

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, NOVEMBER 25, 2008**

The meeting was called to order by Mayor Hipp at 8:40 p.m. with the following Councilmembers present:

Councilwoman Keyes
Councilman Genovesi
Councilwoman Inguanti
Councilman Sasso

Councilman Fecanin - absent
Councilman Sommer - absent

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

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Councilman Genovesi read the provisions of the Open Public Meetings Law.

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AT 7:00 PM WORK SESSION:

Councilman Genovesi moved the following resolution for a closed session, seconded by Councilwoman Keyes with all members present voting aye:

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, November 25, 2008 at 7:05 p.m. in the Committee of the Whole Room to discuss the following matter:

- Matter of Nicholas Loizzi

The meeting re-convened to open session at 7:26 pm.

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Mayor Hipp opened the hearing of citizens.

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Charles Burrhus, 267 Mortimer Avenue commended the Mayor and Council for the leaf program that was instituted and carried out nicely by the DPW. Mr. Burrhus said he has been a life-long resident of Rutherford and he has never seen the town so clean in the leaf season, he thinks it was a real plus and the Mayor/Council and DPW should be commended; not saying it was without a few glitches but next year with a little fine tuning they will have it down good. He said he wanted to thank the landscapers in town because they went ahead with the new ordinance and they did a nice job.

Mr. Burrhus said the other issue is the Borough Administrator; he read in the paper last week and it was a little confusing that they hired an Administrator but they had to fudge with the ordinance and give this person a raise circumventing the Borough ordinance and he had a problem with that. He said he can't understand what is going on, the country is in a recession maybe they don't feel it but the town people certainly feels it, he listened to the work session and they are having trouble collecting taxes where people are in arrears, get used to it. Mr. Burrhus said people do not have the money, their retirement benefits have dwindled, their homes are in foreclosure, they can't sell the homes they got that are over-taxed because of the re-evaluation at the height of the real estate market, everyone of the homes in town is over evaluated but the bottom line is the town needs the money. He said getting the house re-evaluated is not going to work because if everyone did that and got a tax break they would have to change the tax rate; so what is going on there, they hire a Borough Administrator that can't work for the cap, he thinks it is \$113,000 with a stipend of a car, he would like to have a job like that in these tough times. Mr. Burrhus asked what are they thinking about in trying to pass an ordinance to give him more money, that is irreprehensible, that's back room politics, he doesn't care what they call it. He said the previous administration had problems doing things in the back room and what happened, they were voted out on a three to one margin. Mr. Burrhus said the new council people that came in the first of the year told them, the taxpayers, that they would try to control taxes, they would have open government, what is going on now is dirty politics, he doesn't care what they call it but with a town that is withering how dare they put that out like that. If they push that ordinance through tonight, which they probably will, the taxpayers have a long memory (when things are flush and people have money taxpayers have a short memory) but they have a long memory when they are on the brink of going bankrupt. He said the person that they run against will be glad to tell any Rutherford taxpayer what they did and they should think about that, these politics are going to come back and bite them. Mr. Burrhus said he doesn't care if they are Republican, Democrat, Independent or whatever; the people of Rutherford are tired of back room politics.

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

Councilman Genovesi said to Mr. Burrhus he would like to respond on one point, his assertion which he made a few times that it was back room politics; the selection process was a completely open process, they received 15-20 resumes. Councilwoman Keyes interjected that they actually received 25. Councilman Genovesi continued they were advertised according to law and actually it wasn't a short process as they were criticized for the amount of time it actually took to select a candidate and he respectfully disagrees

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that it was a back room politics type situation. He said it wasn't, it was very open, very clear, they had nine months, it was a major discussion in the town as well as among the Council. Councilman Genovesi said the other issues that Mr. Burrhus raised said he understands everything that he said and he respects his feelings as a taxpayer and he just wanted to comment on the process, he believes it was a very open process in which individuals that were qualified were considered and those who were not qualified were not considered.

Councilwoman Keyes said to Mr. Burrhus she also wanted to say it was also very transparent, the entire process they went through, they looked at the candidate's individual experience that they had and they felt as a Council that the person's experience was commensurate with the money they are paying him. She said he came in at the top of the salary of the previous Administrator and his salary in his last position was much higher so that was the reason they decided to go the next step to introduce another ordinance with a salary range that was commensurate with his experience. Councilwoman Keyes said that has been out there and has been part of the process all along and she believes the Council is very comfortable with the selection.

Mr. Burrhus said he knows he is not supposed to get up and talk then but this is a democracy and that is a hot issue; the problem is.

Mayor Hipp interjected that they need to move along, the ordinance will be on for second reading and he suggested that there will be a public hearing at that time and he could speak again about the ordinance specifically. Mr. Burrhus said to the Mayor he appreciated that, but he wanted to make his point that he was not saying that the way the hiring was done was wrong, he was talking about the raise that was coming after working a week or two, how long has the gentleman been working for the town? Mayor Hipp responded that the Council has heard his question and they will continue it at the hearing of the ordinance.

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

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Councilman Genovesi moved to approve the Minutes of the Closed Meeting of January 15, 22 & 29; February 19 & 26; March 4, 18 & 25; April 15 & 29, 2008, seconded by Councilwoman Keyes with all members present voting aye.

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Councilman Genovesi welcomed to the dais and congratulated both Councilwoman-elect Birdsall and Councilman-elect DeSalvo.

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11/17

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

RESOLVED: That bills in the amount of \$596,032.13 payable from the Current 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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11/17

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

WHEREAS, the following property owner has applied for a Veteran's Property Tax Deduction for 2008, and;

WHEREAS, his 2008 property taxes are paid in full and he is entitled to a refund of this \$250.00 deduction;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$250.00 made payable to Leroy Gregory as reimbursement for the Veteran's deduction on Block 40.01, Lot 8, more commonly known as 110 Wood Street.

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11/17

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

WHEREAS the following taxpayers have applied for an been granted a State Tax Court Judgment, reducing their assessment for 2008 and;

WHEREAS this State Tax Court Judgment has resulted in an overpayment of 2008 taxes and the taxpayer is entitled to a refund;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$9,038.59 and charge same to 2008 taxes overpaid.

BLOCK	LOT	NAME & ADDRESS	AMOUNT
201	7	Michael I. Schneck, Trustee Patco Realty Re: 153 Darwin Avenue	\$5,538.37

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NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a warrants totaling \$500.00 as follows and charge same to 2008 taxes;

BLOCK	LOT	NAME & ADDRESS	AMOUNT
53	7	James M. Fedorko 68 Washington Avenue	\$250.00
36	21 CB202	Thomas Rice 126 Hackett Place	\$250.00

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11/17

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

WHEREAS the Borough of Rutherford has received an overpayment for 2008 taxes on the following property and;

WHEREAS these overpayments will be credited to 2009 taxes for the same parcel;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check made payable to the Borough of Rutherford in the amount of \$71.59 and charge same to 2008 taxes overpaid.

BLOCK	LOT	NAME & ADDRESS	AMOUNT
10	21.02	Mary Bernardo 29 Preble Place	\$71.59

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

RESOLVED: That bills in the amount of \$3,374,979.85 payable from the Current Account and \$35,000 from the Rutherford Downtown Improvement Account all as detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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Under the Consent Agenda, Councilman Genovesi moved the following Resolution, seconded by Councilwoman Keyes 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 \$10.00 payable to Bergen County Office for Children – Education classes for teacher.
2. In the amount of \$75.00 payable to Vanessa Warner – refund for Fun with Music.

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

RESOLVED: that the following warrants be issued in the amounts indicated for the purposes stated:

1. In the amounts indicated in payment of the uniform allowances for the five volunteer fire companies and for special duty fire fighters in accordance with Borough Code Chapter 33:

Rutherford Truck Co. #1	\$ 10,935.46
Rutherford Fire Engine Co. #2	14,687.52
West End Engine & Hose Co. #3	10,150.00
Rutherford Engine Co. #4	11,902.14
Rescue Co. #5	11,600.00
Special Duty fire fighters -	
Harry J. Western	360.00
David Kinney	360.00
Michael Flynn	360.00
Colin Swift, Jr.	360.00
TOTAL	\$60,715.12

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For, **FINANCE**, Councilwoman Inguanti reported for the month of November the Encap tax lien failed to sale once again and the issue continues to put the Borough in a deficit position heading into 2009, however, there may be some good news as early next month as there are legal procedures taking place in bankruptcy court on the 8th and 9th of December that will hopefully resolve some of the lingering doubt about Encap solvency and ability to move forward with the redevelopment plan. She said as reported in the newspaper the NJMC has petitioned the court to allow the project to be returned to its control and they will continue to monitor the situation.

