

**MINUTES OF A REGULAR MEETING OF THE  
MAYOR & COUNCIL  
HELD TUESDAY, OCTOBER 23, 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  
Councilman Genovesi

Councilwoman Keyes - Absent

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

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

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Mayor McPherson made the following presentations:

- ◇ Rutherford Community Blood Bank – in honor of their 50<sup>th</sup> Anniversary
- ◇ Pasquale & DiMeola Masonry – in appreciation for replacing sidewalk  
At Murray Hodge American Legion

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Mayor McPherson opened the hearing of citizens.

Frank DeVelcchio – 327 Mortimer Avenue said that he previously came forward concerning the pavement of the Encap Meadowlands dump site and through the Mayor, he had an appointment with Encap where they showed him what they were going to use to encapsulate the dump site. Mr. DeVecchio said he believed it wouldn't work and drew up a sketch and presented to the Council and in the paper of today Mr. Campbell, who previously was the DEP head also feels that was not going to work. He said the Mr. Campbell suggest that a five foot diameter, 50 foot deep slurry reinforced concrete wall where Encap is using a 10' half inch thick vinyl and not only that Mr. Campbell feels that the cap that goes on top of the existing fill will not work and the alleviation of the leachate is not properly done and he is very concerned. Mr. DeVecchio said it is all in the Bergen Record and at this time he doesn't want to go into that. He said with his expertise of 50 years in heavy construction, he feels there is a serious problem and he would like to know what it would take to make it right and what is the proper remediation.

Mr. DeVecchio said that Rutherford does not have the responsibility for the construction or the inspection, the Meadowlands Commission also said they don't have the involvement in the construction or the inspection. It was the DEP that did the inspection and Encap did the construction and design, it is not working. He said the Meadowlands

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Commission has put \$500,000 away for legal battles with Encap and he would like them to put some more money away and get a proper design of what it would take to encapsulate the landfill with the thought that Rutherford citizens were going to inherit it no matter what happens. Mr. DelVecchio asked how many cubic yards of material is needed, a proper retaining wall, a proper capping and if they had that information with the proper cost and an idea of what it is going to take, maybe they can resolve the problem because the paper states this can be 6-15 years down the line before this is going to be addressed properly.

Mayor McPherson thanked Mr. DelVecchio and said on the issue of the closure of the landfill, the specifics that Mr. DelVecchio requested, she couldn't provide. She said she is in contact with the Governor's Office and with the Meadowlands Commission and they have assured them that the landfill is going to be properly closed and that is a guarantee that is coming from both the Governor's Office and the Meadowlands Commission.

Mayor McPherson said he was right regarding the expense of the closure of the landfill which would have been borne by the Borough had they not eliminated that environmental and financial liability in the year 2000. Mayor McPherson said that she will keep them posted as to that but again, they have a guarantee from the Governor's Office and from the Meadowlands Commission.

John McParland – 89 Woodland Avenue said that he would like to address a question to every member of the Council. When Encap was first sold as the miracle in the Meadowlands, there was talk that it was going to be golf courses, hotels and some retail. He said the landfills were to be capped and remediated to the highest standards, seven years ago, this sounded like a good idea but over time this project has warped into a massive housing project with over 3,000 units in three towns, 800 in Rutherford. Mr. McParland said Encap has benefited from taxpayer loans and grants to the tune of over \$300,000,000, they have missed deadline after deadline and the project has been at a virtual stand still almost all year.

Mr. McParland said on Sunday, the Bergen Record published a damning report about what an environmental disaster Encap has turned out to be, the solution is now worse than what it was before they began their work. Mr. McParland said that by their own record, nearly 2.5 million cubic yards of contaminated materials has been used as fill at the Encap project, that is thousands of trucks of contaminated material going on top of landfills, they are supposed to have 2 feet of virgin clay, They cut corners making deals with the DEP. He said the Record has published over 60 articles about Encap over the last year alone detailing the missed deadlines, questionable financing and horribly environmental standards of this project and he thanked the Record for doing the investigation. Mr. McParland said that in his opinion Encap is bad for Rutherford and bad for his family and he asked each member of the Council what should they do about Encap, it is a simple question that is on the minds of most Rutherford residents.

Mayor McPherson thanked Mr. McParland and said that the Council will answer but her response is that they have taken enormous steps to protect the Borough in the negotiations with Encap, no tax abatements or tax breaks were offered by the Borough, the agreement is markedly different from both Lyndhurst and North Arlington, \$6.5 million in negotiated payments that don't have to be given back and the landfill as she mentioned early is now no longer an environmental and a financial liability for the Borough as the closure cost is going to be paid for by the developer. The Mayor said that her position with Encap, as it has been, is that the negotiations were done very carefully. Mayor McPherson said that this position is what the State, the DEP and whoever is looking over the financing should do, exactly what the Borough did and that is look over Encap very carefully.

Mr. McParland said he would like to hear each member because he thought he had five minutes and he didn't think he used them. Mayor McPherson said that she is not cutting him short but she would like to suggest that as they go forward that the citizens be given an opportunity to be heard and at the end of the hearing of citizens they will respond to questions. Mr. McParland said can he please get an answer now. Mayor McPherson said of course and she called upon the Council to respond. Mr. McParland said that everyone at the meeting has an opinion about Encap.

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Councilman Fecanin said he was there back in 2000 when Encap did the presentation to them and of course it was a beautiful design which was from Houston. He said it contain the landfills and what they were going to plan on doing to the property, the golf courses. Councilman Fecanin said back then there was not as much housing but they limited the number of housing in Rutherford's share and it was a great idea. He said what they were doing he had no clue until they saw the newspapers with the articles about what contaminates, what they have been using, they read it in the paper also and he knows that the Mayor is on top of this with the Governor and the DEP and he still supports it as long as it is done the right way. Councilman Fecanin said it will stay stopped until it is done the right way and there are two landfills in Rutherford that are capped or will be capped at no cost to the town or to the taxpayers, at no obligation to pay any of that money back that Encap has given to the Borough.

Councilman Reyes said that he too read the Record article about Encap and he is very disturbed by what he read. However, the key is to make sure that they have the Meadowlands environmentally protected. He said like many people present, he is asking the Governor as he has in the past, the March meeting when he addressed this to make sure that it is capped environmentally proper because this is something that will be with us for a long time. Councilman Reyes said they have done their job in Rutherford to make sure they protect the residents regarding the financial obligations, however, they want to make sure the environment is protect because it is not just one municipality it is the whole Meadowlands. He said it is the responsibility of the DEP as well as the Governor and all to make sure that there is clean and environmentally protected Meadowlands and not allow what has happened in the past 80 years where they just allowed a dump site to contaminate the area.

Councilman Sommer said that he was not on the Council in the year 2000 but he followed some of the articles about Encap and it is his feeling that the protections that he read about and that were put into place in the year 2000 should keep the cost off of our backs and also remediate the landfills. He said however as they all know sitting in this room, that they need also to do their part to ensure that it actually occurs, meaning that they do want to work in tandem with the Governor and with the Meadowlands to ensure that what they investigate which is a fairly recent thing that the Governor has come in and asked for an audit, they must stay tenacious on their review because they are the ones that live right next to it. Councilman Sommer said they are fortunate to be in this position however as has been reported through the various articles, it is frightening of the pace and the course is what's happened at Encap and he thinks that this is one of those things that they just can't turn over completely and hope that all the things the Governor is worrying about and the Meadowlands is going to be taken care of. He said they have to stay on it.

Councilman Genovesi said that he has been opposed to the Encap high density housing aspect of the project basically since December of 2004 when the Council approved it. He said he has spoken out on this issue many times over the past two years; he has tried to let residents understand the dangers of this project both fiscally and environmentally and he has never supported this project. Councilman Genovesi said he asked what he would have done differently or what could you have done about the project. He said personally he would never have engaged in this project from word go and has been opposed to this project from the beginning and he would never have gotten involved in that.

Councilman Frazier said that is an awful situation to be in when any entity in this case, the Borough and Mayor and Council went about it in good faith to make sure from their stand point that they were getting an honorable shake that there is a landfill that would be pollution free. He said that was there overall objective along with the fact that they didn't look to get skunked and that has to do with the revenue that they received. Councilman Frazier said revenue notwithstanding, cutting corners done in a dishonorable manner in which this is what seems to be coming out more and more, and then they will do whatever they can do to make sure that that which they get into is carried out. He said the specifics as to whether it is the Governor, the DEP, they do have a type of

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responsibility and specific steps at this moment may allude him but it certainly will involve all of them and it has to be more than just highlighted in the press and whatever they can further do to bring attention and not for anybody saying sorry but find out what remedies they may have.

Councilman Frazier said Mr. DelVecchio got up and spoke about things and there may be other things, they need to put the pressure somewhere and that pressure from whatever he can do to be a part of inducing pressure where there's additional remedies, they can't walk away just because something was paid and something was done but it was not done in a manner in which we look for it to be done for all to be safe. Councilman Frazier said yes there are things they must do so that no one can walk away and feel that they have no obligation to Rutherford.

Councilman Sommer said he just wanted to try to answer Mr. McParland's question about what to do about Encap. He said he would like to rephrase his comments, joining something Councilman Genovesi said about Encap, and state that he was against the high density housing from the start. Councilman Sommer said he believes the problem goes back before that and it was his understanding that since 1910 or earlier it has been a landfill of sorts. There has been some remediation that is obviously from what they have seen but obviously it has not been done right.

Councilman Sommer said to him he thinks they have to look at a higher level first and right next to us is a very bad situation of a landfill and which they can somewhat entrust to the contractor with Encap, but obviously they are not getting it done. He said his position is he really doesn't care about the corporate entities that are involved, they have to ensure by whatever way they can that the town is not impacted by that landfill and that it gets fixed. Along the lines of Mr. DelVecchio's comments, he said they need to get all the facts so they can talk intelligently to what is going to be required to contain it and how do they cover it. Councilman Sommer said he doesn't disagree with putting housing and things like that, but he thinks that is down the road, right now they need to fix the landfill for our children, grandchildren and so on, this problem has been there for 70, 80, 90 years.

