

**MINUTES OF A REGULAR MEETING OF THE  
MAYOR & COUNCIL  
HELD TUESDAY, OCTOBER 27, 2009**

---

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

Councilwoman Keyes  
Councilwoman Inguanti  
Councilwoman Birdsall  
Councilman DeSalvo

-----

Councilman Genovesi - Absent  
Councilman Sasso - Absent

\*

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

\*

The Borough Clerk read the provisions of the Open Public Meetings Law.

\*

\*

\*

Mayor Hipp made the following presentation:

- "The Hunt for Heritage Trees 2009" Arbor Day Art Contest Winners

\*

\*

\*

Mayor Hipp opened the hearing of citizens.

Adam Szura, 94 Vreeland Avenue read his letter for the record:

"October 27, 2009

Re: Corrupt Officials

Dear Mayor Hipp and Council Members:

I received letters from the Borough Attorney on behalf of the Rutherford Board of Health threatening suit for alleged attached upon several of its members. His letters link these

## MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009

---

criminally inclined officials to earlier decisions shielding borough employees Brian O'Keefe from criminal prosecution.

Their baseless and unsubstantiated allegations translate into an unlawful abuse of power, misuse of public resources, and falsification of government records. Simply adding the names of Board President Dorothy Wilms, Vice President Alan Talarsky, Secretary Theresa Gilburn, and other members such as Joseph DeFazio, who distinguished himself repeatedly violating state and federal law, to my growing list of corrupt officials will not solve your problem.

One of your own, Councilwoman Maura Keyes, has demonstrated her continued loyalty to the O'Keefe cover-up funded by our tax dollars during the McPherson Administration. And so, I respectfully suggest this Council make the difficult choices needed to purge borough ranks of its corrupt officials, beginning with a formal, written apology.

Sincerely  
Adam Szura"

\*

Robin Reenstra-Bryant, 450 Riverside Terrace spoke in reference to the Holiday Festival November 28 and closing the street until 6:00 pm on that day. She also spoke regarding light pole plaques.

\*

Bonnie Corcoran, 390 Montross Avenue spoke regarding her concerns with Councilman Genovesi not filing the proper election forms; Mayor Hipp's letter in the South Bergenite; the Citizen's Finance Committee Report.

\*

Charles DiNoto, 123 West Passaic Avenue spoke regarding the lack of storm drainage in the Borough and the consequences of shared services.

\*

Anna Fugerio, Darwin Avenue spoke regarding the speed of traffic on Darwin Avenue and the pedestrian sign that was removed; the presents of dog feces on the curb; the request for a handicap spot in front of her apartment.

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

\*

Mayor Hipp opened the hearing to the Council.

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

Councilwoman Inguanti responded to Ms. Fugerio's request for pedestrian signs and they were setting aside money for the signs. She responded to Ms. Corcoran's statements regarding the Citizen's Finance Report. Councilwoman Inguanti spoke at length regarding the Borough's financial situation.

Mayor Hipp stated that the Citizen's Finance Report was compiled by volunteers of the Borough and the Council had not taken any action on the report as of then but they would consider it.

Councilwoman Keyes replied to Mr. DiNoto's comments regarding shared services.

Councilwoman Birdsall commented that she would speak to the Police regarding the comments in reference to Union Avenue pedestrian safety. She also responded to the statements made regarding shared services.

Councilman DeSalvo commented on the resolution that was passed regarding the shared services.

Borough Administrator Shenkler spoke regarding the shared services of the court systems, the tub grinder and arborist.

Mayor Hipp spoke of the storm water retrieval system and the shared services resolution.

\* \* \*

Council President Keyes made a motion to move that all the items on the Consent Agenda be passed, seconded by Councilwoman Birdsall with all members present voting aye.

Minutes for approval were held.

\* \* \*

**10/20**

Under the Consent Agenda, Councilwoman Birdsall moved the following Resolution, seconded by Councilwoman Inguanti and unanimously approved on roll call:

**RESOLVED:** That bills in the amount of \$7,110,015.90 from the Current Account, and \$177,980.55 from the Capital Fund, all 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.

\*

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

**10/20**

Councilwoman Birdsall moved a payment to Gold Type Business Machines for \$40,218.25, seconded by Councilwoman Inguanti with all members present voting aye except Councilman DeSalvo who abstained.