Councilwoman Inguanti said the CFO has begun making transfers from Borough accounts that have overages to accounts that are coming up short; it is important that they know the budget is in very good shape as regards to expenditures it is the revenue side that is the problem. She said much of that is caused by the Encap issues and she thanked the Borough employees who have really worked very hard to eliminate as much overtime as possible and it's really helped them quite a bit as they wind down 2008. Councilwoman Inguanti said they are experiencing a net savings in the police overtime that will allow them to avoid an emergency appropriation for settlements regarding the rehiring of police officers and being able to do that will allow them not to burden the 2009 budget and will also save in the interest and payments and fees that would have accrued for that debt which is good news. She said furthermore they have in the recycling revenue they anticipate in 2007 they received \$116,925 in 2008 \$225,000 was anticipated and as of October 31 they received \$237,761 for recycling revenue; further on the expenditure side they had budgeted \$908,000 for dumping fees in 2008 and so far they are at \$851,481 so they are \$56,000 under budget. Councilwoman Inguanti said the thanks goes in largely to the residents who have stepped up their recycling efforts and obviously the DPW and the recycling coordinator who have worked to expedite the program. She said also to their advantage the LFB has approved their request to spread out the high number of tax appeals that the Borough has had to settle in 2008, for a period of five years typically being able to spread over five is done in three and this will allow the Borough to more easily absorb the expenditures and look for alternative revenues to make up the short fall in ratables and revenue as opposed to raising taxes, it gives them a little breathing room. Councilwoman Inguanti said they also received a grant from the New Jersey Dept. of Transportation for \$200,000 which will be applied to capital improvement projects in 2009 and the finance department and department heads have also begun preparing information and worksheets for next year's budget process which she believes will be aided greatly by the presence of the new Borough Administrator. She said he has already in less than two weeks found areas they could save money and operate more efficiently and a memo went out to the department heads to keep in mind the 3% cap on expenditures and 4% on total tax rate. Councilwoman Inguanti said they did an excellent job the past year in adhering to that and fortunately some of the breathing room in the budget is a result of that and also the good work of the employees in avoiding the overtime as she mentioned.

Councilwoman Inguanti said in respect to the Local Assistance Board there seems to be some confusion as to what they do is operate largely outside of the budget, most of their money they get is through donations and reimbursements through the State and what is important to remember is things like consolidation of services. She said one thing

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she would like to make clear as Liaison to the Board and dealing directly with Kathy Hildebrand is that she is their first line of defense in identifying fraud, waste and abuse in terms of social services. Councilwoman Inguanti said as an example of such in a recent meeting they discussed when Newark put its social services under the County of Essex which she believes was done fairly recently, their case work exploded by nearly doubling and that is a direct result of less interaction with case workers who can determine if someone is no longer eligible for certain services and hold back on that and make sure everyone is following the rules. She said that is one of the first places that Boroughs look to cut back on and eliminate and consolidate at the County level but it becomes self defeating in terms of a savings to the taxpayers because what ends up happening is that the direct contact with the individuals who utilize these services get cut way back and there are people who will abuse the system. Councilwoman Inguanti said Kathy Hildebrand is very aggressive in terms of weeding out the individuals who abuse the system and she has actually dealt with a few cases this past year, so she just wanted to make it clear that it is not just a hand out and no control, Kathy is an excellent monitor to make sure the monies are being utilized fairly and appropriately and she is well worth her salary for the taxpayers.

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Councilwoman Inguanti said the CFOs Corrective Action Report has been discussed between the Council; there are issues in the report over which they will discuss in greatly detail but under the advice of the Borough Auditor she is putting it up for a vote that night to approve the CFOs Corrective Action Report. She asked the CFO if any names have been redacted from the report; the report will go to the LFB? The CFO responded that the report doesn't go to the LFB it goes to the Director of the Div. of Local Government Services in Trenton and yes all the names have been redacted, only positions were used.

Councilwoman Inguanti made a motion to approve the following Resolution, for the CFOs Corrective Action Report, seconded by Councilman Genovesi:

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.

Councilman Genovesi said if the Report were to be agreed to, is there still a chance to amend it later or once it is done it is done, how does that work? Mayor Hipp said he supposes if there was a need to amend it the Director would receive it so long as there is an appropriate explanation for it.

The Borough Clerk read the following roll call:
Councilwoman Keyes – Nay
Councilman Genovesi – Aye
Councilwoman Inguanti – Aye
Councilman Sasso – Abstained
Mayor Hipp – Aye

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Motion carried.

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Councilwoman Inguanti stated the next resolution was certifying compliance with Local Finance Board regulations concerning the 2007 annual audit with group affidavit which is simply a recognition by the Council that they have read the summary. She said it does not imply agreement or disagreement with any of the issues.

Councilwoman Inguanti moved the following Resolution adoption to certify compliance with the Annual Audit Report, seconded by Councilman Genovesi:

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 2007 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

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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

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.

Mayor Hipp asked for discussion and upon hearing none he asked for roll call.

The Borough Clerk read the following roll call:

Councilwoman Keyes – Aye
Councilman Genovesi – Aye
Councilwoman Inguanti – Aye
Councilman Sasso – Aye

Motion carried.

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11/17

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

WHEREAS, the Borough of Rutherford and North Jersey Media Group have reached a settlement in the matter of North Jersey Media Group v. Borough of Rutherford et al, Docket No. BER-L-9376-08; and

WHEREAS, the Chief Financial Officer has certified or will certify availability of funds for that purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that the matter between the Borough of Rutherford and North Jersey Media

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Group has been resolved in the amount of \$2,500, subject to approval of counsel as to form.

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Councilwoman Inguanti moved the following Resolution, seconded by Councilman Genovesi with all members present voting aye:

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Rutherford will receive \$37,113 from the U.S. Department of Justice Community Oriented Policing Services and wishes to amend its 2008 budget to include \$37,113 as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$37,113 which is now available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local Government Services:
State and Federal Revenues Off-Set with Appropriations:
U.S. Department of Justice – Community Oriented Policing
Services

BE IT FURTHER RESOLVED that a like sum of \$37,113 be and the same is hereby appropriated under the caption of:

General Appropriations
Operations Excluded from 5% Caps
State and Federal Programs Off-Set by Revenues
U.S. Department of Justice – Community Oriented Policing Services

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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As Liaison to the **Planning Board**, Councilwoman Inguanti said a meeting took place on November 24 with the Commissioner of the New Jersey Meadowlands Commission Bob Ceberio who made a presentation to the public in regards to the Council on Affordable Housing obligations that the Borough is operating under. She said there are Rounds 1,2,3 and they are currently in Round 3; recent legislation commonly referred to A500 which changed the landscape entirely as regard to the Borough's obligation to affordable housing. Councilwoman Inguanti said they have past obligations from Round 1 and 2 and moving ahead in Round 3 there are further obligations. The planning firm of Heyer and Gruel has been in place to help them figure out ways to comply with the regulations and obligation, a date certain was set by the Council on Affordable Housing to have the plans in by December 31st. She said that presented a tremendous challenge to all municipalities in New Jersey especially since the law was adopted in June and finalized in August, which is a very dense law and there is a lot of room for interpretation; there are multiple lawsuits requesting the law be amended or overturned. Councilwoman Inguanti said having to move forward and protect the town because if they do not certify an affordable housing round it leaves them vulnerable to what is called "builders remedy lawsuit" when a builder or developer can go in and sue the town to comply and build affordable housing and he can use that as a wedge to get what he wants. She said those are very costly and she had written a letter about the to the editor that the South Bergenite that in her opinion, this has been targeted by developers and by affordable housing advocates as a place to develop making this a very difficult position to be in. Councilwoman Inguanti said the Planning Board is working to preserve the local character above all else, they don't want huge high rises in the center of town, high density development, there are very few good answers that she can find but so everyone is aware that plan will be available for public inspection starting December 1 in the Clerk's office. She said there will be a meeting of the Planning Board on December 11 where the plan will be discussed openly and it will then come before the Council on December 16 for adoption and then it will be sent to COAH. Councilwoman Inguanti said it is a plan, it is not written in concrete, it can still be amended in the future but it has to pass the laugh test and COAH has to see it as a serious plan to address the affordable housing obligation. She said though they would like to thumb their noses at it, risks exposure to the Borough to lawsuits and potentially with certain judges they will make it far worse, they will punitively punish for not going along with the program by making the obligation even higher or opening up more available land for development. Councilwoman Inguanti said it's just not good but she just wanted to get the dates out there for people so they can mark their calendars and attend the meetings; and it is still a democracy and maybe there is something they could do to change it next November.

