corp. She certainly thinks they are well deserving of that but what she wished to point out, because he has raised it before, they have been successful and the Police Department does have the appropriate training and they also have the appropriate vehicles so that they can arrive at a home when someone might be in medical distress. The Mayor said those vehicles are provided through grants and it is not a waste of taxpayer money in fact it's actually life saving isn't it.

Mr. Genardi asked Mr. Tango if the contract currently in the library is now underway. Mr. Tango responded that is correct. Mr. Genardi asked who is keeping a tally on the time that the people go there for a 20 hour week. Mr. Tango said we bill the town on a monthly basis. Mr. Genardi asked if anybody is supervising, logging those people in. Mr. Tango said the project manager is Louis Myerson. Mr. Genardi said and at this time he is handling it for his company, does Jane Fisher log them in, does she tell anybody when he is there. Mr. Tango said he doesn't know. Mr. Genardi asked then how do the taxpayers know, this is a contract. Mayor McPherson said Ms. Fisher is not responsible to log in the contractors. Mr. Genardi said doesn't she run the library. Mayor McPherson said yes but that is not her responsibility. Mr. Genardi said that this is a large contract \$234,000. Mayor McPherson said we don't want the Director of the Library being responsible for overseeing the project. Mr. Genardi asked if the Council appoints someone. Mayor McPherson said that Mr. Tango answered the question. Mr. Genardi said that is on the contractor's side, what about on the resident's side? Mayor McPherson said Mr. Tango works for the Borough he is the engineer on the project.

Mr. Genardi asked Councilwoman Keyes who holds the title of insurance commissioner and recycling coordinator? Councilwoman Keyes responded the Borough Administrator he has more than one functional title. Mr. Genardi asked what he gets paid for those two jobs? Councilwoman Keyes said she didn't have that figure. Mr. Genardi asked if he could ask Mr. Stafford. Mayor McPherson responded that when they get to the closing of the hearing of citizens the question will be answered. Mr. Genardi said okay, the DPW worker that was to be reinstated, has he been or is it still in litigation. Mayor McPherson said they are not going to comment on personnel issues, publicly. Mr. Stafford said yes it is. Mr. Genardi asked if they could tell how much they paid for that as of now. Mayor McPherson said no they didn't have those figures, but whether it is this employee or

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another employee they hold the employees to a very high standard and when that standard is not met the appropriate action is taken. Mr. Genardi said so then it is in appeal. Mayor McPherson said she cannot comment on that. Mr. Genardi asked what is the currently liability from the insurance company. Mr. Stafford said they are members of the South Bergen Joint Insurance Fund that has a significant amount of property and casualty liability but he didn't know the number but thinks the number is 25 million and they are also covered by the Municipal Access Liability Fund which is for excess in excess of the liability.

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

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Councilman Fecanin said he wished to respond to Mr. Wilson regarding comments made during the last meeting as to suggestions for the budget that at the open meetings they have had, nothing was brought up, nothing was said in front of them and what Mr. Wilson did behind with Councilwoman Keyes from a special meeting with her, he has no knowledge of in respect to the Finance Committee. He said he thinks everybody heard him say, nobody spoke up here at a public meeting or in a work session on suggestions on what to do. Councilman Fecanin said the second question was that his taxes went up \$5,000 they just went up another \$1,100 just like everyone else's, they are all in the same boat.

Councilman Fecanin said there were some major decisions made in the last few years, in the last two years they have had a lot of increases. To begin with, State mandated increases in pension contributions, utility costs, dumping fees for the garbage have gone up dramatically, trucks have to drive further away, the gasoline prices have been fluctuating, the price has doubled since a year ago, so did the gas for the trucks. State mandated storm regulation rules that are from the State that they now have to do and there are about 30 pages of a report that the DPW is still completing. Councilman Fecanin said these are mandated policies. Cost of road construction has gone up tremendously, contractual agreements within the Borough and reval of last year. He said these are the major things over the last two years.