\*

Councilwoman Inguanti made a motion to approve the following Resolution refunding 2009 Homestead Rebates, Councilwoman Keyes with all members present voting aye:

**WHEREAS**, the Borough of Rutherford has received the 2009 Homestead Rebate check for various property owners in the Borough of Rutherford and;

**WHEREAS** some of these property owners are entitled to a refund of this rebate;

**NOW THEREFORE BE IT RESOLVED** that the Chief Financial Officer be and he is authorized to issue warrants totaling \$9723.13 to the following property owners and charge the same to the miscellaneous account.

<b>BLOCK</b>	<b>LOT</b>	<b>NAME&amp;ADDRESS</b>	<b>AMOUNT</b>
88	21	Anthopoulos, Demos B. & Patricia 17 Courier Place	\$1658.84
161	29	Chowdhury, Rezau & Sabbin 100 Eastern Way	\$1039.16
158	54	Cotugno, James & Jodi 317 Feronia Way	\$ 292.24
34	18.02	DaCruz, Ricardo 70 Donaldson Ave	\$1013.68
137	5	Lynch, Richard E. 99 Sylvan Street	\$1700.26
41	18.01	Rembert, B. Cason, W.G. &Cason, D. Re: 68 Wood Street	\$1250.00
71	9	Silkaitis, William 10 Ayer Place	\$1114.00
178	49.02	Werdann, Wm. & JoAnn 326 West Passaic Avenue	\$1654.95

\*

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

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

**RESOLVED:** That bills in the amount of \$328,099.06 and \$1,509,291.12 from the Current Account, all 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.

\*

\*

\*

**FINANCE**

Councilwoman Inguanti gave a report on the Borough finances.

\*

**10/20**

Under the Consent Agenda, Councilwoman Birdsall moved to approve the following Resolution for the Local Finance Board Application, seconded by Councilwoman Inguanti and unanimously approved on roll call:

**WHEREAS**, the Borough of Rutherford in the County of Bergen, New Jersey (The "Borough") desires to make application to the Local Finance Board for approval of a proposed refunding bond ordinance planned for introduction on the first reading on November 17, 2009 and authorizing the payment of amounts owed by the Borough to the owners of various properties for taxes levied in the Borough; and

**WHEREAS**, the Borough believes that:

- A) It is in the public interest to accomplish such purpose;
- B) The proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create and undue financial hardship upon the Borough; and

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

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's Council, Chief Financial Officer and Auditor along with other representatives of the Borough are hereby authorized to prepare such application and to represent the Borough in all matters pertaining thereto.

Section 2. The Chief Financial Officer of the Borough is hereby directed to prepare and file a copy of the proposed bond ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record it findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009

---

\*

2009 Capital Budget discussions were held for the November meeting.

\*

Councilwoman Inguanti provided a preliminary overview of the 2010 Budget.

\*

As Liaison to the **Citizens Finance Committee**, Councilwoman Inguanti mentioned that they will be examining some of the ideas brought forward by the Committee.

\*

As Liaison to the **Local Assistance Board**, Councilwoman Inguanti provided a brief explanation of the new housing facility in the County and affordable housing.

\*

\*

\*

For, **POLICE**, Councilwoman Birdsall stated that the monthly report would be on file with the Borough Clerk.

\*

**10/20**

Under the Consent Agenda, Councilwoman Birdsall moved to approve the following Resolution, seconded by Councilwoman Inguanti and unanimously approved on roll call:

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

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

**Grace Episcopal Church  
Rutherford Elks Club**

**Tricky Tray  
Tricky Tray**

\*

Under the Consent Agenda, Councilwoman Keyes moved to accept the request for street closure on November 28, for the 59<sup>th</sup> Annual Holiday Parade, seconded by Councilwoman Birdsall with all members present voting aye.

\*

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

Councilwoman Birdsall moved to accept the request for a block party on Woodward Avenue, October 31<sup>st</sup> from noon-5:00pm, seconded by Councilwoman Keyes with all members present voting aye.

\*

Councilwoman Birdsall made a motion to approve the following Resolution, seconded by Councilman DeSalvo with all members present voting aye:

<b>PTA Union School</b>	<b>Tricky Tray (12/03/09)</b>
<b>PTA Union School</b>	<b>Tricky Tray (12/11/09)</b>
<b>PTA Union School</b>	<b>On Premise 50/50 (12/03/09)</b>
<b>PTA Union School</b>	<b>On Premise 50/50 (12/11/09)</b>

\*

Councilwoman Birdsall made a motion to approve the request from Felician Collage to hang a banner across West Passaic in accordance with compliance of applicable regulations, seconded by Councilwoman Keyes.