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For **POLICE**, Councilman Genovesi stated the monthly report: on October 30th they held "Safe Night Out" which a lot of people in town enjoyed and he was appreciative of what Capt. Egbert was able to do because he puts a lot of time and effort into it those events and wished to congratulate him and all the other officers and detectives who took part in that. Councilman Genovesi said they had some detectives and patrol officers which assisted the Bergen County Pros. Office Sex Crimes and Child Abuse Unit and they

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worked in conjunction with them in an investigation of sexual assault; Sgt. Arnold has been undertaking a program which he personally is thankful for doing it as someone who had a family member suffer from this, he started an extra special persons program which is a voluntary program for individuals who have been diagnosed with Alzheimer's or any other type of developmental disability and the police department will maintain a database at headquarters to aid the officers in identifying the individual and returning them back to their family. He said he had a personal experience with his grandfather and he believes it is a very good program and Sgt. Arnold should be commended for it. Year to date there have been 11,275 calls; for the month of October 2 juvenile arrests; 12 adult arrests; 3 drug arrests; 74 burglar alarms; 12 criminal mischief; 100 ambulance dispatched; three missing person and all three located; 139 - 911 calls; 73 auto accidents reportable; 11 non-reportable auto accidents; 761 parking summons issued; 218 moving summons.

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

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

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

Project Graduation

On Premise 50/50

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

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

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

Parents Guild Immaculate Conception HS

On Premise 50/50

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Under the Consent Agenda, Councilman Genovesi moved to approve the 2009 Mayor and Council meeting schedule, seconded by Councilwoman Keyes with all member present voting aye.

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Councilman Genovesi wanted to comment on what Councilwoman Inguanti said, he listened very carefully as he was not able to attend the meeting although he really wanted

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to and he understands the point about the disadvantage and thumbing their nose at State mandate and regulation. He said something inside him tells him that he doesn't like being duped or bullied and if a judge is going to punish him for protecting what he feels is inherently his; he grew up in this town and he believes in sovereignty; if that is the case then so be it he does not support the COAH regulations and he won't and if that makes him an individual that doesn't get it then it is his town and he doesn't think individuals in the town should be forced to succumb to States wishes and that is just how he feels.

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For **PUBLIC WORKS**, Councilwoman Keyes said the committee report will be on file in the Clerk's Office.

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She said that in the work session they passed a resolution closing out the Station Square roadway improvements which will finish up that project.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that the following change order be approved:

GENERAL CONSTRUCTION:	Station Square Roadway Improvements (NJDOT Local Aid Project)
ENGINEER:	Schoor DePalma (Design & Inspection) 160 Littleton Road Parsippany, New Jersey 07054-6245 Boswell McClave Engineering (Project Closeout Only) 330 Phillips Avenue South Hackensack, New Jersey 07606
CONTRACTOR:	Flanagan's Construction Corp. 90 Old Camplain Road Hillsborough, New Jersey 08844
ORIGINAL CONTRACT COST:	\$ 782,625.60
COST OF CHANGE ORDER:	Plus \$ 29,155.11
NEW CONTRACT SUM:	\$ 811,780.71 (per construction quantities)

NATURE OF CHANGE: Reconcile quantities to match as-built measurements. This change order is for project closeout/ NJDOT processing purposes only. No additional monies due per settlement agreement.

Closeout project to allow for NJDOT reimbursement. Change Order prepared using data prepared by former municipal engineer (Schoor DePalma) and provided by CFO. Final amount paid to contractor is \$811,780.71.

NET EXTRA COST OF THIS CHANGE ORDER: Plus \$ 29,155.11

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Under the Consent Agenda, Councilman Genovesi moved to refer the mandatory updates to the solid waste management plan to DPW Superintendent and Recycling Coordinator for review and recommendations to the Council, seconded by Councilwoman Keyes with all members present voting aye.

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Councilwoman Keyes announced the Borough will be receiving a grant award of \$200,000 for the 2009 Municipal Aid Program to cover part of Mortimer Avenue Section 2 roadway improvement project.

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Under the Consent Agenda, Councilman Genovesi moved to accept the request to use the mini-bus for the Kip Center, seconded by Councilwoman Keyes with all members present voting aye.

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Councilwoman Keyes announced reminded everyone that the Holiday Festival was going to take place the upcoming weekend.

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As Liaison for **Downtown Partnership**, for Councilman Sommer, Councilwoman Keyes said of the request of new parking permit plan for business owners that had been discussed at the last meeting and that is being referred to the Police Director for his coordination with the Downtown Partnership.

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Under the Consent Agenda, Councilman Genovesi moved to accept the request to suspend parking meters for the holiday season from November 30th through December 26th, seconded by Councilwoman Keyes with all members present voting aye.

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For **FIRE**, Councilwoman Keyes stated that the Fire Dept. had their elections and Chief Shawn Walker has been named as the new chief for the year 2009. Councilwoman Keyes reported the month of October the Fire Dept. has responded to 64 incidents, 1 structural fire, 4 vehicle fires, 3 brush and trash fires, 33 false alarms, 23 alarms that were indicated as other meaning smoke, water, wires and gas, estimated dollar loss to the Borough \$1,000 and no mutual aid calls given with 337.12 man-hours; number of alarm responses through October 548.

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Under the Consent Agenda, Councilman Genovesi moved to accept the resignation of Phillip Staples from Engine Company No. 4, seconded by Councilwoman Keyes with all members present voting aye.

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As Liaison for the **Health Department**, Councilwoman Keyes said there were six food establishments in Rutherford that received the Bergen County Gold Star Award for food excellence by exceeding the food safety standards; Ice Cream Charlie's, Café Matisse, Dairy Queen, 55 Kip Center, Rutherford Child Care Center and Burger King. She said Dr. Theodore Witter an OBGYN in town volunteered his time to conduct a pap and breast exam program; there were three influenza vaccination programs offered to date and 726 residents were vaccinated and a fourth clinic is being setup for December 11 and that will probably be the final with approximately 70 doses remaining. Councilwoman Keyes said the Blood-borne Pathogen Training held in the Borough for the Police, Fire and EMS; the multi-facet blood screening was held last month with 103 residents participating.

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As Liaison for the **Historic Preservation**, Councilwoman Keyes said the past Sunday she attended the celebration at the Meadowlands Museum for the relocation of the Hunts Livery Stable Elevator to the Museum and in moving this it took a lot of people and coordination for the effort. She said it was attended by numerous people and the Borough Historian gave a talk about the elevator and the livery business back in the day for the town which was very interesting. Councilwoman Keyes mentioned that the Council received a certificate of appreciation from the Commission.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilwoman Keyes stated that the report will be on file in the Borough Clerk's office.

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As Liaison to the **Ambulance Corp.** Councilwoman Keyes stated that at the last work session they heard from Brian O'Keefe President of the Corp. and they have the LOSAP guidelines for the members which is an ordinance for reading later in the night.

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For **HUMAN RESOURCES**, Councilman Sasso said last week in the work session the Department Heads from Recreation Denise Brennan and DPW Chris Seidler gave a presentation to the Council regarding the recommendation to move the existing employees that take care of the parks at Memorial, Tamblyn and Wall Fields from DPW to Recreation. He said it was one that allows for more accountability, closer supervision as well as the two Department Heads working together sharing the core resources. Councilman Sasso said they are looking to start field improvements at Memorial Field for Diamonds 5 & 6 from money that was appropriated in 2004 and 2007 so it is money that has been out there that they are actually trying to get applied to park improvements. He said in preparation for the upcoming year with different programs and obviously being financially conscious the Rec. Dept. specifically Denise Brennan, himself and others are looking at how much the different programs are costing versus the amount that is being, some of the things that are being done with the programs and the cost of them to make sure the best decisions are being made not only for the best product but for where the dollars are spent.