Since the year 2000 when Mayor McPherson was elected, that year there was no increased tax on the municipal end, 2001 there was a decrease, 2002 there was no increase, 2003 no increase again on the municipal end, when the school budget went up they stayed flat; 2004 there was a minor increase of 1.79%; 2005 there was a 3.56%; in 2006 and 2007 they have had a considerable raise as everyone knows. Councilman Fecanin said last year's reval, which has nothing to do but bad timing, it was ordered by the State and hasn't been done in 20 years and this was his first reval as a council person and as a homeowner. He said it took him a long time to understand it and he is still trying to understand. Councilman Fecanin said in 2007 they received \$928,000 in grants alone, just in 2007 and here is a synopsis over the last eight years: the last eight years of this control under Mayor McPherson they have been able to turn this town around 360 degrees.

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He said they went from being embarrassed by local TV channels out of New York because of lack of service especially snow and leaf removal to the bustling thriving community they are today. Councilman Fecanin said the home prices in Rutherford have nearly doubled since the year 2000. He said he doesn't want to go back to the 90's when nothing was done, no road construction or repaving, no sidewalk replacement, no curb replacement; one day a week garbage collection and at the end of the month you were allowed to put out your garbage; this town look like a bomb hit it at the end of the month, it took weeks for the DPW to clean up. He said sometimes we forget that; leaf pick up was done right before winter, when it rained and snowed and it was frozen they couldn't do the job the right way which left the streets dirty, filthy and dangerous. Councilman Fecanin said these are from some of the residents that are here who have moved into town since 2000 and here is a brief update: With the way leaf removal the way it was approximately three to four car fires a week, now because of the proper way it is done there is none, maybe one a month. He knows this because he was a fireman back in the late 80's early 90's and he ended up in a hospital three times because of cost cuts to the fire department and the DPW. Councilman Fecanin said people from this town want to know why Rutherford taxes have gone up so much, so much higher than our surrounding towns, it is simple, we don't have the ratables they do. For example, Rutherford doesn't have chemical factories, we don't have bars, we don't have strip malls, we don't have hundreds of condos and apartments coming up all over or a regional high school. Councilman Fecanin said lastly we don't have a stadium, racetrack and an arena giving us huge, huge ratables. He asked if they want this in Rutherford, he didn't think so and in the long run, it comes down to this very simple, you pay for what you get. He said in closing he wanted all to remember this, there are five pieces of his puzzle that he wished to happen and each just happens to start with the letter "P".

1. Provide – to provide our residents with good schools, good services
2. Protect – to protect our residents with outstanding fire department, police department and ambulance corp.
3. Preserve – to preserve our small beautiful town and all of it's special history
4. Produce – to produce and pursue grants, sponsorships just like we have in the past.
5. Prevent – to prevent this town from going backwards instead of forward.

Councilman Reyes said he will make his response very briefly and he thanked Mr. Wilson and Mr. Genardi for the kind words they said about the Police Department and not forget what our officers are there for and the importance of when we need them we have them. Councilman Reyes said it is easy to say we don't need so many police officers or we don't need so many fire engines, ambulance equipment but then when they are needed we are grateful that they are there. He said everyone knows he is a police officer from Paterson, a Lieutenant with the Paterson Police Department so what he brings to the Council is knowledge of law enforcement. Councilman Reyes said right now there is nothing more important to him than the safety of our residents and the safety of our children he is fortunate that when his daughter goes to the library he is not concerned that something is going to happen to her. He said Rutherford is fortunate that we have that and that is because we have good services, the police officers are tops, the employees are

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fantastic if you need something they provide for you so for people to come up here and everyone is hurting because he is a taxpayer also and a couple of his neighbors came up there so clearly his taxes went up also. Councilman Reyes said he deals with taxes going up but he will not sacrifice the safety of our children, he will not do that for anything to save a couple of hundred dollars, so whether they support him or not that is up to them. He said he is a resident and taxpayer and the employees did not deserve some of the comments that were made because they are hard working employees, the police officers, firefighters, DPW workers, ambulance, Board of Health they all work extremely hard and doing more with less because that is necessary. Councilman Reyes said to just say we can cut five police officers and that could have been fine but that one moment when the police officer isn't there what then. Councilman Reyes said property tax is the number one issue throughout the State and they all know that, until you are a victim of a crime then all of a sudden it becomes second.

Councilwoman Keyes said in response to Mr. Genardi's question regarding the Borough Administrator's salaries, he has a salary as a Borough Administrator but the items that were mentioned, the insurance commissioner and the recycling coordinator, they are stipends that he receives not salaries per say but she didn't have those figures in front of her.