Greg King – 140B Hastings Avenue said out of necessity he had spent the last eight years studying synthetics and epogenetics which is a new field in biology; this doesn't just affect one generation it affects three or four generations and what happens now will not only affect grandchildren but great-grandchildren of everyone in this area and not just in Rutherford but the whole region. Mr. King said he had to study this because he lost 55 members of his family to cancer but he asked the Mayor and Council and he admires Mr. Fecanin for his honest even though he doesn't agree with him. He said whether or not the Mayor and Council are still in favor of Encap by what has been done.

Mayor McPherson responded that she will state again, and believes it has been eluded to by some of the speakers present and the newspapers articles, that it is not clear what the cost of properly closing a landfill is and the Borough no longer has that financial nor that environmental liability. The Mayor said the first priority in the negotiations was to properly close the landfill that is going to take place. They have guarantees from the Governor and the New Jersey Meadowlands Commission. Mayor McPherson stated that as far as the closure of the landfills, she supports that and she certainly doesn't want to return \$6.5 million in negotiated payments which they have been able to and by virtue of the negotiations they are not obligated to do. The Mayor said they have Encap owning property now and they pay full taxes on it, so as far as the negotiations with Encap, she supports the agreement.

Francis McCarthy – 364 Orient Way asked to correct her if she was wrong but she thought they put their trust in this Mayor and Council also the DEP experts and the previous Governor to do something that was going to protect them. Ms. McCarthy said so all the experts in the world who have the ideas of how much money it was going to cost, the bottom line they are burning them. She said they lied to them and misled them. She said the pollution that is going to go on down there is going to happen for many, many years. She said this Council, against the judgment of many of the citizens, went ahead with this agreement with Cherokee, things were brought up to this Council, she stood in this room when Marge Schak talked about the financial analysis that was put out about

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that fact they would probably at best break even with Encap, but never make money. She continued saying that she was disregarded, disrespected and spoken to as if she had no idea what she was talking about. Ms. McCarthy said the Mayor sits in that chair by the virtue of women like Marge Schak and a member of her party. She wanted to know how they could get out of the Encap agreement because frankly they never kept up their end of the bargain and she doesn't want to rely on any more people to tell her that they are experts and how much money it is going to cost. Ms. McCarthy said Cherokee was supposed to be experts, this is what they do for a living, they've spent the money, they have no intention of remediating and the cost of remediation is now going to be skyrocketing out of control. She said the fact that they live in this area means they are going to be smelling this stuff and living with this stuff in the rivers for 50 years; don't tell her they are not paying for it and don't tell her they are not liable for it because her children and grandchildren are going to be here in 20, 30 and 50 years. Ms. McCarthy said the Mayor has to take responsibility for the fact that this was a debockal and it is left on their shoulders. She said they are public servants and that is the point, public service and they were not served, the public was not served by the Governor, by the DEP and she is certainly concerned about the service here at the Council if they are going to continue to support such a ridiculous agreement and such a ridiculous group and she can't even call them businessmen, they are thieves and liars.

Mayor McPherson said to Ms. McCarthy's comments she could only say that she disagrees with the characterization certainly of the way the Council spoke to Mayor Schak. The Mayor asked the audience to treat those speaking with the same courtesy that they are speaking to them. Mayor McPherson said that eight years ago the landfill was not going to be closed, eight years ago the Route 3 and the Turnpike routinely shut down while the Borough's volunteer firefighters were going out there in the warmer months to fight brush fires, that is the reality, that is the environmental impact that the landfill had on this Borough. The Mayor said they negotiated so that it would be closed properly and they are going to see to it through the efforts of the DEP and the Governor's Office that is a reality.

Joe Buccinio – 40 Courrier Place said he is very appalled as a citizen and an engineer that there is no monitoring plan for the project itself and they have a reactive analysis of the work not being done properly. Mr. Buccinio said if he were to do that in his household, what do they think would happen to him, there would be an inspector there and fines would be issued and yet this Council does not monitor the project. He said he finds that very ridiculous and the public is expecting the Council as a public entity to protect them and to monitor what goes on in this town. Mr. Buccinio said they negotiated the deal, did they follow up to see if the work was going to be done according to specifications, obviously not because the newspaper had to reveal it, that is appalling as public servants and he is not respecting them at all on that.

Rose Inguanti – 48 Clark Avenue said she had two questions for Councilman Reyes. As it is evident, the citizens of the town, regardless of party, are motivated by concern for the Borough. Ms. Inguanti said over the last year he didn't trust the RTA's concern about Encap and it was genuine preferring to excuse its members of partisanship. She said he ascertained that the RTA had an agenda because they invited Mr. Tittel of the New Jersey Sierra Club to speak to an open public forum regarding Encap. Ms. Inguanti said had he come to the non-partisan forum in March or had he spoken with Mr. Tittel as she had, he would have been aware of the serious concerns the DEP whistle blowers who had been in contact with Mr. Tittel had. She said many of the issues in this unfolding environmental and financial disaster that were chronicled in the most recent investigatory articles in today's and Sunday's Bergen Record were exposed in part at that RTA forum in March of 2007. Ms. Inguanti said she is sure they will agree that it should not be exclusively the job of the Bergen Record to examine any problems on the part of Encap or government officials either elected or appointed.

She said at the January Council Meeting, Councilman Reyes said he was committed to protecting the resident's health, will he now use the authority of his Office and call on the Inspector General's Office to release the preliminary findings from their investigation and if necessary prosecute any elected or appointed officials or Encap officers who may have engaged in illegal and criminal behavior and endangered our lives.

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Ms. Inguanti said her other question is that most recently, Councilman Reyes sat on the Budget Committee. The work of this Committee resulted in another double digit tax increase. Since both of them are candidates for Office she would like to offer the idea that regardless of the election results, the Governing Body establish a bi-partisan citizens Finance Committee similar to the Visioning Committee. She said this Committee could provide invaluable input and prospective from the taxpayers point of view in regards to the budget and this Committee could also provide insight into what levels of services are most desired by Rutherford's citizens from this municipal government. They could prove beneficial to the understandings of the Borough finances both from the revenue and expense side of the ledger. Ms. Inguanti asked if he would support this idea.

Councilman Reyes said in reference to Ms. Inguanti's comments to Encap, he said read the articles that everyone else read and he is very concerned based on the information in the Record and clearly if there is any wrong doing by anyone, the State of New Jersey, the Governor, the Attorney General has to look into that, that is clearly their obligation. He said that he will support this if he learned that anyone had committed any kind of criminal act that is his clear answer. Councilman Reyes said let's not forget the purpose why Encap was brought into this area, to close landfills and if this is being taken care of by Encap-properly or improperly that is something that needs to be clearly investigated because those landfills need to be closed properly because of the health issues and because of the environmental issues. He said to sit back and say they are going to do nothing and allow those landfills to be exposed and have the leachate go into the ground water and have the contaminates just exposed to the residents is inappropriate for anyone of them to allow. Councilman Reyes said they also need to make sure that Encap does their job and does it right and if they don't do their job right or hasn't done their job right as the Record has indicated then they need the investigation to take the action so they could go after whoever failed and not at the taxpayers expenses. He said that is clearly his position, his position is to protect the residents of Rutherford and the environment is paramount, they can not live with landfills, they can not live to be the joke of the Country because they have a smelly landfill out there and they also can't live with a landfill that is not properly closed. Councilman Reyes said they have to make sure that the Governor, the DEP, the NJ Meadowlands Commission and he included have to make sure that it is done properly; that it is closed properly not only for the aesthetics but definitely for the health value of it.

Councilman Reyes then asked Ms. Inguanti if there was another question that he missed. Ms. Inguanti said the second question had to do with if he would support a citizens budget committee similar to the Visioning Committee that could help advise the Council in the budgeting process, to provide prospective from the taxpayers point of view; they could advise on services most desired by the citizens of the Government and there could also be better understanding by citizens on the revenue and expense side for the ledger.

Councilman Reyes said he supports any time that the public gets involved, any time the public has comments or suggestions or recommendations on how to stabilize taxes and in fact he wished they would get some of those recommendations to work at stabilizing taxes. He said he would support that however, it would have to go through the process, be brought in to the Council, just like the visioning process. Councilman Reyes said this is what the goal is, this is the formula of how it is going to be done and if there is something they could get support then it would be something he would review, he can't with the short narrative that was presented, not being clear on exactly what role the individuals would have, he wouldn't want to give an answer on that right now.

Ms. Inguanti said in regards to the first point she really urges that there has been enough evidence the preponderance of the evidence is that in her opinion, if they take contaminated soil from Brooklyn and cart it across State lines and dump it illegally, which is fair to say Encap did. She said if it were sidestepping and playing a shell game with the DEP and not being very clear about what it was doing, how it was doing it or what shortcuts it was taking, that is a federal crime, you can't just dump contaminated soil without proper disposal and capsulation procedures. Ms. Inguanti said she thinks they have moved beyond short of a wait and see, she thinks they have to be much more proactive in terms of really demanding, so that this doesn't happen again, demanding an investigation.

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Councilman Reyes agreed that they cannot only have a wait and see attitude, they need to make sure it is done right and if the investigation shows that there was illegal dumping, that is a crime and she is correct. He said if there was illegal dumping someone has to pay for it and if it is a criminal act someone has to do some time, that is number one and number two is that they have to hold them accountable to make sure that the site is properly cleaned up at Encap's expense not at the Borough's expense, not at New Jersey's expense. Ms. Inguanti said even though she is no longer Co-President of the RTA she invites Councilman Reyes to join. Councilman Reyes thanked her.

Al Frank – 124 Eastern Way, spoke to the Mayor saying he heard there were new plans for Wall Field and he is glad to hear that. Mr. Frank said the park was cleaned up a couple of months ago but to no avail, the ball field is full of grass again and to him it was just a waste of time and money to have the DPW do what they did because no one came back after that day when they spread the clay, nobody came around to spray weed killer, to drag the field to do anything. He asked the Mayor to contact the local residents of the park and try to get some input if there is going to be a change, particular aspects for the field, playgrounds, new addition because he noticed there is no specific plan.