Councilman DeSalvo was concerned about bolting the banner to a tree. Mayor Hipp responded that Felician College will be instructed not to bolt the banner but to find an alternative way to affix the banner to the tree.

The Borough Clerk read the roll call: all members present voted aye.

\*

Councilwoman Birdsall made a motion to extend the street closure for November 28, until 6:00 p.m. to incorporate the Holiday Festival, seconded by Councilwoman Keyes with all members present voting aye.

\*

\*

\*

For, **PUBLIC WORKS**, Councilman DeSalvo provided a monthly report for the Department which was on file at the Borough Clerk's Office.

\*

Councilman DeSalvo made a request to Mayor Hipp for the following personnel actions:

- Paul Penna with a lateral move from Mechanic to Equipment Operator
- Michael Schmeding for a promotion in title only to Supervisor of Trees
- Steven Sartori for promotion in title only to Supervisor of Garage Services

So ordered.

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

\*

Councilman DeSalvo made a motion for the promotional exam for Truck Driver, seconded by Councilwoman Inguanti with all members present voting aye.

\*

**10/20**

Councilman DeSalvo made a motion to approve the following Resolution to approve Shared Services Grant Application through Bergen County, seconded by Councilwoman Inguanti:

**WHEREAS**, there is desire on the part of the Borough of Rutherford to continue to search for shared services; and

**WHEREAS**, there is an opportunity to obtain a grant from the County of Bergen to study shared services; and

**WHEREAS**, there are numerous opportunities for cost savings by sharing local government services and equipment; and

**WHEREAS**, interlocal service agreements will serve to improve efficiency so as to ensure the continued vitality and viability of certain local government services and save taxpayers money; and

**WHEREAS**, municipalities in New Jersey are authorized by the Uniform Shared Services and Consolidation Act, 40A:65-1, et. seq., to enter into agreements for the joint provision of shared public services; and

**WHEREAS**, the Borough of Carlstadt shall serve as the lead agency for this endeavor; and

**WHEREAS**, the Borough of Rutherford, Borough of Carlstadt, Borough of East Rutherford and Borough of Wallington are desirous of applying to the County of Bergen for funding to conduct a Feasibility Study on Shared Services for several small departments, including: Court Arraignments, Building Department, Equipment, Pistol Range and Civilian Police Dispatchers, provided there is no direct cost to the municipalities for the cost of engaging professionals to perform the necessary studies and prepare reports, such municipal operations and services as may be fiscally prudent and desirable and to make non-binding recommendations thereon.

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

1. The Borough Administrator and Borough Attorney are hereby authorized to coordinate the details of preparing the necessary funding request application to Bergen

## MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009

---

County in a joint venture with their counterparts in Carlstadt, East Rutherford and Wallington.

2. The Mayor is authorized to execute all agreements consistent with the terms of this Resolution in a form to be approved by the Borough Attorney.

3. A copy of all executed agreements and applications shall remain on file in the Borough Clerk's office and copies sent to Carlstadt, East Rutherford and Wallington.

**BE IT FURTHER RESOLVED** that copies of this Resolution shall be forwarded to the Municipal Clerks of Carlstadt, East Rutherford and Wallington and the Bergen County Executive and Board of Chosen Freeholders.

The Borough Clerk read the roll call: Councilman Genovesi, Councilwoman Inguanti, Councilman DeSalvo and Mayor Hipp voting aye and Councilwoman Keyes, Councilman Sasso and Councilwoman Birdsall voting nay.

\*

Councilman DeSalvo made a motion to authorize the purchase of a dump truck for DPW with funds not to exceed \$55,000 subject to certification of funds and approval of the auditor, seconded by Councilwoman Inguanti with all members present voting aye.

\*

As Liaison to **Shade Tree Committee**, Councilman DeSalvo spoke of the new Tree Ordinance and thanked the Committee for their efforts.

\*

As Liaison to the **Downtown Partnership**, Councilman DeSalvo made a motion to permit the Downtown Partnership to use the space on the light poles in the Downtown District for plaques as a fund raiser with the funds being used for various events, seconded by Councilwoman Inguanti.

Councilwoman Keyes recalled that a sample was requested at the prior meeting. Councilman DeSalvo noted that the Partnership hadn't picked a contractor of then so there was no access to a sample, but they could see a sample picture for the size.