Councilman Frazier said there have been painful moments from the stand point as it relates to the police and what their current contract carries but it just didn't begin with this contract. This has been in affect before this current contract was ratified. Councilman Frazier said there are a lot of professions in Rutherford that may not have in their contracts on the labor side that may not have what the police officers have. He said it has become more difficult to those kinds of things that we are now doing and that we have done in the past for the police officers and their families. Councilman Frazier said he is not one to be going around laying off, because if this is what we need because this is still less than what was proposed years ago in terms of what the numbers of our police was in years gone by. He said this is the number they are working with now and they're stretched as far as they go, there is less overtime now then there has been in the past even with less officers. Councilman Frazier said from this standpoint this is the career they chose, others have chosen other careers. He said we come together as a Borough and it's difficult now but this is what we have been supporting through the years as far as services go in the Borough and those services are very good. Councilman Frazier said he doesn't believe anyone could criticize the services received from the Borough. He said inuendos have been made that there has been some weird stuff going on because of contributions that have been made to political campaigns now in the past, to Democrats, to Green Party, to Republicans to suggest that persons who are working for a particular municipality that automatically by their making contributions that means there is something other, something sinister is very questionable.

Councilman Sommer said that sitting and listening as a citizen first of Rutherford he is extremely proud that so many people have come out and spoken what they truly feel in their hearts. He said they have to continue the dialogue, keep hearing different sides of potentially what is factual and what might not be factual, but having said that he has been a successful negotiator for 25 years on the commercial side and the only thing that

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matters is let's continue to try to work the pressing issues together. Councilman Sommer said they are not going to come to any long term satisfactory resolutions by being a faction, when he walks down any street he wants to be able to say hello to anybody, he may not agree with everything everybody says but let's realize we are within the same Borough and remember the saying facts are our friends. He said he is not saying he has all the facts because he doesn't, but he does pursue them. Councilman Sommer said he wanted to end where he started, he thinks it is fantastic that so many appeared to speak and the only thing he wants to leave with them is that he is holding his hands together and what he doesn't feel and what he sees is sad to him coming from such a great town, he wants to see all thinking better how they can come together a little bit better on a lot of these issues.

Councilman Genovesi said that he didn't wish to make a comment because Councilman Sommer very eloquently spoke and he agreed with much of what he said. However, as a matter for himself specifically and for the record, he asked if the recording was on, and stated to the Mayor that she said an executive of Lincoln Equities took credit for him being elected in the Bergen Record, is that correct, is what she said? Mayor McPherson said this is very disappointing and he knew exactly what she said. Councilman Genovesi said he did and again asked is that what she said. Mayor McPherson said that is associated with the Bergen County Republicans. Mayor McPherson said that he knew quite well that there is a principle at Lincoln that is the treasurer of the Bergen County Republican Organization in which a newspaper article, she believed November 10, 2006, that organization claimed credit for your election, that has been printed in the newspaper. Councilman Genovesi said okay but that is not what she had said before, she said an executive from Lincoln Equities took credit. Mayor McPherson said no, she did not say that. Councilman Genovesi said okay they can check the record. Mayor McPherson asked Councilman Genovesi if he had a comment to make at this time. Councilman Genovesi asked who is Kathy Donovan. Mayor McPherson responded that she is the Bergen County Clerk. Councilman Genovesi asked if she works for Lincoln Equities. Mayor McPherson said no. Councilman Genovesi said then Kathy Donovan was the one who made that statement in the newspaper, isn't that correct and she is a resident of Rutherford and a concerned taxpayer of Rutherford. He said if she chose to help him go door to door and him not being a part of the Bergen County Republican Inc. which took credit for that but actually Bergen County Republican Organization. Councilman Genovesi said Mayor McPherson has made a serious allegation in his opinion so his question to the Mayor is how do you make that association that because Kathy Donovan says something it must be Lincoln Equities. He then asked who Joel Bergstein was and Mayor McPherson responded that Joel Bergstein is one of the principles of Lincoln Equities. Councilman Genovesi said there was one resident and one alone in Rutherford that wrote a piece in the newspaper, a very judgmental piece, saying that basically he was wrong for feeling that way about over development. He said that was him, did anybody from Lincoln Equities write a piece in the newspaper about the fact that the Mayor was wrong about her feelings on over development? Mayor McPherson responded that she didn't know what he was saying. Councilman Genovesi said she knew exactly what he was saying, he was saying that the Mayor is saying that Lincoln Equities supports him but yet they come out and go after him, he thinks she is being disingenuous. He said he understands what she was saying, in other words a newspaper article by the Bergen County Republican Inc., fine he is not part

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of that organization and he never was so he thinks the Mayor is being disingenuous about it and he thinks she should be careful about what she says.