Mayor McPherson confirmed there is no specific plan at that point, they have made applications for grants but stated that a lot of the resources have been devoted of late to Wall Field, the playground equipment was just recently cleaned and she knows, though he may not be happy with the results, the DPW has been down there and what he is describing is not what she has seen. Mr. Frank said but you would not see that at any other ball fields in town, it looked great for a month and three months now it is full of grass, all they need to do in go and drag it once in a while, or spray weed killer. He said the guys are down there playing cricket and they bounce the ball and they can't even play cricket because it hits the grass and this is the infield, he is not talking about any place else, the infield that they just repaired. Mr. Frank said it is a disgrace and a waste of time and money if they aren't going to keep it up. Mayor McPherson said there will be public hearings on the design. Mr. Frank asked not on the computer it's going to be in the newspaper? Mayor McPherson said there will be a release as they always do.

Vincent Spinella – 116 Irving Place said that he wanted to address the Mayor and Council to speak for every working man who is going from check to check, he can't believe how much the taxes have gone up in such a short amount of time. Mr. Spinella said that it is inhuman and he could understand a cost of living increase but the degree that they have gone up so much in two years, he has never seen anything like it and for what. He said for what, where is the consideration for people who have families who have to support children and have their own expenses and bills. Mr. Spinella said he understands that the town has expenses and its own things but like he said he is going check to check and so are a lot of other people in town and this is just too much, what justifies this?

Mayor McPherson said that one of the things she has heard over and over again from residents, not just those present but residents throughout the Borough, is that we have established a shared vision and that vision includes no development on the other side of Route 17, such as the Highland Cross Proposal; she has heard over and over again that people want them to protect the character of Rutherford and they recognize that comes at a cost. The Mayor said if they allow the over development that other communities that surround them have allowed then while there may be a lessening of a tax burden there will certainly be jeopardy to the shared vision. Mayor McPherson said she has not heard that residents want to abandon that vision and she has not heard that this evening, that the type of development that has taken place in other communities is something that the residents present want if it is going to lessen the tax burden on them. The Mayor said for many years in her first term there were very minimal tax increases and at that time they were also able to make many improvements to the schools, there was a great deal of support for the referendum, that the schools certainly add to the quality of the community and also the property values that they all enjoy. Mayor McPherson said as far as what is driving this particular tax increase, it is the visions that they all share, that they do not want to have over development coming in. The Mayor said she also knows what it is like to live paycheck to paycheck. Mayor McPherson continued to address Mr. Spinella saying one of the reasons they have gone about and pursued \$11 million in grants and aide so that they can make the proper improvements to the road and parks and services

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so that is not a cost that the taxpayer has to share, those are the reasons that are driving the tax increase. Mr. Spinella said before he got married at the pre-cana, one of the financial lessons they taught was separate a need from a want, if they could do that, separating needs from wants he thinks they could save money like that, he has seen streets repaved that really don't need it and there are other things that, he couldn't think of off the top of his head but he knows that if they sat and looked at things and just took into consideration how much it is going to cost the average man, it would give them a break too. Mayor McPherson thanked him for his comments.

Nick Minutillo – 153 Prospect Place said that the gentlemen before him talked about the cost of living in Rutherford and rightly so and how the taxes have gone up dramatically and they justified it by saying in order to live this quality of life that is what it costs. Mr. Minutillo said he understands it but he also disagrees with it, in the past year they have had a County reassessment and then the town tax increase that has come up to 30 some percent increase, has the quality of life in Rutherford improved 30 some percent in that short of time? He said no, absolutely not and another thing he received a handout from someone who he doesn't know just the other day showing the salary of the Police Captain and the Chief of Police and he was flabbergasted. Mr. Minutillo said the amount that was published and whether it is correct or not for the Chief of Police was \$180,000 a year salary which doesn't include health care benefits, etc., nor did it include retirement and if you add that up that is \$200,000 per year. He said when he looks at his block, Prospect Place between Prospect and Fairview there are roughly about 20 houses by dividing that number of houses by that gross cost of one police captain each and every house is assessed over \$10,000 just for the one police captain. Mr. Minutillo said they are looking down the wrong end of the telescope, something has to be done, how the cost of the Police Department has gotten out of hand it is beyond him. He said if the number is correct then that Chief of Police earns more than Senator Menendez whose salary is supported by half the population of the State of New Jersey and here in Rutherford one little block has to support one police captain, it is looking down the wrong end of the telescope. Mr. Minutillo said whoever negotiated these salaries are nuts and he doesn't care who it is. He asked that somehow or another a referendum be proposed to review the salary structure of all city employees and have them published. Mr. Minutillo said the second part is a long term solution to the cost is medical insurance and in the incoming Presidential election that is going to be an issue and he hoped that each and every person consider that when they go to vote. Mr. Minutillo said that he would like to see a referendum to review the salaries of the Police Department in particular because that is totally out of line.

Dan Wysocki – 160 Prospect Place said he wanted to take off where Nick left off, he also received a pamphlet in his mailbox and what he found interesting is that the town employees do not pay for medical expenses and yet in the Record it had to do with the cost of living allowance that was going on for people on social security. He asked how many people there are on social security? How many employees get free medical care, how can they justify having people on social security pay for their Medicare while the Mayor has town employees that don't pay for their medical care, he doesn't understand that.

Mayor McPherson said concerning the medical benefits as was mentioned, that is a typical and traditional benefit that is offered to public employees and it is certainly something that this Council did not invent and in fact the paid medical benefits were put into place many years ago. The Mayor said what she would caution to get information from the Borough and she certainly would not rely on information put into his mailbox. Mr. Wysocki asked if they pay for their medical benefits and Mayor McPherson replied that they don't nor do the Rutherford Board of Education employees or State employees. She said that just recently the Governor negotiated the first contract with State employees where they may in fact contribute to their medical benefits. The Mayor said that is not a benefit that this Council put in place but again she cautioned him to get accurate information and not rely on flyers. Mr. Minutillo said she just told him it was accurate. Mayor McPherson said that the statements he is making are accurate but there are many things within the flyer that are simply not accurate. Mr. Minutillo asked what did he say that was inaccurate? The Mayor responded that she did not say his comments were inaccurate; he referenced the mailing or something that was placed in the mailbox. Mr. Minutillo said she lost him somewhere along the line but that is beside the point. He said the other question is the salary structure of town employees, he doesn't know who

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negotiates their salaries or their benefits but he has to say from being a businessman they do a lousy job. Mr. Minutillo said it seems that the way the structure works is the employees tell you what they want and you say okay you can have it, taxpayers this is what it is going to cost, it just seems to work backwards from what it should be where this is what we have, this is what we can give you, that may be wrong and he may be wrong with what he is saying, but that's the way it seems to work. He said as far as the tax increases are concerned they are ridiculous and out of sight, his taxes have gone up almost \$3,000 in two years and that is a lot of money it went from \$8,000 to \$11,000 without one change being made to his house so much for the reeval. Mayor McPherson thanked Mr. Minutillo.

Inaudible Name, Riverside Avenue said that last month he was there for the budget and they saw the pie charts showing the municipal and school budgets and he asked why they cannot control the spending. Mayor McPherson said the school budget it voted on by the residents of Rutherford in April, they control the municipal budget, the school budget it something that is voted upon by the residents by law. He said another question is how do they accept children to the public school? Mayor McPherson responded that is a question for the Board of Education, they have to be residents of the community. He said because several years ago he called the school and asked how can he bring his nephew to the public school in Rutherford and they told him he just needed to acquire the legal guardianship and his nephew's parents don't live here so he just want people to know maybe if we overpaid the school budget, there must be some way to control that budget here maybe they should look over the acceptance of the students.

He spoke in regard to a problem he had parking at 4 Marginal Road and signs that were not up one day and were installed the next. The Mayor said that they will look into this.

Jim Hadrava – 70 West Pierrepont Avenue said he is a registered Democrat and his wife is a registered Republican and he was here as a concerned citizen, he is a member of the Concerned Citizens Group and speaking on their behalf. Mr. Hadrava said the group started in early September with three people and they now have 40 active members. Their focus to that point in time has been to gather facts about spending, gather facts about borrowing, and gather facts about long-time sources of money such as Encap and the sale of the DPW building. He said this was done by asking questions of the Borough's CFO and by filling out the appropriate forms at Borough Hall to get needed information. Mr. Hadrava said they have paid the required fees to obtain the following: the Borough debt schedules from 2001-2007; the Borough budgets from 2001-2007; employee W2s from 2005 -2006; 2007 salary reports; the union labor contracts; detailed payment histories for providers of work that does not go out to competitive bid such as attorneys and engineers and campaign finance reports. He said the group came to the Council in September with two purposes to raise awareness and knowledge by sharing the information with the public and to begin a public discussion of the facts and since that time they have gone door to door distributing the fact sheets.

Mr. Hadrava said in that September Council meeting they asked many questions about the past and tonight their focus is on the future, but some of the questions speak to the past to the extent that it helps them to better understand where they are going in the future. Mr. Hadrava said they can all agree that if their future includes continued double digit increases, it doesn't look very bright. He said as to Rutherford's future, regardless who may be sitting in the Mayor and Council seat come January based upon what they have learned to date, asked if anyone knew what the revenue, spending, taxes and new borrowing will be next year. Mr. Hadrava asked if they will have a balanced budget, is there a one year, three year or five year financial plan and if there is, why have they not seen them, if not why not. He said again regardless of who is sitting in the Mayor and Council seat in January, Rutherford, for the benefits of the citizens, should aggressively pursue shared services with other towns, shared purchasing power for such items as utilities, shared management of police, DPW and administration, negotiating benefit packages which are more on line not in excess of what the taxpayers get on their own jobs. Mr. Hadrava said in every facet in the economy leaders are looking for economies to scale and improve efficiencies, Rutherford needs to do the same. He said all aspects of the budget need to be addressed it is the only fiscally responsible thing to do.

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Mr. Hadrava said they agree with Council Candidate Rose Inguanti that there should be a bi-partisan citizen finance committee identifying those things that she identified as far as having citizens input and communication back to the citizens. He said asking questions on behalf of the group will be Ryan Tintera, Bonnie Corcoran, Trisha Fries, Susan Muller, Mary Hadrava, Fred Duduk, Tim Stanton, Maureen LaFaso and Pat Kinzler. Mr. Hadrava said their fact sheets are out there and their phone numbers are on them, they welcome new members together they want to make a difference. Mayor McPherson thanked him.