Councilwoman Birdsall asked for specific information regarding the future of the plaques.

Mayor Hipp called upon Dr. Bryant to respond. Dr. Bryant gave an overview of the plaques to respond to the outstanding questions.

The Borough Clerk read the roll call with all members present voting aye.

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

\*

\*

\*

For, **FIRE**, Councilwoman Keyes provided a monthly report for the Department.

\*

**President of the Council**

Under the Consent Agenda, Councilwoman Keyes moved to approve the 2010 Mayor and Council Meeting Schedule changing the meetings to the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month, seconded by Councilwoman Birdsall with all members present voting aye.

\*

As Liaison to the **Health Department**, Councilwoman Keyes announced the specifics of the influenza program.

\*

Councilwoman Keyes read the following Resolution from the Board of Health regarding the Shared Services into the record:

**WHEREAS**, the Rutherford Board of Health, hereby known as the Board derives its authority as an autonomous body as outlined in New Jersey State Statutes Annotated Title 26:3-1 which requires every municipality in the state to have a board of health; and

**WHEREAS**, the Board is empowered with rules, regulations and ordinances authority as outlined in N.J.S.A. 26:3-19 for its employees and is the sole determining body that establishes such personnel as the Board deems necessary to carry into effect the powers vested in the Board by law in administering a public health program to its community; and

**WHEREAS**, the Courts in the State of New Jersey have supported Boards of Health on their statutory powers, and the defining case addressing the power of the board of health verses the power of the related municipality is outlined in Grosso v. City of Paterson, which was upheld by the New Jersey Supreme Court. The court noted that "A local board of health is an entity distinct from municipality in which it is derived", "Neither the board of health, its members or its employees are agents of the municipality nor is the city liable for their acts", "Nor may the municipality's governing body exercise the duties delegated by law to the local board of health", "So, since a local board of health has power to appoint its officers, agents and employees, including health officers and plumbing inspectors, the municipality's governing body may not appoint such officers, agents, and employees, whether they be health officers...or plumbing inspectors..."; and

**WHEREAS**, the Board has been provided with a copy of the resolution passed by the Rutherford Governing Body on October 20, 2009 regarding shared health services study with the Boroughs of Rutherford, East Rutherford, Carlstadt and Wallington, without the consent, approval or advice of the Board; and

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

**WHEREAS**, the four aforementioned municipalities in the feasibility study already have in place shared health services agreements, two of the four towns sharing health services with the Bergen County Department of Health Services and the other two towns having shared health services agreements with the Mid-Bergen Regional Health Commission; and

**WHEREAS**, the Board fails to see the potential benefits to the residents of the Borough of Rutherford by entering into this shared services study for health services funded through taxpayers dollars and organized by the County of Bergen since shared health services already exist with the four municipalities included in this feasibility study; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby subscribes upon its October 26, 2009 meeting minutes this resolution noting that the Board was not contacted, consulted or advised of this feasibility study that encompasses an area of statutory responsibility for the Board as it pertains to health services and not the Governing Body, and the Board does not support this feasibility study based on the fact that the study is unnecessary and unwarranted since shared public health services exist in each of the four municipalities, the Board is currently involved in five separate shared health services agreements and the Board fails to see the potential enhancements to the public health needs to the residents of our community; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the Bergen County Executive and Board of Chosen Freeholders, along with copies to the Board's of Health in the Boroughs of East Rutherford, Carlstadt and Wallington.

\*

As Liaison to **Community Development**, Councilwoman Keyes had received no information regarding the ADA renovations for the American Legion.

\*

\*

\*

For, **BUILDINGS AND PUBLIC UTILITIES**, Councilwoman Birdsall provided a monthly and quarterly report for the Building Dept.

\*

As Liaison to the **Board of Adjustment**, Councilwoman Birdsall ask if the Mayor was going to appoint a replacement for Cathy Botti. Mayor Hipp responded that he would make appointments in November.

\*

As Liaison to the **Board of Aesthetic Review, Green Team, Historic Preservation Committee, and West End Committee**, Councilwoman Birdsall commended the Committees for all their efforts.

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

\*

As Liaison to the **Citizen Round Table Forum**, Councilwoman Birdsall asked for approval to hold a follow-up meeting which the Council supported.