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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.

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Angelo Salerno asked if he could address the Council. Mayor McPherson reopened the hearing of the citizens.

Angelo Salerno – 232 Eastern Way - said that he is a veteran of WWII and he has been listening to the comments made and listening about taxes, taxes are going up in Jersey City where he came from, they are going up all over. Mr. Salerno said he just lost his wife last year and he is happy to be a resident of Rutherford. He said he lives on Social Security but he does without so he could pay his taxes to live in a town like Rutherford near his daughter and his granddaughters. Mr. Salerno said he is very happy and he knows it is hard but they all have to work together, he is trying to do the best to live in this town, he doesn't want to move out, he likes it here, he likes the Kip Center and he likes the people he is affiliated with at the Kip. He said he like the people, the Council, the Mayor who he thinks is one of the prettiest Mayor's of any town. Mr. Salerno said he knows it is hard for anybody, he is not saying it is not but they have to work together, if they love this town and they want to make it better stop putting it at each other and instead help each other. He said maybe there is a way they can work out something to lower the taxes.

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

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**9/18** Under the Consent Agenda, Councilman Reyes moved approval of the Minutes of the Special Meeting of August 9, 2007, seconded by Councilman Frazier with all members present voting aye.

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**9/18** Under the Consent Agenda, Councilman Reyes moved approval of the Minutes of the Regular Meeting of August 28, 2007, seconded by Councilman Frazier with all members present voting aye.

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**9/18** Under the Consent Agenda, Councilman Fecanin moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

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

1. In the amount of \$100.00 payable to Lisa Puso – refund for Ladies Volleyball Roster.
2. In the amount of \$1,400.00 payable to the Postmaster of Rutherford – calendar mailing.
3. In the amount of \$40.00 payable to Jack Waller – refund for soccer.
4. In the amount of \$40.00 payable to Richard Hruska – refund for soccer.
5. In the amount of \$40.00 payable to Sankar Srinivassan – refund for soccer.
6. In the amount of \$30.00 payable to Susan Campbell – refund for soccer.
7. In the amount of \$30.00 payable to Michelle Pacheco – refund for soccer.

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**9/18** Under the Consent Agenda, Councilman Fecanin moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

**RESOLVED:** That bills in the amount of \$3,832,207.45 payable from the Current Account, \$1,830.00 from the Rutherford Public Assistance Trust Fund #1, and \$2,895.00 from the Multi Cultural Account and \$42,000 from the Capital Fund all as detailed as follows on the attached sheets be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

\*

**9/18** Under the Consent Agenda, Councilman Fecanin moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

**WHEREAS,** the Tax Collector has issued a Tax Sale Certificate on June 21, 2006 on a parcel of property referred to as Block 137, Lot 5 and more commonly known as 99 Sylvan Street and;

**WHEREAS,** the necessary arrangements have been made with the Tax Collector's office for the redemption of the Tax Sale Certificate and a check in the amount of \$19,838.22 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$14,800.00 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 \$34,638.22 made payable to Robert

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Rothman Pension Trust in settlement of Lien #200606.

Principal .....	\$17,723.55
Interest & Penalty.....	2,062.67
Fees .....	52.00
Premium .....	14,800.00
 Total .....	 \$34,638.22

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**9/18** Under the Consent Agenda, Councilman Fecanin moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

**WHEREAS**, the Tax Collector has issued a Tax Sale Certificate on June 21, 2006 on a parcel of property referred to as Block 14, Lot 17 and more commonly known as 177 West Newell Avenue and;

**WHEREAS**, the necessary arrangements have been made with the Tax Collector's office for the redemption of the Tax Sale Certificate and a check in the amount of \$13,415.96 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$18,500.00 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 \$21,915.96 made payable to Bergen-Eastern Pension Trust in settlement of Lien #200602.