Patricia Hoffman-Goodwin – 54 East Pierrepont Avenue said that she has two comments to make - one is that she agrees with her neighbor that they have to be very careful of who they elect President next year. Ms. Hoffman-Goodwin said the problems with medical are not going to be taken care of in this room by either Republican or Democrat so they need to be very clear and not be so narrow-minded when they are looking at the ballot box. She said she urges all to please go softly on the public employees, these are your neighbors and she would like everyone when they go up to the microphone to announce how much they made for a living so they can scrutinize your worth to society. Ms. Hoffman-Goodwin said it is not fair that they are the only things that people think of; most of the people were hired by Republican Council many years ago and the increases that were put into place and not put into place during the last three years. She said it is a historic foundation that this town has run on and it cannot be changed overnight and the Republicans aren't going to change it either. Mayor McPherson thanked her.

Tim Stanton – 456 Montross Avenue said the Borough CFO sat with Pat Kinzler this past August and September at that time, the CFO shared with Pat the amount of bonded debt and capital leases in place at the end of each year beginning with December 2001. Mr. Stanton said as of December 31, 2001 the municipal government had \$8.3 million of bonds and capital leases. Mr. Stanton said in response to the request for the most current information about what the level of debt will be at the end of this calendar year, the Borough CFO provided Pat with a list of debt that amounts to \$19.1 million, this list excludes the \$8 million of temporary revenue anticipation bonds. He said they have stated several times in public that Rutherford has the lowest out of any town in South Bergen; page 31 of the 2006 public audit report shows the Borough's municipal government is legally permitted to borrow up to a total of \$86 million. Since they have more than doubled the Borough's debt load during the past six years, since the Borough's annual debt service has increased from 1.3 million six years ago to 2.3 million in 2006 and 2.1 million this year and since the law allows the Borough to borrow up to \$86 million how much more money is the Council proposing to borrow in each of the next four years? He said if they are not going to borrow more money then how much can we expect to have the taxes raised for each of the four years.

Mayor McPherson thanked him and said that the Borough does have the lowest debt in Southern Bergen County however it was necessary to have \$19 million in capital borrowing because there were no road improvements done in the decade before she was in office along with her colleagues. Mayor McPherson said there was no borrowing whatsoever and there were no major capital improvements done and they will continue to do what needs to be done to make sure that they preserve the infrastructure and protect it.

Feddor Duduk – 151 Hackett Place said he would like to address his question to Councilman Reyes since he is a member of the Finance Committee. Mr. Duduk asked is it true that the 2007 budget includes plans for refinancing approximately \$5 million of capital leases with newly issued bonds? He said in addition when will this refinancing occur and also what is the purpose of the refinancing, is it simply to move principal payments from one year to another year and he would appreciate an answer.

Councilman Reyes asked if he was referring to the refinancing of debt with the Local Finance Board? Mr. Duduk responded no it is within the budget in preparation of the budget there is apparently \$5 million in refinancing that may be going on. Councilman Reyes said he didn't have the information in front of him and he wasn't aware that question was going to be brought up and he referred to Mr. Cortright. Mr. Cortright said in so far as the BCIA leases are concerned and the refinancing, they have not yet sold those bonds and as a matter of fact this past week he has been in contact with the Borough Bond Counsel, financial advisors and the auditors as to when they feel the best time to sell

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the bonds and if in fact bonds should be sold or if they should sell a bond anticipation note in which case they would not owe principal for the next year. He said they would just owe the interest on the refinancing, so the bottom line to the question is these bonds haven't yet been sold, they've been authorized but they haven't been sold yet they are just waiting for the most beneficially time. Mr. Duduk said so the response is yes. Mr. Cortright said yes, the bonds have not yet been sold they have been authorized. Mayor McPherson thanked him.

Pat Esposito – 35 Courier Place said that she would like to know when her nephew Christopher and the other police officers will return to work, they had a long sabbatical almost two years with no training for what was done to them. Mayor McPherson said that they couldn't respond to that question. Ms. Esposito said the Mayor has to have an answer for her. Mayor McPherson asked the Borough Attorney to respond. The Borough Attorney said there is litigation pending so the Council will not be responding to that question. Ms. Esposito said that they have their answers already they know what it is, they all get paychecks every week, every month, her nephew and the other officers get nothing, shame on all of them.

Ryan Tintera – 147 Darwin Avenue said that he had a few questions for Councilman Reyes. Is it true that as recently as 2001 the annual debt service was \$1.3 million and last year it was \$2.3 million? Mr. Tintera asked if the Borough's taxes are between 18 million and 19 million this year, is it fair to say that \$1 out of every \$9 of Borough tax dollars is for debt service? He said voting in favor of this year's budget, and its due to increase debt borrowing, please explain why he supports taking on more debt and how much more debt is he willing to incur?

Councilman Reyes said that he appreciates these questions, because they are clearly orchestrated and clearly he doesn't have the answer. Councilman Reyes asked if he asked him what the charge for aggravated assault was, could he tell him? Mr. Tintera replied no but he is not a public servant. Councilman Reyes said the point he is trying to make is that he could ask every single person a question that they are not going to have the answer too, he doesn't have the answer because he was unaware that these questions were going to be asked of him. He said he has been a Councilman since 2004 so 2005 and not that he shouldn't know regarding budget 2001 but when the finance committees, himself included with the other members sit down with the CFO they discuss what are the issues. Councilman Reyes said if they want to ask him why he voted on the budget, he would be more than happy to answer that, if he wanted to talk to him about what decisions he has made or why he feels a certain way regarding the town he would be more than happy to answer those questions. He said to come in for political purposes come and sandbag him regarding this wasn't right.

Bonnie Corcoran – 390 Montross Avenue said she would like to address questions to Councilman Frazier since he is the Council Liaison on one of the Borough's major union work forces. Ms. Corcoran said at the Council's September meeting they were all told that in the past the government employees were not paid as much as the private sector employees and because of that the government employees will receive a fairly rich benefit. She said that today it appears to them that the salary levels of the Borough employees closely match those in the private sector, yet as they all struggle with the new tax burdens, they have not heard the Council and the Mayor make any mention of the need to bring these Borough benefits package in line with those in the private industry. Ms. Corcoran said they believe that the benefit package offered to the Borough employees is a better one than many of our taxpayers are able to get at their own jobs in the private sector. She said the taxpayers are required to give significantly more of their money to the town each of the past two years, will the Borough require the union to give back some of their existing benefits and share in the sacrifices the taxpayers are currently making. Ms. Corcoran said for example will the Borough continue to give the 15 paid sick days, will the Borough adapt to the annual use it or lose it policy for sick days? The Borough Attorney stated that they can not comment on ongoing current negotiations and as far as the current contract obviously there are legal binding obligations upon the Borough. Councilman Frazier said that is what he was going to say; in terms of the legally binding issues they have to deal with. He said in terms of past and present to the extend that without even touching the matter, yes he is for protecting the employees to the best of their ability yet there are a lot of factors that have to be taken into account as they go

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further but he will honor what is already in place. Councilman Frazier said he believes especially when the spot light is put on the Chief of Police and not as a person but in terms of what they have in place now and what one would find in this area of Bergen County these are the kinds of things that would have to be put next to another, a student doing a term paper would find some interesting things as it relates to Chief's of Police as it related to base salary and all the things that go into. He said the matter of what is down the pike, at this present time he believes the Borough employee's management and all have kept faith with the Borough and the Borough must keep faith with them and that is where it stands at the present time. Ms. Corcoran said to Councilman Frazier as he mentioned the Chief of Police that he is not part of the union contract, he is an ordinance. Councilman Frazier said yes, that is the thing, whatever the Chief of Police receives it has been received in proportion to what the contract calls for those that are in the bargaining unit. Ms. Corcoran said she wasn't talking about the Police Chief she was talking about the union contracts. Councilman Frazier said they will honor what is in place.

Trisha Fries – 386 Carmita Avenue said that she has a question for Councilman Frazier; page 13 of the 2002 budget shows that the total spending in 2001 for employee group insurance was \$1.4 million, the same line item is \$3.2 million in the 2007 budget. In the private sector, people pay a portion of their medical insurance premiums, when they negotiate the new union contract in December will he require the union members to contribute to the cost of the premiums for medical and dental insurance? The Borough Attorney said she would like to reiterate to please do not discuss ongoing negotiations, current contract obligations will be honored. Councilman Frazier said he hears the question, what is ongoing he can't give an answer to, but will try his best to be just.

Frank Wilson – 171 Montross Avenue said it has been a pleasure in the years giving a little back and forth, regardless of what comes up, he has enjoyed his conversations back and forth. Mr. Wilson said with that in mind, a letter to the editor who responded to him and he said in the past respect their first amendment rights to say whatever they want to say back the only thing is that it seemed like he was running for public office and that is the farthest thing he wanted to do. He said he has no intention for running for public office this year. Mr. Wilson said another thing that he will continue to say is during the winter time with leaves coming down, twice a week garbage should be suspended for eight weeks and use that time to cut into some of the overtime, not lose any jobs not cause any grief for residents and do it from Monday through Friday. He said he gave that suggestion to Councilwoman Keyes and has said it many times. He said he still believes in his heart it appears that there is a political statement that says the Republicans are going to cut jobs, he can't speak for Mr. Hipp or anybody else but it pertains to his letter to the editor so he feels he has to address it. Mr. Wilson said he hasn't seen on any literature or statement made that jobs are in danger. One thing he will say is that he has championed the Rutherford PD and he always said they do an excellent job, nothing but the highest respect for them and he has written letters to the editor and he came before to ask for proclamations for those two officers that have helped out in the past. He said for him personally he thinks the RPD does a get job but he hasn't seen any literature saying that someone is in danger of losing their jobs. Mr. Wilson said whatever happens it has been a pleasure. Mayor McPherson thanked him.