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Under the Consent Agenda, Councilman Genovesi moved to accept the following Resolution subject to review by the Borough Attorney, seconded by Councilwoman Keyes with all members present voting aye:

WHEREAS, the Department Heads from the Borough of Rutherford Recreation Department and the Department of Public Works have recommended the transfer of four personnel from the Department of Public Works to the Recreation Department to promote efficiency in addressing recreation maintenance; and

WHEREAS, the affected employees have consented to a permanent transfer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that the transfer of Daniel Alvarez, Recreation Maintenance Worker; John Brown, Heavy Laborer; Robert Fagan, Senior Maintenance Repairer and Michael Wilkinson, Heavy Laborer from the Department of Public Works to the Recreation Department is hereby approved, subject to approval by the New Jersey Department of personnel effective November 26, 2008.

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

WHEREAS, the Borough of Rutherford received bids for the Memorial Field Fence Improvements, Contract 1 on November 20, 2008; and,

WHEREAS, the aforesaid project is to be performed by the Borough of Rutherford with funds available by Ordinance and has provided a Certification of the Availability of Funds (CAF) in accordance with law; and,

WHEREAS, Berge V. Tombalakian, P.E. of Boswell McClave Engineering, Borough Engineer, has reviewed the bid from Barcia Brothers, Inc. to construct the improvements for a price of \$ 53,943.00, which is the lowest of the seven (7) bids received at the time of the bid opening and finds it to be acceptable; and,

WHEREAS, it is in the best interest of the Borough of Rutherford to accept the proposal aforesaid:

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rutherford that the proposal of Barcia Brothers, Inc., 514 River Drive, Garfield, New Jersey 07026 in the amount of \$ 53,943.00 is hereby accepted; and,

BE IT FURTHER RESOLVED, that the Borough Attorney Lane Biviano be and he is hereby authorized to prepare the necessary documents and that the Mayor is hereby authorized to execute same on behalf of the Borough of Rutherford.

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MAYOR'S COMMITTEE REPORT

Mayor Hipp stated that at the work session the Council authorized the Borough Administrator to file an application with the NJMC for the 2009 Municipal Assistance Program which the NJMC affords to communities within the district to apply for grant funds up to \$100,000. The Mayor said they have authorized the Administrator to apply for police vehicles and monies for sidewalk and curb repair.

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

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WHEREAS, on April 27, 2004, the Borough of Rutherford entered into an agreement with Pace Builders, Inc. for improvements to the Kip Center Senior Citizen Facility ("the Project") located at 55 Kip Avenue, in Rutherford, New Jersey; and

WHEREAS, on May 13, 2005 the Borough terminated the services of Pace Builders, Inc. for default and called upon Old Republic Insurance Company, as surety, to assume responsibility for the Project; and

WHEREAS, the Borough of Rutherford and Old Republic Insurance Company entered into a Takeover Agreement on September 1, 2005; and

WHEREAS, the Project has been completed and the two year time period subsequent to Project completion for which a maintenance bond could have been issued has expired; and

WHEREAS, pursuant to the Takeover Agreement and confirming documents from the former Borough Engineer and the former Borough Attorney, Old Republic is due \$50,000.00 as payment for completion of the project; and .

WHEREAS, the Chief Financial Officer has certified or will certify availability of funds for that purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that the amount of \$50,000.00 be issued to Old Republic Insurance Company as payment for completion of the Project, subject to approval of counsel as to form.

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ORDINANCES – 1st READING

Councilwoman Inguanti said the first Ordinance is a salary Ordinance for the Chief Financial Officer for 2008, 2009 and 2010 to bring the salary in compliance with other Department Heads.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD, UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE II, NJ REV STAT) OF NEW JERSEY, NO 3151-08 ADOPTED ON MARCH 25, 2008**

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

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

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

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Councilman Genovesi said the Ordinance is in regards to Vehicles and Traffic – a 15 minute parking space on the corner of Highland Cross and Park Avenue; one handicap space on Hastings Ave and Grand Ave; one handicap space on Grand Ave and Orient Way both of those were request made by residents which the Police Dept. has looked at the location and approved such.

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

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.**

Councilman Genovesi moved this Ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes.

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

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

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Councilman Genovesi said the Ordinance is to an amendment to extend for a two year period under rent control.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH CHAPTER 83A ENTITLED RENT CONTROL.**

Councilman Genovesi moved this Ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes.

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

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

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Councilman Genovesi said under Ambulance, the LOSAP amendment to the guidelines and during the discussion portion if the Borough Attorney wish to comment.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD CHAPTER 51A-1 ENTITLED LENGTH OF SERVICE AWARD PROGRAM.**

Councilman Genovesi moved this Ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes.

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

Mayor Hipp asked the Borough Attorney if he had any comments. The Borough Attorney responded not really as it is just an update to the LOSAP guidelines for the Ambulance Corp as Mr. O'Keefe was kind enough to explain essentially it is a stipend that is issued at the end of the year based on points of service for the different members. He said there is something similar for the Fire Dept. and it gets updated every year as far as the amount it is like \$1,400 and change.

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

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ORDINANCES – 2nd READING

Councilwoman Inguanti said the Ordinance is for the capital budget and explained that they did not engage in any new debt for the capital budget for the present year they are simply utilizing unexpended bond proceeds from 2003, 2005, 2006, and 2007. She said some of them were leftovers from projects that had been completed, some were cancelled because the project needed to be complete with other funding sources. Councilwoman Inguanti said she had some discussion with the CFO Cortright and the Mayor about canceling certain portions of the budget and allow them to move those monies into the 09 budget for operating expenses but in reflecting on that she felt that their capital budget is really very lean, geared in large part towards fire safety equipment some of the major improvements they want to do to buildings and ground are to put them in better compliance with the ADA. She said they are also looking to remove from the Borough certain items that are costing a lot, the port-a-johns at Tryon that are not just an eye sore but they cost a lot of money so that is why they have a snack stand with bathroom facilities slated for construction. Councilwoman Inguanti said they are trying to effectuate with the Ordinance not only improvements that the residents can benefit from

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but also things that will allow them to save money down the road with greater efficiency and to avoid lawsuits so she really felt that it was a tight budget and all of the things that really need doing. She said this is something that has been a long time coming and they should pass on second reading.

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

The Clerk read the ordinance by title only as follows: **CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$932,072 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.**

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

Mayor Hipp opened the Ordinance for public discussion.

Pat Kinzler, 105 Vreeland Avenue said he read in the paper the other day where the State pension fund has lost \$16 billion in the market calamity; there's not much he could tell them that they don't already know. He said he sees the microphone was the same as it was last year. Mr. Kinzler said where he works his firm is very much tied into the real estate industry; two weeks ago they laid off 20 people and more likely, more will be on the way; everyone has a salary freeze which is just a fact of life and although the town is cleaner he must tell them that he continues to have 15 barrels of leaves in front of his yard. He said none the less, he is not feeling it, he sure hopes that they are not sitting there a couple of months from then saying the only thing that has changed up there in the last year is the faces, he is not feeling the sense of urgency, everything they have there is increases, everything they have there is spending, not even with some feeling of what is really being done to save money.

Mr. Kinzler said for example if the new Borough Administrator has found ways to save it would be more comforting to hear them articulate in some detail giving more comfort; it would be comfortable if indeed he is worth \$130,000 if they said to him his salary is \$100,000 and the other \$30,000 is incentive based; let him go find those savings and then they will pay him the \$30,000 it would make them feel more comfortable that it is really happening. He said instead he is told that he will continue to work for his prior town for \$30,000 fee on top of what he is doing in Rutherford. Mr. Kinzler said he was told, because he didn't go to the Board of Ed meeting, that the Superintendent of Schools will now have a salary of \$200,000 a year. Mr. Kinzler said they all know the police contract still needs to be finalized and he has to believe there is going to be some sort of retroactive pay raise there, that will be telling the citizens there is a problem because they have to pay it retroactive; he thinks the white collar union contract needs to be negotiated and he would expect there would be some sort of retroactive pay raise. He said it can't be that the taxpayers are sitting out there going to work, if they still have a job, feeling the pain everyday and he is not seeing or feeling what they are really trying

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to do, he is not saying they are not trying but he is not feeling it, not feeling it and so they are going to give the increase to the CFO and he doesn't know what is all there but in the private sector it's pay freezes and they are lucky to keep their job. Mr. Kinzler said he went on an interview that day for a company in India, that is what the world is coming to and the President of the company sat there and told him it's never been a better time to be in the market looking for people. He said so why is it that the government sector continues to divorce itself from reality, he is not feeling it so please help him feel it.