Principal .....	\$12,063.20
Interest & Penalty.....	1,300.76
Fees .....	52.00
Premium .....	8,500.00
 Total .....	 \$21,915.96

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**9/18** Under the Consent Agenda, Councilman Fecanin moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

**WHEREAS**, the Tax Collector has issued a Tax Sale Certificate on June 21, 2006 on a parcel of property referred to as Block 43, Lot 56 and more commonly known as 8 Wood Street 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 \$28,785.92 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$8,00.00 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 \$36,785.92 made payable to Crusader Servicing Corporation in settlement of Lien #200402.

Principal .....	\$21,981.24
Interest & Penalty.....	5,495.68
Fees .....	52.00
Foreclosure Fees .....	1,257.00
Premium .....	8,000.00
 Total .....	 \$36,785.92

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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 \$85.00 payable to Jamie Russo– refund for Mom & Me Class.
2. In the amount of \$85.00 payable to Jordan McCadden – refund for Mom & Me Class.
3. In the amount of \$85.00 payable to Hyoungsil Suh – refund Mom & Me Class.
4. In the amount of \$180.00 payable to Judith Shotwell– refund for Tai-Chi Chun.
5. In the amount of \$85.00 payable to Stephanie Monahos – refund for Mom & Me Class.
6. In the amount of \$95.00 payable to Michele Canoni – refund for Mom & Me Class.
7. In the amount of \$45.00 payable to Jessica Pesantez – refund for Tots Fitness.
8. In the amount of \$8,116.30 payable to NJRPA – payment for Theme Park Tickets.

\*

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 \$355,258.10 payable from the Current Account and \$25.00 from the Multi Cultural 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 Borough of Rutherford has received the Homestead Rebate for the following property owners and;

**WHEREAS** those property owners that are current on their property taxes are entitled to a refund of these monies and the Borough of Rutherford is entitled to this rebate for those properties that are in arrears;

**NOW THEREFORE BE IT RESOLVED** that the Financial Officer be and he is hereby authorized to issue warrants totaling \$7262.74

<u>BL.</u>	<u>PLOT</u>	<u>NAME&amp;ADDRESS</u>	<u>AMOUNT</u>
155	15.04 C0205	Richard Bleicher 1 Orient Way- #205	\$1730.35
92	19	John & Mary Fox 15 Walnut Street	\$1657.07
137	5	Richard E. Lynch 99 Sylvan Street	\$1700.26
151	18	Borough of Rutherford Re: 260 Feronia Way	\$2000.00
19.01	13	Renato & Alfe Sison 210 Hollister Avenue	\$ 175.06

\* \* \*

For, **FINANCE**, Councilwoman Keyes reported that FEMA has completed the audit and the Borough will be receiving \$73,000 for the storm related expenses that were incurred in mid-April. Councilwoman Keyes thanked the Emergency Management Officials for their diligence and reporting so that the Borough doesn't have to pass on these expenses to our residents. She said that the 2006 review of audit has been completed and the audits have given a clean bill; there are three findings that have come to life and to be in compliance, corrective action is being taken and will be submitted to the State.

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Councilwoman Keyes said the Kip Center fall activities began on September 11. She said Newcomers Day was on September 6 and they fed 90 people with 33 newcomers attending. Councilwoman Keyes said life screening took place on September 24 providing screening to 45 people.

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Councilwoman Keyes wanted to remind all that the first Annual Gala of the Williams Center will be held on Saturday, October 13 and there are a few tables left, if interested please contact the Williams Center. She said the Williams Carlos Williams Poetry Symposium was well attended; construction is in the final stages for Cinemas two and three.

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Councilwoman Keyes asked the Mayor to appoint Joseph Nichols to the part-time position of Tax Assessor, retroactive to September 8, 2007. So ordered.

Councilwoman Keyes asked the Mayor to appoint Jennifer Mattaliano to the position of temporary clerk for tax assessor, retroactive to September 8, 2007 for approximately 90 days. So ordered.

Councilwoman Keyes asked the Mayor to appoint Robyn Esposito to the title of Purchasing Assistant effective September 18, 2007. So ordered.