Mary Hadrava – 70 West Pierrepoint Avenue said she had a question for Councilmen Frazier and Reyes. She believes there is room to increase the efficiency of the Borough's workforce, can they require that the employees work a 40-hour work week before earning overtime? Ms. Hadrava asked if they can reduce the number of paid holidays from the current level of 14 by eliminating birthdays as a paid holiday?

Councilman Reyes said regarding overtime over 40-hour work week, these are contractual issues that need to be negotiated, if they are in negotiation that is open for negotiation that is the way it works. He said when negotiation times comes, they look at everything. Councilman Reyes said regarding holiday workdays and removing birthdays that is another thing open to negotiation and because he gets involved with contract negotiations as a police officer in Paterson he knows a little about it and one of the things that happen is that if the municipality and union cannot come to an agreement, then they go to binding arbitration and then there is a hearing officer that hears the case of the police department or of the union. He said these are areas that definitely need to be addressed clearly and will be addressed because everything is available to negotiate.

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Councilman Frazier said that is a ditto of what is on the table. Ms. Hadrava stated to the Council that they are aware that unions are negotiating contracts around this country, the united autoworkers, etc., and in doing so there are concessions all of them have to make to be able to meet their budget and it was just an idea that might be considered when they are negotiating, this could be a concession. Councilman Reyes said as she has indicated, once negotiations starts, just like the Governor has done with the State employees, things change so when coming up with ideas, everything is on the table with any contract.

Susan Muller – 29 Feronia Way said her question is to Councilman Frazier. She believes that the Borough can save money via increase the use of shared services, currently the Chief of Police has a salary of \$180,000 and he manages a department of approximately 50 people or fewer. Ms. Muller said according to the Record dated September 16, 2007 on the front page the Police Chief of Boston has a salary of \$167,500, the Police Chief of Philadelphia has a salary of \$158,500, the Police Chief of New York City has a salary \$171,000 plus longevity pay. She said the Chiefs in each of these cities manage police forces with many more employees than the 50 that Rutherford has, can they offer up the services of the Police Chief to other local towns on a shared service basis. Ms. Muller said her next question is can they do the same with the Captains who each have \$160,000 in salaries?

Councilman Frazier said it is possible however whether that is something that they need to be about would have to be seen. If we use the kind of comparisons that are used with these mega cities, one would have to look at other factors that are involved and how their structures are, how their departments are made up of in terms of other managerial positions that they have.

Councilman Reyes said the position of the Chief of Police for any municipality is based on a statutory law, there is a statute that requires the Chief of Police to be in a municipality, and it is a statutory provision that is in every municipality. He said however, in terms of regionalization of the police department it ends up having police officers cover a greater area which means less police officers and less supervisors for the area. Councilman Reyes said that in regards to answering the question, it would have to be resolved at the State level, the laws would have to be passed at the State level to determine whether there is going to be regionalization in different areas. Ms. Muller asked if he looked into this and that is his answer? Councilman Reyes said they believe by statute the Chief of Police from Rutherford cannot be the Chief of Police of East Rutherford and other municipalities. Ms. Muller said she said it was a shared service question, so she would like to hear that they would look into it more deeply and maybe at another council meeting have a much clearly answer. Councilman Reyes said those are areas that are being looked at in regards to regionalization of the services and shared services not only within the police department but also other departments that is something throughout the State. Ms. Muller asked if they are being looked into. Councilman Reyes said yes. Mayor McPherson said there is a long list of things that the Borough is doing for shared services with other Borough's and surrounding communities. The Mayor said traditionally there has been a mutual aide agreement between the fire departments, there are mutual aide agreements between all of the emergency services including the police and ambulance corp. Mayor McPherson said they assist other municipalities and they assist with Rutherford; there are also shared services currently underway with the DPW with East Rutherford, but outside of this room she has not heard from a number of residents that they want to see shared service with the police department. Mayor McPherson thanked her.

Diane Kratz – 124 Orient Way said she only recently started going to the meetings and she is hearing a lot about how wonderful it has become in the past seven years, like Rutherford was falling apart before that. Ms. Kratz said she would like to remind people of certain things; before 2000 she didn't have to worry about alternate side of the street parking. She could park and not worry about having to get a ticket if she left it in the wrong place. She said there was a recycling center where she could bring her recycling materials and now she can't do that because sometimes she has recycling stuff piling up and she is very upset at that. Ms. Kratz said many times she has to call the DPW because they haven't picked something up, they miss her house quite frequently. She sees an

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increase in multi-family dwellings. She said she has lived in this town all her life and she sees one and two families going down and being replaced by townhouses or other big buildings. Ms. Kratz said she used to have parking meters where she could put a dime or nickel in now if she doesn't have a quarter she can't park in town. She said when she drives down Ridge Road everyday she has never seen it in such horrible condition, there are potholes all over the place. These are some of the things that haven't improved over the last seven years that have really gone down hill. Ms. Kratz said in listening she has heard a lot about the salaries, she is a public employee and her salary as a teacher has not gone up tremendously, however, do you know what the increase in the police salary has been over the past six or seven years in percentage. She asked what the salary before 2000 in the last contract was.

Mayor McPherson responded that the routine increases that are given in police contracts both in Rutherford and elsewhere are on average 4% and sometimes higher. The Mayor said regarding the issue of alternate side of the street parking – that was an ordinance that was introduced by the prior administration. She said she sat on the Council at the time the recycling center was closed by an agreement with the developers and that was part of the developer's agreement that she voted against in 1999 to close the recycling center. Mayor McPherson said from their discussions with East Rutherford who have a recycling center, they are exploring possibilities for Rutherford residents to drop off at their center. The Mayor said as far as the suggestion that one and two family houses are being destroyed in favor of townhouses, townhouse development has taken place on Park Avenue and what was in place of an eyesore that the neighbors were complaining about, the former auto body repair shop, Park Avenue Townhouses were constructed there with very little impact on both the municipal budget and the school budget. Mayor McPherson said the townhouses that were constructed on Chestnut Street are exactly the same way. Ms. Kratz asked about the ones that are being planned for Orient Way? Mayor McPherson responded that currently the applicant had been with the Board of Adjustment but there is no application at this time. Ms. Kratz said it is coming through again. Mayor McPherson said she hopes that anyone who has the concerns of Ms. Kratz has would come out and join them on the Master Plan Review Meeting because that has been an on-going, year long process in which they have had public hearings about what should be done with the Master Plan and the draft is available on the Borough's website. Ms. Kratz said she knows that. Mayor McPherson thanked her.

Mildred Dyson – 55 Wilson Avenue said she has the pleasure of meeting Mr. Reyes when he rang her bell to promote the Democratic Party. Ms. Dyson said she was sure he was sorry that he rang the bell because he stood there for 45 minutes and she asked him to look to his right and asked him what he saw and what was there was a nine foot wall with a six foot fence that was on top of it. She said to Mayor McPherson that she is appalled and she has called numerous times and never once received a phone call back. Ms. Dyson said that is the same for Councilman Fecanin and Councilman Frazier, she left several messages. She said she had to send a letter to her certified return receipt in order for her to answer her. Ms. Dyson said that Mr. Stafford knows exactly what she is talking about because they had several phone calls, he tried to bully her on the phone but it didn't work and she wanted to say she doesn't run scared, the wall and the fence that was built is illegal and asked how a wall can be built without a variance being sent around to the people living in the area. She said a nine foot wall when the gentlemen had a permit for a four foot wall, how does that happen, how does footing get underneath her property and it is just ignored. Ms. Dyson said Mayor McPherson and Tim Stafford entertained her question but they did not answer it. She said if Mr. Reyes wants her vote she is counting on him to give her the answers.

Pat Kinzler – 105 Vreeland Avenue said as most everyone knows in town his taxes went from \$11,300 to his most recent bill of \$17,600. Mr. Kinzler said that helped him become very motivated. Mayor McPherson asked Mr. Kinzler to address the Councilmembers. Mr. Kinzler said he was speaking to John Genovesi right then. He continued saying that caused him to become a very motivated citizen and as a result of that they reached out and they found other motivated citizens and they are the "Concerned Citizens Group". Mr. Kinzler said he wanted to thank everyone that joined the group, everyone that has helped in everyway they could and he wanted to thank the people who answered the doors, the first couple of weeks they rang a lot of doors and got a lot of good feedback, unfortunately there are a lot of people who are so cynical and

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giving up so much on every level of government that no matter how much their taxes go up they are not going to vote. He said they are not going to do anything about it because they have given up and they say things to him like, he could go up there and say this line item and this line item it is not going to make a difference. Mr. Kinzler said they have to start somewhere and people can't be so cynical, he knocked on a door of a man who looked 75 and he was 91 so obviously this guy probably served in World War II and he asked him giving him the fact sheet asking him to vote. He said they never tell anyone how to vote, they tell the facts and they hope they can figure it out for themselves and the man said he will not vote, he gave up voting 20 years ago, not saying this of them but this is what he said from the town level to the top level of the State they are all corrupt, he gave up and is not going to vote. Mr. Kinzler said sir, they need your vote, he said that he wasn't registered and Mr. Kinzler told him he was registered, he is 91 and he is going to his door on Tuesday, November 6 and he is going to get a rope and pull him up to the school. He continued that the point of that is each one of them has to make a difference.