Mr. Kinzler said the \$932,000 maybe its money they already issued as debt and they haven't used but maybe they could actually pay down some debt that will help them feel it, he has heard they are going to make improvements but in this environment and someone out of a job, are they going to go down to Memorial Field and feel better if there is a new bathroom. He said these are extraordinary times and he needs and hopes that as a group they will stand up and show them they will stand and fight for them and hopefully it is not a couple of months from now saying again the only thing that changed was the faces.

Dennis Letsche, 228 Prospect Place asked a question specifically to the \$932,000; this was money that was given to them from past bond proceeds, the question is what was that money given for in the past that it wasn't used for and secondly what is it going to be used for going forward; third how does that affect them if they need to go out and get other bonds that all of a sudden however months or years later from this, they came to find close to a million dollars?

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

Councilwoman Keyes stated that Councilwoman Inguanti had a list of the items that were not expended. Councilwoman Inguanti responded yes, though she didn't have it with her she asked the CFO if he had a copy but she did have a working memory of some of the things they canceled. She stated that she did have what the money is going for. The CFO said the worksheets that he had show which ordinance the money is coming from and the other part shows where the money is going for each individual project. Councilwoman Inguanti said the ordinance description is just by number in where it is being transferred from and where it is being re-appropriated from; so to answer Mr. Letsche's question she couldn't do it in complete detail but a number of the issues where they did electrical repairs to the basement and an ordinance appropriating about \$48,000 and there was about \$12,000 left over from that; one of the more significant amounts was the amount for improvements to Sunset Park that previous ordinance was \$265,000 and that was canceled and redirected and it was a very fructuous situation because an Eagle Scout has taken on the renovation and restoration of the Park and his project and they have really opened it up for the community for renovation and they are getting help and assistance from landscapers and the DPW, the boy scouts and Councilwoman Keyes as Liaison to the Historical Committee could discuss that further. She said there are issues like road improvement things that had been completed and there was monies left over so in the list of things that are on the capital budget they have \$50,000 that they are putting towards curbs and sidewalk improvements again it is an issue not just of aesthetics and function but also safety, potential lawsuits. Councilwoman Inguanti said

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they have \$25,000 being devoted towards the section of Ridge Road, the really bumpy section at Addison; general maintenance they have \$67,000 going towards computer upgrades to allow them to have a tremendous increase in the efficiency in the tax office; certain vehicles are being replaced at DPW that are costing them a lot of money in repair costs; \$5,000 going toward a Hybrid vehicle purchase for which they received a \$20,000 grant and they are completing that with \$5,000; the Tryon Field facility will also allow them, not just the bathrooms but there is also the club house area, the beige trailer in the middle of the field is a real sieve when it comes to utility cost about \$500 per month and the bathrooms cost about \$600 per month and the other thing regarding the bathrooms she is reluctant to talk about it in public, is that they are 198 feet from a residents front door which is not in compliance with the law as they are supposed to be 200 feet and he is not happy; thermal imaging cameras for the Fire Dept replacing one of them; repairs to the Fire Departments an emergency generator at Ames Avenue; most of the improvements to building and ground which are in the neighborhood of about \$150,000 are being done to aid their compliance with the ADA. Councilwoman Inguanti said all she could say is she very much appreciates the situation that the world finds itself in and she told them her family has experienced certainly a downturn in her personal finances but they have an obligation to maintain the facilities of the Borough, if they let things slide to much into disrepair they would be digging themselves further into a hole.

Councilman Genovesi said he listened to what Mr. Kinzler and Mr. Letsche said and he sincerely thinks that they speak from the heart and they speak like most other people who are out there and very frustrated and these are very hard times and the hard times not just on a few but everyone. He said to that end he believes they asked a question so he will try to give as an honest answer as he could and his dealings with funds from the capital improvements and he hopes they could accept he is trying to give the most straight forward and honest answer as he could. Councilman Genovesi said basically what they have to understand in general is that there are new projects they are going to accomplish using old money if they want to look at it that way, those funds were authorized but not issued which for the life of him he doesn't understand how that was allowed to happen where they borrow money but they never use it; paying the interest on it and it was just sitting there; it doesn't make much sense. He said he believes that practice goes well beyond last year, he believes it was built up through a number of years a practice that was more than just one administration old, he believes it was a way that perhaps government did business in the past and it doesn't seem to him that that practice continued the current year. Councilman Genovesi said for the most part, and he would ask the Mayor if he disagrees, but he thinks the borrowing has nearly come to a halt as it was a major criticism that the residents in town had that they were borrowing and spending and what they tried to do was take money that was there and reapply it to different functions to better serve the residents. He said some examples for the Police Dept. he went through the capital ordinances and found \$61,300 and looked at it it was ridiculous there was \$61,000 set aside for two projects, one was a new radio for the desk up front and the other was general building improvements so what he did is work for about 4-5 months with the CFO, Councilwoman Inguanti, Capt. Egbert, Berge Tombalakian and the money was there already and what they did instead of getting two things they ended up getting twelve things. He said they took the money and broke it down and when they did that he explained to the Mayor they could get 12-16 items done

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which would improve the value of the building from money that was set aside in the past which they were paying interest on and not using and they were able to come up with a punch-list with 12 items to renovate the building across the street. Councilman Genovesi said the taxpayers had been dumping money into year after year, it is a protection of an investment that has been made a long time ago, it better serves the community in that respect because the value of the building doesn't really belong to the town it belongs to them, if the building is worth more and they are able to consolidate their services perhaps one day they could fit fire, police, DPW in one building; the value of that building across needs to be protected because if it is sold they make money as a resident, they own that building. He said it goes back to the town and therefore it goes back to them, that is what he was trying to do in all of that, he had his sincerest intentions in it, that is why he supports the ordinance with Councilwoman Inguanti. Councilman Genovesi said to be able to sit down and re-evaluate what it is they have and how they best need to spend for the future to protect the town and the investment the taxpayers have made in the town was a wise decision on Councilwoman Inguanti's part and he appreciates it because it was able to let him see there was money available to make general improvements to the Police Dept. that are not going to cost taxpayers more than the investment they already made. He said he hopes that is a sincere enough answer for his part.

Councilwoman Keyes wanted to clarify the \$932,000 were projects that were completed that had balances left over, it wasn't like there were projects out there over the years that nothing ever happened to and they just let the money sit there. She asked Ed to correct her if she was wrong, but this was an exercise that the governing body goes through every year. The CFO responded that was correct. Councilwoman Keyes said every year they revisit all of the projects that were out there, if there is any monies leftover they move them around.

Councilwoman Inguanti said Ed Cortright and she spent a lot of time going through the debt and what bonds were coming up that could be paid off and how if there was a way to work the capital budget to help facilitate that and it was a situation where even if they paid off and used everything in the capital account it would have not really affected the debt service that much. She said the savings to the taxpayers were going to be negligible and then they would have to, for the improvement they are in some cases obligated to make if it is something that is broken and they have to fix it they would have to go back out and bond. Councilwoman Inguanti said she very much understands, it is just difficult that if one sees something that is going to disrepair or that is costing the Borough an inordinate amounts of money and it is completely wasted, it is just throwing money on a fire, it is very much her desire to eliminate that kind of needless expenditure.

Charles Burrhus, said he would like to talk for just a minute, he didn't know what the ordinance was about because where do they get the ordinance from if he doesn't know what's going on. He said it is an open meeting, he would like to make a comment. Mayor Hipp asked Mr. Burrhus if he would just wait until the second ordinance which they will be voting on in about two minutes. Mr. Burrhus asked if they were going to vote on it then. Mayor Hipp said yes. Mr. Burrhus said he had a comment he wanted to make about that ordinance. Mayor Hipp said he would ask permission from the governing body because they have the power to open it up again. Mr. Burrhus responded he thought it

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was a democracy. Mayor Hipp said he is only one person, not withstanding what people might think, he can't order the Council to allow him to speak. Mr. Burrhus asked the Council if they were in a democracy. Councilwoman Keyes responded yes they are. Mayor Hipp asked if the Council had an objection, seeing none Mr. Burrhus was allowed to speak. Mr. Burrhus said they are talking \$900,000 there, that is a lot of money and he could see holding the money in an escrow account or whatever making 1-2% the way it is now, if they get that in an escrow account for capital improvements if the roof leaks, if the furnace breaks, whatever but a wish for the DPW, the wish for the Police Dept., that is inexcusable, they are in a recession now. He said if the town needs capital improvements do they have a fund that they could reach in and grab money, do they? The Council responded yes. Mr. Burrhus said if he were running the show he would say by all means if they have a roof and they need capital improvements, not sidewalk repairs, he thought the town did away with sidewalk repairs, what is going on there; he could see curbs, sidewalk repairs he thought that went out five - six years ago and its coming back in again. He said ladies and gentlemen they are in a crisis situation, that money should be put in escrow.