\*

As Liaison to the **Green Team**, Councilwoman Birdsall spoke of the NJ Sustainable Energy Joint Meeting, the Status of the Sustainable Application, and the re-organization of the Committee.

\*

\*

\*

For, **HUMAN RESOURCES**, Councilwoman Inguanti stated that the monthly report would be on file at the Borough Clerk's Office.

\*

Councilwoman Inguanti stated that a discussion of under-bleacher storage bins in Tryon Field were being discussed with the Board of Education.

\*

Councilwoman Inguanti moved to authorize the Mayor to execute the lease agreement between Little League and the Borough for use of the land and for the facility in Memorial Field, seconded by Councilman DeSalvo with all members present voting aye.

\*

Councilwoman Inguanti asked the Mayor to make appointments as recommended by Recreation Director Denise Brennan for a Pre-School Teacher Aide and a Program Aide for the Individuals with Exceptional Needs Program. So ordered.

\*

Councilwoman Inguanti asked the Mayor to permanently appoint Barbara Bennett to the position of Principal Clerk Typist from the Certification of Eligibles. So ordered.

\*

Councilwoman Inguanti made a motion to authorize the Little League to make improvements to the field, seconded by Councilman DeSalvo with all members present voting aye.

\*

\*

\*

**MAYOR'S AGENDA**

Mayor Hipp spoke regarding the public disclosure of information contained in closed session and related matters in reference to Borough Administrator Les Shenkler.

\*

Mayor Hipp provided a review of public comments received in connection with NJDEP and the Green Acres Program for land acquisition; letter received from County Executive Dennis McNerney which was on file.

\*

**Appointments**

Leslie Shenkler as Public Agency Compliance Officer under COAH effective immediately.

Councilman DeSalvo moved to confirm the appointment of **Leslie Shenkler as Public Agency Compliance Officer**, seconded by Councilwoman Inguanti. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman DeSalvo and Mayor Hipp voting aye; Councilwoman Keyes and Councilwoman Birdsall voting nay.

\*

- **Paul Penna to Equipment Operator**
- **Michael Schmeding to Supervisor of Trees**
- **Steven Sartori to Supervisor of Garage Services**

Councilman DeSalvo made a motion to confirm, seconded by Councilwoman Keyes with all members present voting aye.

\*

**Samantha Scannell** to the position of **Pre-K Teacher's Aide** effective November 9, 2009, subject to satisfactory background checks.

Councilwoman Keyes moved confirmation, seconded by Councilwoman Inguanti with all members present voting aye.

\*

**Patricia Lane** to the position of **Program Aide for the Individuals with Exceptional Needs Program** effective October 29, 2009, subject to satisfactory background checks.

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

Councilwoman Keyes moved confirmation, seconded by Councilwoman Inguanti with all members present voting aye.

\*

**Barbara Bennett** to the permanent position of **Principal Clerk Typist** effective October 28, 2009.

Councilman DeSalvo moved confirmation, seconded by Councilwoman Birdsall with all members present voting aye.

\*

**Civil Rights Commission** for unexpired terms to 12/31/2011

- **Joseph Gilhawley**
- **Odalys Lezcano**
- **Hannibal Pharon**
- **Carman Ark**

\*

Councilman DeSalvo made a motion to adopt the Resolution supporting State House Commission final application to the NJDEP Green Acres Program for Land Acquisition for the Route 3 Bridge Replacement, seconded by Councilwoman Inguanti with all members present voting aye:

**RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION  
FINAL APPLICATION TO THE NJDEP GREEN ACRES PROGRAM  
FOR LAND ACQUISITION FOR THE ROUTE 3 BRIDGE REPLACEMENT**

**WHEREAS**, Block 9.01, Lots 2.04, 1.02, and part of Lot 1.03, are owned by the Borough of Rutherford, a portion of which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's (NJDEP) Green Acres Program; and

**WHEREAS**, in conjunction with the proposed land acquisition for the Route 3 Bridge Replacement, it is necessary to remove the Green Acres restrictions from a 0.039 acre portion of these lots; and

**WHEREAS**, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to *N.J.A.C. 7:36-26*; and

## MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009

---

**WHEREAS**, the Borough of Rutherford wishes to apply for approval for land acquisition for the Route 3 Bridge Replacement as a major disposal or diversion of parkland under *N.J.A.C. 7:36-26*; and

**WHEREAS**, the Borough of Rutherford resolution was passed on July 7, 2009 supporting the pre-application submission pursuant to *N.J.A.C. 7:36-26.9*; and