Mayor McPherson asked Mr. Kinzler to please address the Mayor and Council courteously and thanked him. Mr. Kinzler said he didn't think he was being discourteous but his group has asked a lot of questions and he doesn't think they sandbagged anyone, they were all fair questions and they have asked them to the Mayor and the Council but the truth be told the time has come for each one of them to look in the mirror and start asking questions of themselves. He said for example, why did he, himself included as a taxpayer not pay attention to what was going on in the town until he got hit with one heck of a tax bill. He said was it because the town was receiving 6 million plus of Encap money and Rutherford didn't need to raise the taxes, so they didn't have to pay attention to the spending, was it because the town received \$2 million from the sale of the DPW building and a liquor license and again could use that on day to day operations and they didn't need to pay attention. Mr. Kinzler said all the one time money is gone and there is nowhere to turn but them, they did not pay attention when the Mayor's 2003 campaign accepted a total of \$8,000 of campaign contributions from officers of Lincoln Equities which is Highland Cross, why were they then surprised when Highland Cross came forward with their development proposal. He said fortunately they rose up, but they are not paying enough attention. Mr. Kinzler said in response to their last visit the Record called George Fecanin in the Record Newspaper, and asked him what about those things the Democratic Party takes campaign contributions from the attorney and others and his response was as long as it is legal and the State approves it, they are doing it. He said his argument is that the town is so small and should be so easily handled by all, people shouldn't need to use that as an argument, and both parties should say they are not going to take money from anyone who has no bid work. Mr. Kinzler said the Mayor likes to say that everything in the union contracts was there before she came into office. It is his understanding that the Mayor gave life-time medical to those employees who retired by December 31, 2006 and their spouses; 100% paid. He said give him the opportunity to tell him if the 75% medical premiums for all the other employees are something they put in or are they pre-existing, it is his understanding that was put in during the Mayor's tenor. Mr. Kinzler asked why did this town accept the 1990s when they had a Council that was six Republicans with a Republican Mayor and then in this decade turn around and accept the Council and its largely six Democrats and a Democrat Mayor. He said with lack of balance they get what they deserve, it is time to put some balance up there so there could be healthy debate. Mr. Kinzler said he knocked on one gentlemen's door and he couldn't figure out if he was a Democrat or a Republican so he said he will not talk until he tells if he was a Democrat or a Republican; he wouldn't let go so finally he said he admitted it he is a registered Republican, but sir it isn't about Iraq it is about their town, and he said you know something you are right and the man apologized and he said he shouldn't have spoken to him that way, his friends have had to leave what would he like to talk about. Mr. Kinzler said that was it, if they talk through the issues with an opened mind, they will all get to the right place, so when they go to the voting booth on November 6<sup>th</sup> everyone has to look in the mirror and ask themselves the right questions and have the right answer, because if they don't there is one more question that many people in this town will have after November 6. He said Bonnie and he were walking down the street on a Sunday afternoon and it was 86 degrees and she got ahead of him and there was a house with two bedrooms, man and wife were sitting out on the steps and when he caught up with them, the gentlemen was telling Bonnie how he moved there 25 years ago with his wife and how much they loved Rutherford. Mr. Kinzler said he went on and on but he was telling him how it has become a struggle, when he was done Bonnie went on and on how much she

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loves Rutherford, these are all the same things everybody has heard before, the school, Park Avenue, close to New York and she went on at great length. He said when she was done the gentlemen who were sitting on the steps said wow that's fantastic that she loves Rutherford so much, will she buy his house.

Councilman Fecanin said the quote that was in the paper was about the professional's that have been with them since 2000 and he has no problem with them contributing to the campaign because they believe in them and they are doing a great job for them and that is why they are still in the job. Councilman Fecanin asked Mr. Kinzler since he brought his name up, Mr. Kinzler you're paying \$17,000 and your house is over a million dollars now, (inaudible response) what did he buy the house for and he is only paying \$17,000 he thinks there is a problem maybe he should be paying a lot more than that.

Mayor McPherson asked Mr. Kinzler to step away from the dais and he asked a question of Mr. Fecanin. The Mayor stated that Councilman Fecanin has a right to respond to him. Mr. Kinzler said he actually called him out and asked him a question. Mayor McPherson asked that everyone in the room to please behave courteously to one another.

Mayor McPherson asked if Mr. Kinzler had a comment he would like to add. Mr. Kinzler, in response to Councilman Fecanin's comment said that is an interesting point. He said they were living on Highfield Lane and they have a lot of children and they were truly busting out of the seams in the house and his wife fell in love with the house on Vreeland Avenue in 2005 and the taxes were about \$11,300. He said if he had known they were 17 or would be, he never would have gotten out of the car, so the point that he should pay that or more, is very presumptuous on his part but he thinks he has done a good job of communicating what they have seen there which is an attitude. Mr. Kinzler said he spent a lot of time going through the budget and he thinks this year's budget has a line item in it for about \$243,000 to improve in combination the little league field and Sunset Park. He asked why in this difficult financial time would anyone be concerned about improving Sunset Park.

Mike Bender – 192 Irving Place said he thanked all for letting him speak and stated that he was not political but he feels it is time to become political. Mr. Bender said he has been living in town for almost nine years and he has seen the taxes on his house almost double in that time and he thinks that is really disgraceful. He said the reason they came to this town was because of its good location, relatively good taxes, good school system, nice town, good place to live and it is getting to be very difficult to afford. He said they are a two income family so they do have the money coming in to handle it at this point but if it continues to go up they are moving. Mr. Bender said he is going to go to a town where he is going to get more for what he is paying, taxes are disgusting, they pay a lot of money to the county and he doesn't see the county doing anything for the town. He asked what do they get from the county? He said he thinks it is very poor that they couldn't find \$30,000 in the budget for the library to stay open on Sundays, he has small children that are getting to the point where the Library is going to benefit them and then they take it away from them for \$30,000, from all the money they are talking about, \$30,000 is nothing.

Mr. Bender said he would like to present that an ordinance be put out into the town to have no cell phones used in cars by people with hands, it is dangerous. He said he and his son see somebody almost get hit because of this and he is getting a little scared. He said one guy came around the monument talking on the cell phone and doesn't even bother to stop for them in the middle of a crosswalk. Mr. Bender said every time he comes up to town he has a problem crossing the streets, safety; is this what he is paying his taxes for, that he has to dodge cars to get out of the way. He said he has read the minutes of the meetings over the past year, he has heard comments about a police force, they do the best job that they can but he thinks the management is less than adequate. Mr. Bender said his son started Kindergarten, he was taking him to school for the first two weeks because he was on disability, he never saw a policeman near the school, he has to cross Union Avenue to get to Washington School and he almost got hit with him again. He said it is crazy and it shouldn't have to be like this as they should have the safety of the children the number one paramount thing of this Council. Mr. Bender said he lives very close to the High School, parking around the School is horrendous, double parking, people

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dropping off, no respect for anybody that lives around there, students walk down the middle of the street, they don't get out of the way for cars, they walk out in front of people, that is a quality of life? He said he would like something to be done and addressed to these things, also he would like to make a point that Dunkin Donuts should be closed at a respectable hour and not be allowed to stay open all night, all it does it attract an element that wants to hang out and do damage to the town, the amount of vandalism that is going on is just insane to him and he can't understand that. Mayor McPherson thanked him for his comments.

Mayor McPherson responded to the question regarding what the County does; a great deal of our grant funding that would restore our parks and has restored our parks and allowed us to pave roads, which there certainly has been a number of roads that have been paved in the past, that's where a good source of the grant funding comes from. The Mayor said as far as the safety issues, those are things they are addressing. Mr. Bender asked how they going to make the town safer, better for their families and get their tax dollars worth out of it. Mayor McPherson said he also referenced the Library, there is a state statute in place that requires they give 3% of the Borough's assessed value for the Library and they have done that. The Mayor said the Library Board controls their budget as to how the money is spent and she knows that they wanted to determine that and they have determined that within their own meetings at the Library Board, the hours of operation, that is not something they determine. Mr. Bender said they can't sharpen a pencil and find an extra \$30,000 to keep the Library open for Sundays? Mayor McPherson said there is also currently underway a contract to replace the HVAC system that requires them to close the Library for certain periods of time so the work can be done and what they decided to do was do it in such a way so that they didn't have to layoff employees so that the Library could remain open and in other municipalities a job of that size, the building would have been closed for a year to 18 months to get the job done. Mr. Bender said the Library is closed on Sundays due to the HVAC? Mayor McPherson said no that is not what she said, the Library decides their funding and how they are going to spend the money that they are appropriated. Mr. Bender said they cut the appropriations this year. Mayor McPherson said they met the requirements of the statutes and there are many other departments they cut, and they are difficult decisions that they had to make. Mr. Bender said he thinks they are very poor decisions.

Nick Minutillo – 153 Prospect Place said when he spoke before he thinks someone got the impression that he was not appreciative of the good work of the police department and quite frankly he is a recipient of very good police work. Mr. Minutillo said his oldest boy, many years ago suffered a seizure and if it wasn't for the quick response he probably would have had brain damage, so the police department in town has been very good in his opinion. He said all the social services, the municipal workers you never see anyone goofing off or sitting on a truck or doing this or that but quite frankly it's still sticks in his claw when the Chief of Police and the Police Captain and the respective salaries were \$180,000 and \$160,000 that were printed out on the handout, he is not sure if that is correct and his point is number one even though he doesn't want to denigrate any of the city employees or the police department, he does want to know if those salaries are correct as printed. Mr. Minutillo said if they are correct as printed then they have a serious problem in evaluating their value relative to the ability of the community to pay those salaries. He said it was a printed handout, who handed it out he doesn't know but the Chief of Police's salary was listed as \$180,000 and the Police Captain was listed as \$160,000 are those figures correct. Mayor McPherson responded they are correct. Mr. Minutillo said then they have a problem.

Greg King – 140B Hastings Avenue said he has nothing but good things to say about all the people in this town because they helped save his daughters life many years ago. Mr. King said he has made it a study of his life to study the environment and the effect it has upon children and when this man was talking about the safety of the children, when he is talking about the cost of Encap he is not talking in financial terms, he is talking about the health not only to them but the children and children's children. He said the ground water he study in hydrology, the ground water in the Meadowlands comes up through porous rock, they have had flooding and that water gets into their water and gets into the yards, all the parks and it effects every single child in this town. Mr. King said so when he is talking about the cost of Encap he is not talking the financial he is talking about health of the children in this city.

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Joe Buccinio – 40 Courier Place said that there was one question proposed by somebody before and the answer wasn't clear as to what the plans were and he is going to re-read that question. Mr. Buccinio said how much more money is the Council proposing to borrow in each of the next four years and if they are not going to borrow money then how much can we expect to have their taxes raised for each of the next four years, could you please answer that question so he can understand the plan.

Mayor McPherson responded that there is, by law, a five year capital plan which they submit to the State, it is a suggestion of a five year plan it is not written stone, it is not something the Council obligated to capitalize, but they certainly do have a five year plan in place in the budget documents. Mr. Buccinio asked how much is that going to be. Mayor McPherson said she doesn't have the estimated cost but. Mr. Buccinio said he has to budget his family for next year, he needs to know what it is going to cost him. Mayor McPherson said it is in fact calculated in the projections but she didn't have those figures in front of her. Mr. Buccinio said she should have those figures because that is everyone's concern. Mayor McPherson said it is in the budget document.