Councilwoman Inguanti said the money is in accounts generating interest, in 2008 when they came into office it was about \$350,000 in interest that was being generated by what was in the capital account so approving the ordinance does not mean that all of the projects are going to get done tomorrow or next week it is simply a plan moving forward of how to spend capital money and in the case of that governing body, they are not incurring addition debt as Councilwoman Keyes suggested, it is from previous projects funded through various sources or completed and there was money leftover. She said there is an account, this is the money that is in that account from which they do repairs to the buildings; the items they see in regards to the Police Dept. where past previously, but the items they see in regards to DPW its trucks that have really aged as some are 20-25 years old, so it is not like they are just getting everyone new trucks. Councilwoman Inguanti said they are trying to maintain the property they are responsible for to facilitate the services that they are required to provide. She said the sidewalk repair program is largely geared towards repair of sidewalks that have been heaved up because of Borough trees and they also have money in there for curb replacement as well so the sidewalks are a potential obvious problem for the homeowner, some homeowners have problem getting insurance if they have trees with bad sidewalks. Councilwoman Inguanti said so they are trying to manage the money as carefully as they can to fix as many of the problems that go before the governing body on a monthly and bi-weekly basis but she can assure them that the money is gathering interest, they are not expending all the money; that evening it is simply a plan for how they could choose to spend the money. She said they will have an ordinance for separate issues moving ahead into the future, they are just approving the budget items as possible projects moving forward.

Councilman Genovesi said to Mr. Burrhus, he just wanted to make one comment when he referred to the expenditures that were going to be made at the Police Dept. as a wish list, they are really not. He said he would take Mr. Burrhus to the Police Dept. to look at the building, there is an electrical box in there that was as old as the building itself which can't carry the load that it needs to carry and when the Borough Engineer saw that, he was in complete disbelief that a piece of equipment like that was still in existence

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and was still being allowed to power a building which has all the records on computer, 911 response and everything they do, 11,000 responses to date is relying on that. Councilman Genovesi said the stairwell is so bad in such disrepair that the Captains can't allow the officers to enter through the back of the building which is where they're supposed to enter from, it is completely covered in mold, the stairs are falling apart, the majority of the winter the steps are completely frozen with ice, floors are cracked. He said the building is in disrepair, he doesn't imagine that Mr. Burrhus would allow his house as an investment he and his family made to deteriorate as bad as the building is structural across the street. Councilman Genovesi said he understands as a taxpayer its his ultimate decision on how his money is spent, but he hopes he could understand that a portion of the money that is going to the building is to protect the building itself. He said he is sure the officers really don't care they walk on a hardwood floor or linoleum, whether the walls are painted or not, whether there is an 800 amp electrical box, none of the work that is being done is necessarily going to benefit an individual in there. Councilman Genovesi said what it benefits is the Dept. and the town as a whole because it is protecting the investment on the building. He stated that again he would be more than happy to give Mr. Burrhus a walk through of the building and he could see how bad things are. Inaudible. Councilman Genovesi responded no, \$61,300 is for the Police Dept. Inaudible.

Councilwoman Inguanti said there is actually more money in the capital escrow then what they see there, she has been very carefully to actually not to reveal the full amount to the Dept. Heads but she could say that the Dept. Heads have been so exemplary in terms of cutting back and cutting back, most of them live in town, its just incredibly unfair to think that the employees are sitting there going how can they spend the taxpayers money today, they truly are not doing that. She said she thinks there is a level of a lack of understanding of how it works, they are not obligated to spend the money it is simply a plan moving ahead for improvements that the Borough may engage in or may not engage in.

Mayor Hipp closed the discussion.

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

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Councilwoman Inguanti said the second ordinance is a salary ordinance as regards to the school traffic guards, church guards and park ranges. She said this was a very nominal increase to those very necessary employees and in other cases it is establishing ordinances for pay for the park rangers. She said they are very necessary for the safety and security of the Borough and they have gone without raises for years now and the amounts are very nominal.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD, UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE II, NJ REV STAT) OF NEW JERSEY, NO 3151-08 ADOPTED ON MARCH 25, 2008**

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

Mayor Hipp opened the Ordinance for public discussion.

Mayor Hipp for the record the Chief Financial Officer has been taken out of the Ordinance and it has been replaced with the Ordinance on first reading that was read earlier in the night.

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

Mayor Hipp opened the Ordinance for Council discussion; as no one wished to be heard the discussion was closed.

The Borough Clerk read the roll call:

Councilwoman Keyes – Aye
Councilman Genovesi – Abstained
Councilwoman Inguanti – Aye
Councilman Sasso – Aye

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Councilwoman Inguanti said the following ordinance is for the Borough Administrator's salary which has obviously caused some conjecture there and explained the previous ordinance topped out at \$102,000, they are extending the rate over four steps, starting at \$109,000 and ending at \$128,000.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD, UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE 11, N.J. REV. STAT) OF NEW JERSEY, NO. 3151-08 ADOPTED MARCH 25, 2008.**

Councilwoman Inguanti moved this Ordinance be passed on first reading and advertised according to law, seconded by Councilwoman Keyes.

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Mayor Hipp opened the Ordinance for public discussion.

Charles Burrhus, 267 Mortimer Avenue asked if the Council was a little nervous about the way the gentlemen was hired, that was working for two weeks and then put in an ordinance for a raise. He said what about the wonderful Department Heads, the rest of the town personnel, this sets a precedent, they got how many workers, Mary? The Borough Clerk responded close to 200 with part-timers. Mr. Burrhus said okay close to 200 workers in the town that he thinks are doing a great job, this hire which he has nothing against, he is against the way it was done and that basically he may have a track record but does he have a track record in Rutherford, no. He said who ever heard of getting hired and then getting a raise in two weeks which is not talking about a small raise, it is sums of large money, he thinks it is reprehensible and he doesn't know what they are thinking about.

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

Mayor Hipp opened the Ordinance for Council discussion.

Councilwoman Inguanti wanted to clarify that the Borough Administrator is not getting a raise based on his performance of the last two weeks, part of his employment was that he would be paid a certain sum and that is what they are trying to affect here this evening. She said she was reluctant to delineate specifics about the efficiencies that Mr. Shenkler has already identified because they deal with personnel issues and she was unclear about what she could discuss publicly at that time before he has had a chance to discuss it with the employees, as for the ideas he has for greater efficiencies in their job descriptions and their actions. Councilwoman Inguanti said just in the conversations she has had with him, he brings a tremendous amount to the Borough in terms of savings and ideas for saving them money, grant applications, a wealth of knowledge and experience in Bergen County as well she asked for people to just give him a chance.

Councilman Genovesi said he believes it was Mr. Burrhus who made the comment that they are paying him more than the old Administrator, that is actually not 100% correct; the old administrator was \$102,000, plus two \$20,000 stipends plus his health insurance so the total cost to the taxpayer was about \$170,000. He said with the ordinance it is about \$115,000 and Mr. Shenkler is not being provided with health insurance from the Borough for a good year away, so look at it in the first year alone Mr. Shenkler would be saving them by having him employed within the Borough by about \$60,000 a year.

As no other Council wished to be heard the discussion was closed.

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

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Councilwoman Keyes said Ordinance is under DPW as an amendment deleting the requirement for licensed plumbers for sewer installations.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD CHAPTER 91, ENTITLED SANITARY SEWERS.**

Councilwoman Keyes moved this Ordinance be passed on second reading and advertised according to law, seconded by Councilman Sommer.

Mayor Hipp opened the hearing for public discussion; as no one wished to be heard the hearing was closed.

As no Council wished to be heard the discussion was closed.