\*

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

**WHEREAS**, Rutherford Little League, Inc. ("League"), a local non-profit sports league, leases Borough real property on which the League's building is situated, at Memorial Field, under a long-standing lease agreement with the Borough of Rutherford;

**WHEREAS**, the Borough has agreed to provide the League with property coverage the Borough's master coverage through the South Bergen Municipal Joint Insurance Fund;

**WHEREAS**, the Governing Body of the Borough of Rutherford did previously discuss and review this matter in closed executive session at the regular meeting in July 17, 2007, with the assistance of Frank Covelli of PIA, the Borough's Risk Management Consultant, who recommended that coverage be extended;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rutherford as follows:

The Borough Attorney is authorized to draft an amendment to the existing lease between the Borough and the League, to provide as follows:

a. Property insurance shall be secured for the League and the League shall be an additional named insured for property coverage through the Borough's master insurance program through the South Bergen Municipal Joint Insurance Fund;

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b. The insurance coverage shall be effectuated on October 1, 2007 or as soon thereafter as administratively practical;

c. The League shall pay the Borough for all premiums in connection with the insurance through the Borough's coverage, at the time such premiums are incurred.

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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**, a Bergen County Community Development grant of \$22,190. has been proposed by 55 Kip Center for the Kip Kafe nutrition program in the municipality of Rutherford, and

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of 55 Kip Center hereby confirms endorsement of the aforesaid project, and

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

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For **POLICE**, Councilman Frazier reported all reports are on file with the Borough Clerk.

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**9/18** Under the Consent Agenda, Councilman Fecanin moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

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

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

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**Woman's College Club of Rutherford  
Project Graduation Rutherford  
Aquinas Club of St. Mary School**

**Off Premises 50/50 Raffle  
On Premises 50/50 Raffle  
Off Premises 50/50 Raffle**

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**9/18** Under the Consent Agenda, Councilman Fecanin requested authorization for the Borough Attorney to prepare an ordinance to install a handicap space on Yahara Avenue and 89 Prospect Place seconded by Councilman Frazier with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes moved to accept the request to hold a block party on Myrtle Street on October 13, 2007 (r.d. 11/20), seconded by Councilman Frazier and unanimously approved on roll call.

\*

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/Bingo License and have been approved by the Chief of Police and paid the required fees;

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

**Jr. Woman's Club of Rutherford  
Lincoln School PTA  
Lincoln School PTA**

**Tricky Tray  
Instant Raffle  
Bingo**

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Under the Consent Agenda, Councilman Reyes moved to accept the request that Spring Dell be closed on October 13, 2007 to accommodate parking for the Williams Center Gala, seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to accept the request that Glen Road be partially on September 29, 2007 for the Multicultural Festival, seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to accept the request to hold a block party on Daniel Avenue on October 6, 2007 between Marginal and Woodland Avenues, seconded by Councilman Frazier and unanimously approved on roll call.

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Councilman Frazier noted a Notice to property owners for a variance for Arby's Restaurant, 96 Meadow Road.

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For **PUBLIC WORKS**, Councilman Fecanin reported in addition to the monthly report which is on file with the Borough Clerk, two new street sweepers are now in service, two additional storm water inlets were constructed on the lower section of W. Passaic Avenue resolving a long-term flooding condition; awaiting delivery of 50 shade trees at the end of October which were awarded under the Green Streets-Cool Schools Grant; leaf removal equipment is being prepared in anticipation of the upcoming leaf season with the suspension of various services – metal, refrigerants, e-waste, logs, snow pickup for the month of November and December will enable the leaves be picked up at substantially less overtime than in the past years.

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Under the Consent Agenda, Councilman Reyes moved authorization to advertise for bids for road reconstruction of Mortimer Avenue from West Passaic to West Pierrepont – NJDOT grant, seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to accept the request to hold the 4<sup>th</sup> Annual Touch-A-Truck event in Memorial Field on October 14 at 1:00, seconded by Councilman Frazier and unanimously approved on roll call.

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Councilman Fecanin made a motion to accept the request to extend the unpaid leave of absence for an additional 30 days with no further extensions granted without a review to Carmine Coppola, seconded by Councilman Frazier all members present voting aye with the exception of Councilman Genovesi who abstained.