**WHEREAS**, the Borough of Rutherford submitted the application package to the NJDEP Green Acres Program on July 9, 2009 and it was subsequently approved by the Department; and

**WHEREAS**, upon receiving the NJDEP's approval of the pre-application, the Borough of Rutherford prepared public hearing notice information as part of the final application and the NJDEP Green Acres Program concurred that the application was complete for public hearing purposes; and

**WHEREAS**, the final compensation proposal contained in the final application and agreed to by the Borough of Rutherford and the New Jersey Department of Transportation (NJDOT) consists of the following:

1. 98 native trees to be paid for and planted in the Borough of Rutherford's Parks by the NJDOT.
2. 89 street trees to be paid for and planted by the NJDOT at locations to be determined by the Borough of Rutherford.
3. Monetary compensation in the amount of \$60,000 to be transferred to a Borough of Rutherford account specifically dedicated to parkland improvements.

**WHEREAS**, a public hearing was held on October 7, 2009 and public comment was accepted until October 21, 2009; and

**WHEREAS**, in accordance with *N.J.A.C. 7:36-26.11(i)4*, it is necessary for the Borough of Rutherford to submit as part of the final application a Resolution reaffirming and endorsing the application to dispose or divert of parkland;

**NOW THEREFORE, BE IT RESOLVED** by the Municipal Council of the Borough of Rutherford, in the County of Bergen, State of New Jersey as follows:

1. The Borough of Rutherford reaffirms and endorses the filing of a final application for the disposal/diversion of the aforementioned Borough of Rutherford-owned land pursuant to *N.J.A.C. 7:36-26.11(i)4*;
2. The Borough of Rutherford has reviewed both oral and written comments accepted during the public comment period and have made a finding that the major disposal or diversion of parkland is still in the public's best interest;

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

3. The Borough of Rutherford hereby finds that the disposal/diversion of the aforementioned Borough of Rutherford-owned land associated with the Route 3 Bridge Replacement would meet the minimum substantive criteria at *N.J.A.C. 7:36-26.1(d)1i* by mitigating a hazard to the public health, safety, or welfare; and
4. The Borough of Rutherford acknowledges that in order to obtain the approval of the disposal/diversion of the aforementioned Borough of Rutherford-owned land, all substantive and procedural requirements of *N.J.A.C. 7:36-26* must be met, including the compensation requirements at *N.J.A.C. 7:36-26.10*.

\*

\*

\*

**ORDINANCES ON 1<sup>ST</sup> READING**

Councilwoman Inguanti announced the Zoning amendment regarding fences on corner lots was being held.

\*

Councilwoman Inguanti introduced the Land Use Procedures amendment to planning fees and escrow requirements was being read on first reading.

The Borough Clerk read Ordinance by Title only: **AN ORDINANCE AMENDING SECTION 51-29 OF THE CODE OF THE BOROUGH OF RUTHERFORD ESTABLISHING ZONING AND PLANNING FEES AND ESCROW REQUIREMENTS.**

Councilwoman Inguanti made a motion to approve the Ordinance being passed on 1<sup>st</sup> Reading and advertised according to law, seconded by Councilwoman Keyes.

Mayor Hipp opened the Ordinance for discussion; seeing none the discussion was closed.

The Borough Clerk read the roll call: with all members present voting aye.

\*

Councilwoman Inguanti introduced the Ordinance regarding public notice for wireless antennas to be in compliance with the State law requiring 200 feet.

The Borough Clerk read Ordinance by Title only: **AN ORDINANCE AMENDING ARTICLE 9A, SECTION 131-52.4J OF THE CODE OF THE BOROUGH OF RUTHERFORD MODIFYING THE PUBLIC NOTICE REQUIREMENTS FOR WIRELESS AND TENANT APPLICATIONS FROM 500 FEET TO 200 FEET, AS REQUIRED BY THE MUNICIPAL LAND USE ACT.**

Councilwoman Inguanti made a motion to approve the Ordinance being passed on 1<sup>st</sup> Reading and advertised according to law, seconded by Councilman DeSalvo.

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

Mayor Hipp opened the Ordinance for discussion; seeing none the discussion was closed.

The Borough Clerk read the roll call: with all members present voting aye.

\*

**ORDINANCES ON 2<sup>nd</sup> READING**

Councilwoman Keyes introduced the Ordinance to amend the Administrative Code – By-laws.