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

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Councilman Genovesi said the following ordinance may be a concern for residents in the Borough as it is their cable franchising in the Borough and the company that is being granted renewal of the contract for that. He said he actually began it last year under the last administration and Councilman Fecanin picked it up in January and it's a lengthy process that the Borough has been going through but in essence Comcast has lived up to, they may remember surveys that were distributed to evaluate their opinion as a resident and Comcast user on the effectiveness on what they were offering. Councilman Genovesi said it seems that the favorability was okay with Comcast and they met all their requirements so the Ordinance is basically granting them the ability to continue as the provider in the Borough.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE GRANTING RENEWAL OF BOROUGH CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF RUTHERFORD, NEW JERSEY.**

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

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

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

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

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MISCELLANEOUS

Under Finance, Councilwoman Inguanti stated the Resolution is to establish salary guides that were adopted by Ordinance. She said it is a Resolution codifying what they just did. Councilwoman Inguanti moved the following Resolution, seconded by Councilman Genovesi. The Borough Clerk read the roll call:

- Councilwoman Keyes – Aye
- Councilman Genovesi – Abstain
- Councilwoman Inguanti – Aye
- Councilman Sasso - Aye

RESOLVED: That pursuant to and within the schedule of Salary Ranges and Titles contained in Civil Service Ordinance 3169-08 & 3170-08, salaries for the years 2007, 2008 and 2009 be paid to the employees named in the attached list, which is made a part thereof in the amount and under the title set after the respective names; and,

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby directed to report any said changes in salaries and titles to the New Jersey Department of Personnel and to the Public Employees Retirement System of New Jersey in the matter and form prescribed for that purpose by said agencies; and,

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and he is hereby directed to prepare payrolls for the Borough of Rutherford employees to reflect the salaries and titles detailed as follows:

Changes in Rates of pay and Titles
Effective January 1, 2007
Police Department

Name	Title	Salary
Joe Arnao	School Traffic Guard	\$10,173
Anna Maria Campbell	"	10,173
John Clossey	"	10,173
William Cortes	"	10,173
Marie Buehler	"	10,173
Patrick Fahey	"	10,173

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Margaret Flynn	"	10,173
Karim Harrison	"	10,173
Carole Jenkins	"	10,173
Laura Kerr	"	10,173
Robert Kromer	"	10,173
Maureen Morello	"	10,173
Joseph Sobolewski	"	10,173
Richard Stapinski	"	10,173
Walter Vosburgh	"	10,173
Walter Zolnowski	"	
\$10,173		

Effective January 1, 2008
Police Department

Joe Arnao	School Traffic Guard	10,580
Anna Maria Campbell	"	10,580
John Clossey	"	10,580
William Cortes	"	10,580
Marie Buehler	"	10,580
Erika Delagada	"	10,580
Patrick Fahey	"	10,580
George Fitzgerald	"	10,580
Margaret Flynn	"	10,580
Barbara Grande	"	10,580
Karim Harrison	"	10,580
Carole Jenkins	"	10,580
Laura Kerr	"	10,580
Robert Kromer	"	10,580
Maureen Morello	"	10,580
Joseph Sobolewski	"	10,580
Richard Stapinski	"	10,580

Recreation Department

Fred Decarlo	Park Ranger	\$15 per hour
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Mayor Hipp opened the second hearing of citizens.

Charles Burrhus, 267 Mortimer Avenue said he had a couple comments on the COAH, he was to the meeting the other night and basically Rutherford has to have a COAH plan in effect by the 31st of December and the Council has a person who is going to

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present that plan. His question was if the plan was rejected because it has to be examined by COAH, does that mean it goes to the judge or does it come back and they have a timeframe to readjust what they submitted? His next question was how do they know how good the land is out there as far as pollution, that was an industrial area back in the old days, they had the joint meeting out there will all sorts of pcbs and mercury from the sludge beds and more, wouldn't it be something if they submit the plan and find out that the land is no good. Mr. Burrhus said where is there liability as a town that is saying they will put 100 units in and come to find out they have problems, who takes care of the environmental end for cleaning up the land area; this is scary.

Barbara Obiedzinski, 50 Orient Way said as a brief comment that she was very happy to hear that the Rutherford Ambulance is still in existence because unfortunately over the last three months her office has had the need to call an ambulance and each time she has had to have the ambulance come in from East Rutherford. Ms. Obiedzinski said she has waited 15-20 minutes for an ambulance to come with patients who might have been in severe pain, one with a broken nose, one with a broken hip, one women in her office was having a TIA and she is a little concerned that she hasn't seen a Rutherford Ambulance and she just wanted to know that it was still in existence but are they having difficulties in town with the Ambulance.

Dennis Letsche, 228 Prospect Place said there is a certain frustration with the process that he certainly respects the process and he applauds them for keeping the process the way it is and with that being said he wanted to address two things. Mr. Letsche asked them to please listen very diligently to his question, he does not question and has no problem where they spend the money, why, or how they spend the money it had nothing to do with that; his question was very simply on the \$932,000 evidently that was money that was given to the Borough or bonded to them at some point and time for some projects, what were those projects. He then asked where will that money be spent is already determined and the third part was if they are afforded monies that they spend not inappropriately but not in conjunction with what those bonds were, does it hurt them when they go out to get future funding or does it hurt them with those bonds. Mr. Letsche said he is not a mathematician so he had to write it down; \$50,000 curbs, \$25,000 for Ridge Road; \$10,000 for there, \$5,000 here; **inaudible**; that comes to \$250,000 leaves them another \$700,000 approximately and again there is more money in the budget. He said he knows they have a very difficult job, he knows they have to spend the money the question is more of the future and where are they going, if they have \$932,000 how did it get to that they didn't know about before or if they did why wasn't it used during the budget process. Mr. Letsche said John he respects his answers but those guys were there because they wanted them to take a look at the places and they do want the Police Department better and they do want all the things they want and he knows it cost money. He said secondly he would like to address the new Administrator and to welcome him aboard and hopes he is more than worth his weight in salt but the problem John becomes we have to be a little more careful and he doesn't want him to take it the wrong way but they do have to be careful when they start talking about salaries and say they are saving money there when they really are not. Mr. Letsche said the reality is if it were \$102,000 and he had a \$40,000 stipend and he had \$24,000 of benefits and it comes to a number the new Business Administrator at some point and in time he will be

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getting benefits so its going to happen, the new Administrator may not be getting those two \$40,000 stipends, but \$40,000 stipends are just that and they can be stopped at any time. He said one of those stipends have already been partly paid for in the recycling and the other part he knows what part of that comes from so they have to be very careful, he applauds him and he hopes he comes in and does everything he has to do and if that is the money it takes to do it. Mr. Letsche said just be honest with the town and say this is what they decided, this is why they decided it and if it turns out and they come out and say it is the tangible reasons they hired him, these are the tangible things they are going to hold him to and if they do that nobody in the town is going to care. He said they need to start being a little more up front with the citizens.

Susan Muller, 29 Feronia Way said she had easy questions and she directed it to Mr. Biviano, when is point of order in a council meeting, when can that be used and how can that be used? Ms. Muller said her second question or comment is respectfully she disagrees with the leaves, she thinks that the leaf situation in Rutherford has been one over the years that has been very stressful and disturbing. She said she actually fell on wet leaves coming down East Passaic off the bus a couple of week ago and hurt her back so she couldn't rake leaves and she thinks a lot of people in town have that problem. Ms. Muller said the leaves in her yard are not even from trees in her yard they are from other trees in the surrounding area so given that she lives in a house with an elderly person, a senior citizen who can get around but are there any programs in town for senior citizens to help them with the leaves? Ms. Muller said she was in a bad car accident and has problems with her back and she actually bought a leaf blower so she could blow the leaves out into the curb and then the leaf ordinance came through and now she can't do that. She said she knows the leaves are a problem but she doesn't think it is working for her and on her street and the other issue she slipped going to Female Fitness and she slipped by the wall by the Board of Health and the town should blow or clean their leaves off the public sidewalks as it is a very simply task, she doesn't understand why it hasn't been done. Ms. Muller said the same leaves are there in front of Female Fitness, it's all up and down by the Police Department all the way down so she doesn't understand that and maybe they could help her with that. She has asked the store owners and they said the town is supposed to get rid of the leaves on the sidewalks on the public sidewalks so that is the second question.