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Under the Consent Agenda, Councilman Reyes moved to accept the request to use the mini bus for Rutherford Golden Age Club trip on October 17, 2007 to Saddle Brook, seconded by Councilman Frazier and unanimously approved on roll call.

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For **FIRE**, Councilman Reyes wanted to remind the residents that the Borough's firefighters are always there when needed like the Police Department, Ambulance Corp, Board of Health and Borough Employees. Councilman Reyes let us not loose focus on what is really important, the safety of our families and children is what is paramount to each one of us, this is a beautiful town with great parks and great services for all. He said if they allow that to fall apart it will take years and millions of dollars to get it back. Councilman Reyes reported that the Shade Tree Committee met last week and they are open to suggestions or recommendation for the Committee. Please forward to the DPW so that the comments may be reviewed. Councilman Reyes reminded everyone that September 29 at the Williams Plaza the Multi-Cultural Festival will be taking place.

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**9/18** Under the Consent Agenda, Councilman Reyes made a motion to accept the request for membership approval for Mark Stephenson and Karim Harrison to Fire Co. #3, seconded by Councilman Frazier with all members present voting aye.

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**9/18** Under the Consent Agenda, Councilman Reyes made a motion to accept the request for membership approval for David LaGruth to Fire Co. #1, seconded by Councilman Frazier with all members present voting aye.

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Councilman Reyes announced the invitation to the Annual Memorial Service in remembrance of fall firefighters, Sunday, October 7<sup>th</sup> at 1:00 pm at Firefighter's Park.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi reported the Building Department Construction Code Revenue for the month of August \$37,576; Construction Revenue \$2,710; Grand Total \$40,286; Total value of construction \$1,837,037; Total numbers of permits issued 156; Total numbers of Construction Department Inspections 761; this report is on file with the Borough Clerk.

Councilman Genovesi said he would like to speak in regards to the contract to ADA Evaluation of Borough Hall Building, the Americans with Disabilities Act. He said basically it will be a feasibility study performed in Borough Hall, the areas to be studied include the existing elevator cap, the appropriate size requirements and control configurations,

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counter height and an area serving the public, accessibility of existing men and women's toilet facility for public use and required signage.

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

**WHEREAS**, the Borough was awarded a Livable Communities Grant in the amount of \$100,000.00 from the N.J. Department of Community Affairs, to assist the Borough in its efforts to comply with the Americans with Disabilities Act ("ADA");

**WHEREAS**, the Borough Engineer has solicited quotes for the purpose of obtaining a study of the construction elements necessary to effectuate compliance at Borough Hall with the requirements of the ADA;

**WHEREAS**, after receipt and consideration of two responses to the solicitation, the Borough Engineer and the Borough Administrator have recommended the award of the contract to RSC Architects of Cliffside Park, New Jersey;

**WHEREAS**, the contract shall be in an amount not to exceed \$7,000.00, unless such amount is changed by further resolution of this the Governing Body;

**WHEREAS**, Edward Cortright, the Borough's 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:

1. The contract to provide ADA assessment of Borough Hall in an amount not to exceed \$7,000.00 be and is hereby awarded to RSC Architects of Cliffside Park, N.J.;
2. RSC Architects shall provide all necessary documentation to the Borough's Purchasing Department for compliance with State contract laws;
3. The Borough Attorney shall review and revise the proposed contract as necessary;
4. The Mayor and the Borough Clerk are authorized to execute the contract and such documents as are necessary to award the contract and to obtain the grant funds.

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**9/18** Councilman Reyes asked the Mayor to appoint Yadira Feroz to Technical Assistant to the Construction Official effective September 18, 2007. So ordered.

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**9/18** Councilman Reyes asked the Mayor to appoint Mary Ellen Sartori as temporary clerk in the Building Department. So ordered.

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Under the Consent Agenda, Councilman Reyes moved to accept the settlement of litigation against WM Realty and authorize the Mayor to execute the agreement and witnessed by the Clerk, seconded by Councilman Frazier and unanimously approved on roll call.

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For **HUMAN RESOURCES**, Councilman Sommer reported there were 103 calls for the Ambulance Corp. and 64 were clearly medical emergencies and remember this is total volunteer and highly trained individuals.