The Borough Clerk read the title: **AN ORDINANCE CREATING THE ADMINISTRATIVE CODE OF THE BOROUGH OF RUTHERFORD INCORPORATING THE BY-LAWS OF THE MAYOR AND COUNCIL.**

Councilwoman Keyes made a motion to approve the Ordinance being passed on 2<sup>nd</sup> Reading and advertised according to law, seconded by Councilwoman Inguanti.

Mayor Hipp opened the Ordinance for public discussion; seeing none discussion was closed.

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

The Borough Clerk read the roll call: with all members present voting aye.

\*

Councilwoman Birdsall introduced the Ordinance for handicap space at 63 Chestnut Street and 5 Hasbrouck Place.

The Borough Clerk read the title: **AN ORDINANCE AMENDING SECTION 126-69 OF THE CODE OF THE BOROUGH OF RUTHERFORD ENTITLED VEHICLES AND TRAFFIC DESIGNATION OF SPACES ADDING HANDICAP PARKING SPACE.**

Councilwoman Birdsall made a motion to approve the Ordinance being passed on 2<sup>nd</sup> Reading and advertised according to law, seconded by Councilwoman Keyes.

Mayor Hipp opened the Ordinance for public discussion; seeing none the discussion was closed.

Mayor Hipp opened the Ordinance for Council discussion; no discussion took place.

The Borough Clerk read the roll call: with all members present voting aye.

MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009

---

\*

Councilwoman Inguanti introduced the Ordinance authorizing for the appropriation of \$446,765 for the Waterfront Park at Nereid Boat Club which was a loan/grant taken on by the Boat Club not the Borough.

The Borough Clerk read the title: **AN ORDINANCE AUTHORIZING THE APPROPRIATION OF \$446,765 TO BE UTILIZED FOR THE RUTHERFORD WATERFRONT PARK, \$335,074 TO BE PROVIDED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES BY WAY OF A LOAN AND \$112,691 TO ALSO BE PROVIDED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES BY WAY OF A GRANT WILL ALSO BE REPAID TO GREEN ACRES BY THE NEREID BOAT CLUB, THE TENANT ON THE PROPERTY TO BE IMPROVED.**

Councilwoman Inguanti made a motion to approve the Ordinance being passed on 2<sup>nd</sup> Reading and advertised according to law, seconded by Councilwoman Keyes.

Mayor Hipp opened the Ordinance for public discussion.

Charles DiNoto 103 West Passaic Avenue inquired about the possibility of having a system to generate power from the River.

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

Mayor Hipp opened the Ordinance for Council discussion.

Councilwoman Birdsall commented that the Nereid's improvements will benefit the Borough and in response to Mr. DiNoto she confirmed that they are potentially looking to perform a feasibility study for water turbines.

Councilwoman Inguanti agreed with Mr. DiNoto's comments.

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

The Borough Clerk read the roll call: with all members present voting aye.

\*

\*

\*

**MISCELLANEOUS**

Councilwoman Keyes read the Library Director's Report.

\*

\*

\*

**MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2009**

---

**HEARING OF CITIZENS**

Bonnie Corcoran, 390 Montross Avenue presented a document to the Council from Anna Fugerio of Darwin Avenue. Ms. Corcoran spoke regarding the reasons why she was no longer on the Citizens Finance Committee; her displeasure with not being appointed to the Pedestrian Safety Committee and all the grants that were available to the Borough which they did not apply for. Ms. Corcoran asked for those interested to attend the Board of Education meetings.

Charles DiNoto, 103 West Passaic Avenue spoke regarding his confusion of when the public is allowed to speak.

Mayor Hipp closed the hearing as no further citizens wished to be heard.

Councilwoman Inguanti responded to Ms. Corcoran comments regarding the Board of Education meetings; Citizens Finance Committee; Pedestrian Safety Committee. Councilwoman Inguanti commented that she was always willing to look for grants but a lot of the grants are taxpayer dollars by another means.

Mayor Hipp stated to Mr. DiNoto that they were two opportunities for citizens to speak during the Regular Meetings and at a Work-Session before the Regular Meeting there is no hearing of citizens. The Mayor spoke about the regulations pertaining to the Open Public Meetings in regards to allowing citizen's to speak.

\*

\*

\*

Councilwoman Inguanti moved to adjourn at 10:55 p.m., seconded by Councilman DeSalvo and unanimously approved on roll call.

---

Borough Clerk