Ms. Muller said on a high note being on the Youth Advisory Council she just wanted to encourage the Council to spread the word that the Youth Advisory Council is very active, she doesn't hear much of it at meetings, they are trying to get off the ground and do some wonderful things this year; they are working with Jeff Dorn at the High School on some grants and she hopes that 2009 will bring them some wonderful events for the youth in town and hopefully that the kids in Rutherford and St. Mary and unfortunately they haven't had any St. Mary kids at the meetings, but she is hoping that the kids in town work together to form something really wonderful for the town of Rutherford. Ms. Muller said lastly in feeling what Mr. Kinzler was feeling, she doesn't feel it either, she actually has lived in the town her whole life, moved out, came back and since she has been back she has been frustrated and sad and very emotional like she was then because she grew up in the town, her grandparents and she goes back over 100 years in the town with her family and coming back there she thinks the town has lost its

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community feeling. She said it is not Mayberry any more, she heard that last night and it was very disturbing, all the people she grew up with are thinking about leaving Rutherford because of past council members and past mayors, present mayor and present council members she knows it has only been 11 months but they need to listen to the people in Rutherford. Ms. Muller said they all need to get along as she said it in a couple of council meetings ago and Councilwoman Keyes said they do get along and she doesn't see that they do in her opinion for which she is entitled to. She said she hopes that the Council-elect are welcomed with open arms into the Council and she hopes they do an outstanding job and wished Mr. Shenkler all the best.

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

Councilwoman Keyes said to Ms. Muller that she might have her opinion of how they look up there and she will ask the Councilmembers to comment if they want to, but yes they do get a long and they do work well together.

Councilwoman Inguanti said to Mr. Letsche she will get him the specifics on those issues and she will email that to him to what ordinances were canceled to provide for the new capital plan moving ahead. She said she appreciates the point about Mr. Shenkler's salary and she is not trying to play a shell game with the numbers and all of that, part of the decision to raise his salary was to be also in better compliance with the auditors findings that the salary ordinance should reflect what people are paid, they shouldn't have the additional stipends that is really not in compliance with the way they are supposed to do things. Councilwoman Inguanti said by changing the salary ordinance they are trying to make it very clear and for the open public record, this is what a person is paid. She continued to Ms. Muller with the leaves, the Kip Center does have a call-in program, a woman named Maureen LaFaso who is doing it for the year so if she calls the Kip Center and ask she has a list of volunteers as she knows for a fact because her sons did rake leaves for seniors. Councilwoman Inguanti stated that she thinks Ms. LaFaso was winding down the program but she is sure if they call the Kip Center and ask for a couple of volunteers who could help and perhaps she could even get her son. She said in terms of how the community feels in the town, it is her opinion that people are very beaten down in general for a lot of things that they discussed there, the mood and the country are in a tough place, things in New Jersey are exceedingly bad and she feels very discouraged some days about where her financial future is and all that kind of stuff so she can appreciate the feeling that people have. Councilwoman Inguanti said she doesn't want to leave Rutherford but sometimes she would like to take Rutherford out of New Jersey and move it to somewhere else. She commented that they do work well together and they are very much trying their best to make things better for the citizens.

Councilman Sasso said one thing that is pretty clear is that they have talked about people being concerned about spending money and the reasons why. He said there has also been a lot of work that has been done over the past 11 months in saving money and maybe we just haven't done a good job explaining everything that has been going on behind the scenes in trying to save money and cut costs.

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He said to respond to the question about the leaves, he said he understand the frustration with the seniors that can't pick up the leaves. He has a couple of seniors on his block and they have actually worked out a system with the kids and adults on the block to pick up the leaves for them. Councilman Sasso said he would be happy to come to her house with his kids as they are always looking for things to do on a Saturday or Sunday morning.

Councilwoman Keyes said she wanted to address Ms. Obiedzinski, she doesn't know about anyone else but that is the first time she has heard that a resident had a problem with the Ambulance Corp.; so when she called what exactly happened? Ms. Obiedzinski said a police officer showed up and they stood there and waited sometimes 15-20 minutes and they had to keep calling because Rutherford didn't have an ambulance available. They had to wait for East Rutherford. Councilwoman Keyes asked if they gave an explanation. (inaudible) Ms. Obiedzinski said in the period of July and October 30 they had three incidents; one of the patients was walking and fell on the sidewalk and broke her nose and someone brought her to the office and she couldn't do anything and another patient was on her way to the office and fell and broke her hip and one of her office staff had a TIA and it was quite disturbing to have to wait that long for an ambulance to come but they had to wait. She said these were during the middle of the day between 11:00-2:00 in that time period.

Mayor Hipp said to Mr. Burrhus regarding COAH that if the plan is accepted by the Council on the 16th of December it will be submitted to the Council on Affordable Housing which will be reviewed in 2009 and there will be comments. The Mayor said to keep in mind that the Round Three Rules are being appealed by the Builders Association, the Affordable Housing Advocacy Groups and by municipalities like Rutherford because apparently none of them are satisfied with what they promulgated on June 2nd. Mayor Hipp said he suspects that they are not going to hear anything definitive from COAH on that plan until after that litigation has resolved itself. The Mayor said the process is probably going to take a while, he personally anticipates the decision from the appellate division to come down sometime next year maybe June. Mayor Hipp said he is not sure the briefing schedule has been set yet and so it will take a while to get through but it won't be rejected, unless it is in bad faith but there will be comments and they may have to make some changes in order to comply. The Mayor said however the mere filing protects them from Builders Remedy Lawsuits and they are completely exposed now if they don't take that action. Mayor Hipp said if they don't do it and they don't have to, it is not required it is voluntary, but if they don't and a developer like say Highland Cross goes in and files a Builders Remedy Action against them then the likelihood is that they will get to build whatever they want in the Highland Cross area. The Mayor said he doesn't want to single Highland Cross out but he is not kidding anyone that is basically one of the things that is present, they have tried to make an application before the Meadowlands Commission which is not yet complete, when it is complete there will be public hearings on it but now that looks like January-February 2009 as opposed to the next few weeks during the holidays and they need to realize these are very likely scenarios.

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The Mayor said with respect to Highland Cross they have been informed that it was mediated in what is known as residential standards as promulgated by the DEP several years ago. The Mayor said he had not seen the standards but the DEP issued its No Further Action letter, NFA and it was satisfied; now they can take that and leave it as they will. The Mayor said as somebody who has litigated against the DEP as an attorney, there may be something that was inappropriate so they may find out when the building takes place. Mayor Hipp said it would have to be addressed at that point, so the concern about building anything over contaminated land, one which all of them need to be vigilant about so that it doesn't happen and whether the town is liable or not that is an argument they don't want to be making when people are adversely affected or personally injured or property damaged because they all suffer. The Mayor said if they are a community they can't tolerate that sort of stuff.

Mayor Hipp said to Ms. Obiedzinski that he thinks Councilwoman Keyes pretty much handled it, what they can do is contact the ambulance people and see what is going on and he knows they are looking for volunteers. The Mayor said to Mr. Letsche that the detailed paperwork was not available that evening as Councilwoman Inguanti said but they can make that available to him. Mayor Hipp responded to Ms. Muller he asked that the Borough Attorney respond as to the point of order.

The Borough Attorney said they follow Robert's Rules of Order, which is a procedure at meetings and a member of the government body or any body, if they believe there is an error in procedure that's happening they can announce or request a point of order, that's probably the highest thing they could ask to interrupt otherwise they would be out of order. He said as an example, if there is motion to do something, and someone from the governing body makes a motion to table and there is a second and someone brings up discussion while for a motion to table there is no discussion under Robert's Rules. The Borough Attorney said one of the members of the governing body could say Mayor or

From the audience was asked if an audience member could ask for point of order in the meeting and the Borough Attorney said he has had that happen, not here but in other places, and that individual would be out of order and it's only reserved for members of a board or governing body.

Mayor Hipp said with respect to the leaf pickup in addition to the Kip Center he knows that some of the girl scout troops in town are also doing it as a fundraiser because they want to go to Disney World so they are out there raking leaves for seniors and if they want more information they can call her.

Mayor Hipp said he has in the past talked about the Youth Advisory Council, they did discuss the Block-a-Blooza in September and he failed to bring everyone up to date and he apologized, but they are planning an event for the 8th graders. The Mayor said the problem is that he is not sure they settled on exactly what they're going to do and how they're going to do it. Mayor Hipp said he didn't really want to talk about it until it was finalized but they are a good group of people and they are growing and it's exciting to be

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with and Susan for everyone's information is one of the adult coordinators who serve's on that group and she is doing a great job.

Mayor Hipp closed the discussion.

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Councilwoman Keyes moved that the meeting be adjourned at 10:50 pm, seconded by Councilman Genovesi with all members present voting aye.

Borough Clerk