Councilman Sommer made a motion to approve the application to serve beer and wine in the recreation area at the William Carlos Williams Center for the Fundraising Gala on October 13, seconded by Councilwoman Keyes with all members present voting aye except Councilman Frazier who voted nay.

Under the Consent Agenda, Councilman Reyes made a motion to authorize the Annual Halloween Rag-A-Muffin Parade to be held on Saturday, October 27, 2007 10:30 a.m. in Lincoln Park, seconded by Councilman Frazier and unanimously approved on roll call.

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Councilman Sommer announced notification of applications for Green Acres grants and loans are due on October 26, 2007.

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Under the Consent Agenda, Councilman Reyes made a motion to authorize permission to use Borough Hall & the Parking Lot for drop-off site for October 14 "Action Against Hunger Drive", seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes made a motion to authorize the request for non-monetary sponsorship in 7<sup>th</sup> Annual Head of the Passaic Regetta, October 14<sup>th</sup>, seconded by Councilman Frazier and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes made a motion to authorize the request for letter of support for the Nereid Boat Club's grant application, seconded by Councilman Frazier and unanimously approved on roll call.

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**Mayor's Report**

**Mayor McPherson made the following appointments:**

1. Joseph Nichols – to the position of part-time Tax Assessor, retroactive to September 8, 2007. Confirmation moved by Councilwoman Keyes, seconded by Councilman Frazier with all members present voting aye.

2. Jennifer Mattaliano – to the temporary position of clerk typist in the Tax Assessor's office, retroactive to September 8, 2007. Confirmation moved by Councilwoman Keyes, seconded by Councilman Reyes with all members present voting aye.

3. Mary Ellen Sartori – to the temporary position of clerk typist in the Building Department, Confirmation moved by Councilwoman Keyes, seconded by Councilman Sommer with all members present voting aye.

4. Robyn Esposito – to the title of Purchasing Assistant, effective September 18, 2007 Confirmation moved by Councilwoman Keyes, seconded by Councilman Sommer with all members present voting aye.

5. Yadir Feroz – to the title of Technical Assistant to the Construction, Effective September 18, 2007 Confirmation moved by Councilwoman Keyes, seconded by Councilman Sommer with all members present voting aye.

**Mayor McPherson made the following proclamation:**

- **100<sup>th</sup> Anniversary – Congregational Church**
- **National Domestic Violence Awareness Month**
- **International Walk to School Day – October 3, 2007**
- **POW/MIA Recognition Day**
- **Multi-Cultural Festival Day – September 29**

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD; CHAPTER 122, TITLED VEHICLES AND TRAFFIC ORDINANCE NO. 214074.**

Mayor McPherson opened the Ordinance for discussion by Councilmembers as no one wished to speak the Mayor closed the discussion.

Councilman Frazier moved this Ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes and unanimously approved on roll call.

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

The Clerk read the ordinance by title only as follows: **CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$15,229. FOR VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION.**

Mayor McPherson opened the Ordinance for discussion by Councilmembers, as no one wished to speak the Mayor closed the discussion.

Councilwoman Keyes moved this Ordinance be passed on first reading and advertised according to law, seconded by Councilman Frazier and unanimously approved on roll call.

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Councilwoman Keyes wanted to comment to Councilman Fecanin that she is thrilled that the Borough will be receiving trees.

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Mayor McPherson announced that she was informed according to research done by the South Bergenite, the Borough of Rutherford has the highest amount of grants and aide received throughout all the communities in Southern Bergen County.

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**09/18** (The following was adopted at the September 18, 2007 worksession) :

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council will hold a closed meeting on September 18, 2007 at 7:55 p.m. to discuss the following: litigation involving WM Realty and possible settlements, and

The Council reserves the right to move back to open session should this matter require such action.

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(The following was adopted at the September 25, 2007 worksession) Councilman Reyes moved the following resolution, seconded by Councilman Frazier and unanimously approved on roll call:

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council will hold a closed meeting on September 25, 2007 at 7:16 p.m. to review the closed session minutes for the meeting on July 17, 2007, and

The Council reserves the right to move back to open session should this matter require such action.

The meeting was then re-opened at 7:22 p.m. and Councilman Reyes moved the approved of the closed meeting held July 17, 2007 as redacted, seconded by Councilman Genovesi and unanimously approved on roll call.

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

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Borough Clerk