As no further citizens wished to speak Mayor McPherson closed the hearing to the citizens and gave the Council an opportunity to respond to some of the comments that were heard from the residents.

Councilman Frazier said it came across that he was unclear and vague. He said he is fundamentally for home rules so in a lot of cases that may rule out regionalization and it may be cooperation depending on the nature but he is for Rutherford at best standing on its own and carving out whatever needs to stay within itself. Councilman Frazier said secondly as referred to Ms. Margaret Schak he takes exception, he didn't remember a time of being disrespectful to her or disregarding what she said, not as far as he understands it. He said thirdly someone indicated that they said a registered letter was sent about the wall or there were calls about the wall, they would have to talk about that from the standpoint that he disagrees about getting any registered mail at all about anything or about the wall. Councilman Frazier said he has no knowledge of that whatsoever, he is sure that if he had received something certified or registered he has no problem owning up, he has no recollection of that whatsoever and as far as being spoken to about that he disagrees, he doesn't ever remember having any conversation concerning that.

He said he spoke about Encap in the beginning and if things have been done through the DEP, he was under the impression that Rutherford was protected and the Mayor has constantly reiterated whatever they have received, they have not entered into anything else however, if the DEP has done something that is flawed then whatever remedies that may be available to us he will be supportive. He said he is right there with the Mayor and Council in terms of a remedy because they can't give them money and do whatever they want and do some peculiar things that are not right and think that is the end of it.

Councilman Reyes said he thanked the residents for coming out and the questions that were brought forward he hoped that he was able to answer them as best as possible to their satisfaction and he would be more than happy to talk to anybody after the meeting or when he knocks on their door as he walks around talking to the residents, they are welcome to talk to him for 45 minutes as one of the resident say they did. Councilman Reyes said he always had a good relationship with all the residents because they live in a great town, and it is not just the houses and historic value but it is also the people and like he always said Republicans make good neighbors too. He said so as a Democrat when he knocks on their door feel free to invite him in and plenty of people have invited him in and they've given him a piece of their mind or they've been very positive but he just wanted to thank everyone for coming out. Councilman Reyes said it is their town, they are all in it for the best interest of their families and children; their homes are their greatest investment so they have to make sure they invest in their town.

Councilman Genovesi said he would like to respond to a point that Ms. McCarthy had made when she said the whole Council was in support of Encap, with all do respect, that he has never been in support or had an opportunity to vote on anything that has to do

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with Encap, so he just wanted to clarify that and he does appreciate her comments and he agrees with them 100%, he never supported the project.

He said as Mr. Duduk referred to the \$6 million that he referred to in the BCIA lease, he also did not support that. He said he voted against the restructure of that, he thought it was a bad deal for the town and he continues to think it is a bad deal for the town. He said he had asked some pertinent questions of the auditor and he did in fact ask him if it was a deferment. The auditor said it was and he said this is done when they are in drastic times, someone looks to do this. He said he wanted to clarify that not the entire Council was in support of that plan.

Mayor McPherson said she would like to comment before they move to the rest of the agenda. Mayor McPherson said she is glad to hear the many positive comments that were made but she is deeply troubled by some of the other comments that were made. The Mayor said she believes there is an effort underway to completely and utterly unfairly characterize how the salaries and benefits and the work product of the Borough employees has been met and she thinks it is being done deliberately. Mayor McPherson said whether it is being done deliberately to elect Republicans or deliberately done to elect Democrats she believes it is wrong. She said they require more from the employees that is not acknowledged. The Mayor said that all of the Borough's employees, whether they be in the Police Department, the DPW or in this particular building, they get the best from their employees and they help us in their efforts to protect and preserve the Borough and what is important to all of us. Mayor McPherson said what is important to all of them is not just the people in this room but the other 18,000 people that are out there at other events maybe involving their children and their families and that is what they are dedicated to protecting and preserving.

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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 with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes moved approval of the Minutes of the Regular Meeting of September 25, 2007, seconded by Councilman Frazier with all members present voting aye.

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**10/16** Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

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

1. In the amount of \$80.00 payable to Annmarie DeGiovanni – refund for gymnastics.
2. In the amount of \$170.00 payable to Donna Picinich – refund for On the Ball Aerobics.
3. In the amount of \$15.00 payable to Mark Russo – refund for Adult Open Gym.
4. In the amount of \$15.00 payable to Michael King – refund for Adult Open Gym.
5. In the amount of \$15.00 payable to Xia Huang – refund for Adult Open Gym.
6. In the amount of \$24.00 payable to Peter Gencarelli – refund for Adult Open Gym.
7. In the amount of \$30.00 payable to Pam Piro – refund for Hip Hop Dance.

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**10/16** Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

**RESOLVED:** That bills in the amount of \$3,569,661.38 for Current Account bills, \$15,168.93 for Capital bills and \$17,208.06 for Trust fund bills, all as detailed on the

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attached sheets be passed for payment, warrants drawn and charged in the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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**10/16** Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

**WHEREAS**, the Tax Collector has issued a Tax Sale Certificate on June 7, 2007 on a parcel of property referred to as Block 36, Lot 21, Qualifier C0304 and more commonly known as 126 Hackett Place-Unit 304 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 \$6,719.76 has been deposited in the Tax Sale Suspense Account;

**NOW THEREFORE BE IT RESOLVED**, that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$6,719.76 made payable to Park Finance, LLC in settlement of Lien #200704.

Principal .....	\$ 6,234.15
Interest & Penalty.....	\$ 433.61
Fees.....	\$ 52.00
 Total.....	 \$ 6,719.76

\*

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

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

1. In the amount of \$50.00 payable to Karen Kelly – refund for wrestling program.
2. In the amount of \$260.00 payable to Alexa Cruz – refund for Radio City Tickets.

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

**RESOLVED:** That bills in the amount of \$2,677,389.44 payable from the Current Account and \$200.00 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 with all members present voting aye:

**WHEREAS** there exists an overpayment of 3<sup>rd</sup> quarter 2007 property taxes on the following properties and;

**WHEREAS** it has been determined that the following parties are entitled to a refund of these overpayments;

**NOW THEREFORE BE IT RESOLVED** that the Financial Officer be and he is hereby authorized to issue warrants totaling \$4982.92

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<u>BLOCK</u>	<u>LOT</u>	<u>NAME &amp; ADDRESS</u>
14	19	Wilfred & Toni-Ann Nunez 169 W. Newell Avenue
1	1.03	Countrywide Funding Corp. Re: 378 Riverside Avenue

\* \* \*

For, **FINANCE**, all of the items have been consented to and a copy of the report 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 with all members present voting aye:

**RESOLVED:** that the Borough of Rutherford Chief Financial Officer's Corrective Action Report attached hereto be approved by the Governing Body of the Borough of Rutherford and submitted to the Director of Local Government Services as required by New Jersey Financial regulations.

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

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, The Annual Report of Audit for the year **2006** has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

**WHEREAS**, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body, and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

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**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit: R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Rutherford, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

**WHEREAS**, a Bergen County Community Development grant of \$124,698 has been proposed by Felician College for improvements to relieve drainage problems at Little Theater parking lot on the Rutherford Campus 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 Rutherford 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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**10/16** Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

**WHEREAS**, the following inactive Alcoholic Beverage Licenses which expired June 30, 2007 have been issued Tax Clearance Certificates,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rutherford do hereby authorize that the following renewals be issued:

256-31-12-01  
Knights of Columbus

0256-44-003-008  
Candles n'Scents, Inc.

**AND BE IT RESOLVED BY THE MAYOR AND COUNCIL** that the Borough Clerk be authorized to sign the above licenses.

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**10/16** Under the Consent Agenda, Councilman Reyes moved the following Resolution, seconded by Councilman Frazier with all members present voting aye:

**WHEREAS**, certain organizations have applied for a Raffle/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:

<b>Unico National Rutherford</b>	<b>Off-Premises 50/50</b>
<b>Parents Guild Immaculate Conception H.S.</b>	<b>On-Premises 50/50</b>

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Councilman Frazier asked the Mayor to make the following appointments: the Police Chief's recommendation to appoint the following three full-time school crossing guards: **George Fitzgerald, Barbara Grande, and Erika DeLaGala**; and the following three alternate crossing guards: **Charisse Rizzo, Ralph Rufino and Marie Guillod**.

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Under the Consent Agenda, Councilman Reyes requested authorization for the Borough Attorney to prepare an ordinance to install a handicap parking space at 214 Mountain Way, seconded by Councilman Frazier with all members present voting aye.

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

**WHEREAS**, the Mayor and Council of the Borough of Rutherford desire to obtain Plan Endorsement from the State of New Jersey Department of Community Affairs State Planning Commission; and

**WHEREAS**, Plan Endorsement is a process developed by the State Planning Commission Office of Smart Growth to approve municipal, county, and regional plans that are consistent with the State Development and Redevelopment Plan (also referred to as the State Plan) ; and

**WHEREAS**, the purpose of the Plan Endorsement process is to reach the following goals by increasing the consistency among municipal, county, regional and state agency plans with each other and with the State Plan, and to facilitate the implementation of these plans.

The goals of plan endorsement are to:

1. Encourage municipal, county, regional and state agency plans to be coordinated and support each other to achieve the goals of the State Plan;
2. Encourage municipalities and counties to plan on a regional basis while recognizing the fundamental role of the municipal master plan and development regulations;
3. Consider the entire municipality, including Centers, Cores, Nodes and Environs, within the context of regional systems;
4. Provide an opportunity for all government entities and the public to discuss and resolve common planning issues;
5. Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county, and regional plans that meet statewide objectives;

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6. Learn new planning approaches and techniques from municipal, county, and regional governments for dissemination throughout the state and possible incorporation into the State Plan; and

7. Ensure that petitions for Plan Endorsement are consistent with applicable state land use statutes and regulations; and

**WHEREAS**, if the Borough is successful in achieving Plan Endorsement, it will entitle Rutherford to a higher priority for available funding, streamlined permit reviews, and coordinated state agency services; and

**WHEREAS**, the Plan Endorsement Guidelines approved by the State Planning Commission note that if there is a need for better planning resources, the Office of Smart Growth will work with the applicant on a scope of work needed, with a time line for completion.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Rutherford that the New Jersey Meadowlands Commission is hereby authorized to submit the pre-petition materials on behalf of the Borough of Rutherford to the Office of Smart Growth.

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Rutherford that any member of the public can request notice of meetings or hearings, subsequent documents concerning a particular matter pending before the State Planning Commission, and any action taken by the State Planning Commission or the Office of Smart Growth by registering with the Office of Smart Growth in the following manner:

1. By filing a written request with the Office of Smart Growth for such notice and specifying the subject matter requested, and;
2. By providing the interested party's name, organization, if any, address, phone and fax numbers, and email address.

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For **PUBLIC WORKS**, Councilman Fecanin stated that the report is on file with the Borough Clerk. Councilman Fecanin said the weekly update for the Stormwater Act the report map flows are being done at this time. He said the bulk leaf pickup begins November 1<sup>st</sup> and the Borough received 50 trees to replenish the trees that had to be removed due to disease and safety concerns. Councilman Fecanin wanted to remind the residents that the suspended metal pickup, logs and stone and air conditioner and refrigeration in the months of November and December. He wanted to thank the Rutherford Recreation, Fire Department, Police Department, Ambulance Corp, and the Department of Public Works for their participation in the Annual Touch-A-Truck event, especially to Barbara Bennett and Maureen Bigley it was a success.

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Under the Consent Agenda, Councilman Reyes moved to accept the request from Kip Center to use the mini-bus on November 15<sup>th</sup> to Little Ferry, seconded by Councilman Frazier with all members present voting aye.

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

**WHEREAS**, a Bergen County Community Development grant of \$446,384.00 has been proposed by the Borough of Rutherford for Road Improvements along Woodward Avenue (from Carmita to Mortimer) 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

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**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 Rutherford 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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Under the Consent Agenda, Councilman Reyes moved to accept the donation of a bus from New Jersey Transit, seconded by Councilman Frazier with all members present voting aye.

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Councilman Reyes moved approval of the resolution of the Office of Administrative Law litigation involving David Papa and the Borough of Rutherford and authorize the Mayor and Borough Clerk to execute all documents necessary to effectuate said resolution, seconded by Councilman Frazier with all members present voting aye.

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For **FIRE**, Councilman Reyes said that the report is on file with the Borough Clerk. Councilman Reyes thanked the men and woman of the Fire Department for volunteering their time for our community. Councilman Reyes wished to thank Mayor McPherson for getting the \$2 million grant to preserve and restore the railroad station something that was truly needed. He reminded all that the Shade Tree Committee had the second meeting and they are reviewing the Forestry Management Plan, please forward any comments to the DPW and he invited all to come to the next meeting on the fourth Monday of November.

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As Liaison to the LIBRARY, Councilman Reyes wanted to remind everyone that the Friends of the Library will be having their raffle this week.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi reported for the month of September 2007 the uniform construction code revenue \$33,672; construction department revenue \$3,745; grand total of \$37,417; total value of construction \$1,149,570.48; total number of permits issues 161; total number of construction department inspections 421; this report is available with the Borough Clerk.

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For **HUMAN RESOURCES**, Councilman Sommer reported the improvements for Wall Field are moving very quickly and the bidding on the Memorial Field Tennis Courts and the construction is going to start very shortly and they are also being able to put in a pavilion at Tryon Field which will bring in restrooms and a food service. Councilman Sommer said they agreed on the proposal for the waterfront park that is eco-sensitive rather than a bulk head.

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As Liaison to the BOARD OF HEALTH, Councilman Sommer announced there are two influenza vaccination programs one on November 5<sup>th</sup> at 3:00-5:00 pm and November 7<sup>th</sup> 4:30-6:30 pm.

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

**WHEREAS**, the Borough of Rutherford desires to submit an application to the NJDEP Green Acres program for improvements to Wall Field; and

**WHEREAS**, these improvements will allow for the continued development of the park for recreational use to be enjoyed by residents for generations to come;

**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 Township Council hereby authorizes the preparation and submission of an application to the NJDEP Green Acres program to conduct improvements to Wall Field.

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

**WHEREAS**, bids were received for the Reconstruction of the Memorial Park Tennis Courts on Friday, September 28, 2007; and

**WHEREAS**, Zenith Construction Services Inc., 256 Grant Avenue, East Newark, NJ 07029-2714 submitted a base bid in the amount of \$ 294,460.00, add alternate 'A' in the amount of \$3,200.00 and add alternate 'B' in the amount of \$8,460.00; and

**WHEREAS**, it is the recommendation of the Borough Engineer that a contract be awarded to Zenith Construction Services, Inc.; and

**WHEREAS**, Subject to review and acceptance of the bid documentation submitted by the lowest bidder, Zenith Construction Services, Inc. by the Borough Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Rutherford that they approve the award of contract to Zenith Construction Services, Inc., for the Total Amount of the base bid (+) plus add alternates 'A' and 'B' of \$306,120.00.

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Under the Consent Agenda, Councilman Reyes moved authorization to petition Bergen County for use of the remainder Open Space Grant Funds for bathroom/snack stand facility at Tryon Field, seconded by Councilman Frazier with all members present voting aye.

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

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program ("State") provides loans and/or grants to municipal and county governments and

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grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Rutherford desires to further the public interest by seeking to obtain grant funding from the State Green Acres Program to assist in funding the Waterfront Park Project, a previously-approved project located on Borough-owned lands, that has received a prior award of loan proceeds in the amount of \$285,000.00;

**WHEREAS**, the total project costs for a revised project plan as described below are estimated to be approximately \$600,000.00;

**WHEREAS**, the Borough approves and supports an application for additional grant funding up to the amount of \$315,000.00;

**WHEREAS**, the application will be made in the name of the Borough, to be prepared by the Nereid Boat Club and its professionals, and to be reviewed by the Borough professionals;

**WHEREAS**, the Borough has determined to support a re-configured project plan, utilizing a 'soft-bank' construction rather than a hard bulkhead construction, in concept, subject to full and complete plans to be reviewed by Borough officials and this Governing Body, which plan shall be subject to full approval before any such funding is actually utilized;

**WHEREAS**, the Borough has determined that the project will be of benefit to the public as a public open space, as well as to public safety, by providing for the Rutherford Fire Department Rescue Boat and its access to the Passaic River, and will be of benefit to the Nereid Boat Club, a non-profit organization providing public benefits for the use of the Passaic River, which currently leases a part of the Borough-owned property next to the Waterfront Park Project property;

**WHEREAS**, the 'soft-bank' construction will provide an increased benefit to the public, by nature of its environmentally-friendly construction, and will benefit the Borough because of the great savings in construction costs that the 'soft-bank' project has been represented as carrying;

**WHEREAS**, the Borough will review the final plan, including the footprint of the property leased by Nereid; the construction of the boat ramp for the Fire Rescue Boat, and the safety aspects of the 'soft-bank' construction, and for other engineering and safety concerns as may be raised when the final engineered plans are prepared;

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and will notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State's funds in accordance with such applicable rules, regulations and statutes, and is willing to enter into an agreement with the State for the Waterfront Park Project;

**NOW, THEREFORE**, the Mayor and Council of the Borough of Rutherford do hereby resolved as follows:

1. That the Mayor or her designee is hereby authorized to:
  - (a) execute the application for such grant,
  - (b) provide additional application information and furnish such documents as may be required, and
  - (c) act as the authorized correspondent for the Borough of Rutherford; and
  - (d) the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

2. The Borough Clerk is authorized to witness such application and necessary documents as will be required to process the application.

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**Mayor's Report**

**Mayor McPherson made the following appointments:**

To the position of School Traffic Guard effective 10/23/07:

- ◇ George Fitzgerald
- ◇ Barbara Grande
- ◇ Erika DeLaGala

Councilman Frazier moved to confirm, seconded by Councilman Sommer with all members present voting aye.

To the position of Alternate School Guard effective 10/23/07:

- ◇ Charisse Rizzo
- ◇ Ralph Rufino
- ◇ Marie Guillod

Councilman Frazier moved to confirm, seconded by Councilman Sommer with all members present voting aye.

Mayor McPherson stated that the Council consented to a Resolution supporting the action by the County of Bergen the Board of Chosen Freeholders in filing suit to oppose the air space redesign that is now currently being composed by the FAA.

Councilman Reyes moved the following resolution, seconded by Councilman Frazier with all members present vote aye:

**WHEREAS**, the Mayor and Council of the Borough of Rutherford has made their opposition known to the Federal Aviation Administration's Integrated Airspace Alternative, a proposal to redesign the flight paths of airplanes in the New York/New Jersey/and Philadelphia metropolitan areas; and

**WHEREAS**, the Federal Aviation Administration and its representatives have repeatedly ignored the efforts of the Mayor and Council to provide relief from the adverse impact the redesign will have on the County of Bergen; and

**WHEREAS**, the Federal Aviation Administration has failed to fully examine and consider the Ocean Routing Alternative supported by the Borough of Rutherford; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rutherford do hereby support the efforts of the County of Bergen to prevent the implementation by the FAA of the Integrated Airspace Alternative.

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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 126, ENTITLED VEHICLES AND TRAFFIC ORDINANCE NO. 214074.**

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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 Councilman Sommer with all members present voting aye.

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For **Ordinance on Second Reading**, Councilman Reyes 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 \$15,229.00 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 public hearing, as no wished to speak closed the hearing. Mayor McPherson opened the Ordinance for discussion by Councilmembers, as no one wished to speak the Mayor closed the discussion.

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

\*

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD; CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC ORDINANCE NO. 214074.**

Mayor McPherson opened the Ordinance for public hearing, as no wished to speak closed the hearing. 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 second and final reading and advertised according to law, seconded by Councilman Reyes with all members present voting aye.

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Councilman Fecanin moved to adjourn at 10:35 p.m., seconded by Councilman Reyes with all members present voting aye.

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Borough Clerk