

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, NOVEMBER 27, 2007**

The meeting was called to order by Mayor McPherson at 8:04 p.m. with the following Councilmembers present:

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

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

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

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Mayor McPherson made the following presentations:

- ◇ Giving Thanks in appreciation for businesses and individuals who have supported the Borough throughout the year:
 - IHOP
 - CMX
 - MacManimon and Scotland

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Mayor McPherson opened the hearing of citizens.

Dr. Ernie Shapiro- 435A Hudson Street, Hackensack said he was speaking on behalf of the LaRouche Political Action Committee and said the nation is facing a profound

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economic crisis and the immediate thing that needs to be addressed is to stop the spreading of millions of people losing their homes under foreclosure. Dr. Shapiro said that a vast number will be evicted. He said this problem has to be addressed by Federal Government and part of the larger problem which is manifested by the crisis facing the banking system. He said many people know that the only banks dealing with real estate was savings and loan banks, the other banks had other things to do, but that changed in the 1980s and what more they were given the right of buying and sell mortgages on the market. The result is catastrophic.

Mr. Shapiro continued that when Roosevelt was President in 1933 when he took office, he took measures to allow people facing foreclosure to negotiate what they would pay so that they were able to stay in their homes, the banks got a regular closing time and things began to stabilize, but they said that the savings and loan system and later the system of fanny mae was setup. He said technically the banks were protected from their credit so that they could continue to function and they were protected from their creditors so they could stay open and people's savings were reserved and order was restored so most of the banking and the economy recovered. He said first is the firewall, they have to stop this credit catastrophe and what is happening first of all the homeowner protection act, resolution which was passed in Newark, New Jersey; Pittsburgh, Pennsylvania; and about 15 other towns in Pennsylvania. There will be a big hearing Thursday in the Pennsylvania assembly they are hoping for support from New Jersey that this thing will actually go through and the members of the congressional delegation from Pennsylvania and those states will be moved introduce this into congress where they actually get something done. Dr. Shiparo handed the Clerk literature in regard to this issue to be distributed to the Council members.

Gene Rochat – Meadowlands Board of Realtors said that in reference to the Open House Signs for realtors there were a few areas of concern and they were also just presented with Mr. Uhl's concerns which he feels are valid to some respect. Mr. Rochat said that on the draft ordinance, it states also private property on the first page and he felt they were only discussing municipal property and that was a concern with the signage and he wanted to make it clear it is only for Open House signs. Mr. Rochat stated that For Sale signs are a different issue and they came to the Borough and after reviewing Wood-Ridge, Hasbrouck Heights and a few other ordinances from neighboring towns, they suggested to the community what they as an organization could utilize to benefit the public and the sale of property for the residents of the town.

Mr. Rochat said that one of the issues was the size of the signs which was 24" x 24", that the sign be no taller than 3' off the ground and only offer three signs per property for an Open House and the sign be limited not only the day of the Open House but even with certain hours that they would put the signs out. Mr. Rochat said they are offering to possibly have the opportunity to be able to put the signs out offering the Open House from 11:00 am to 5:00 pm only on the day of the Open House. He said during those hours they could have the Open House sign exposed to the public, but it would be removed otherwise. Mr. Rochat said Mr. Uhl's concern was with intersections and interfering with the site line for other Borough signs; they hope that with the size that they offered it would not interfere with those nor would it be placed on the sidewalks along the median between the

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sidewalk and the curb line. He said there are areas in the first draft, one section on page 3 where it refers to the roadway area and central median areas which they are not quite sure what that is in reference to and also the fee structure of \$100 annually. Mr. Rochat said they need to have that clarified if it is \$100 that it be per company for the signs that they offer, they certainly agree that there has to be some type of monetary insurance provision. He said as for the placement of the decals on the sign, who provides that and where it is to be placed on the sign.

Mr. Rochat said a major concern is left to the discretion whoever the authority is that would be monitoring the signs that they remove and can dispose of the sign. He said whether it be the Police Department or Construction Department, if they do take the signs that they retain it for a period that they could retrieve the sign, not to use their own discretion to dispose of the sign. Mr. Rochat said they all have a common goal that they don't want it to be an eyesore within the community and they would like to be able to use this as an additional marketing tool and the resident that has their homes up for sale would really like the opportunity to continue utilizing this. He said they hope an agreement could be made to benefit the public and the Association of Realtors Mr. Rochat thanked the Council and hope that this goes forward.

Glenn Elliot – 78 Wingra Avenue said he was here as a member of the Meadowlands Board of Realtors that brought this to the attention of the town. Mr. Elliot said that a provision on page 3, saying where signs can not be placed and it states within five feet within any of the following: driveway, traffic sign, traffic signal, designated bus stop, bus bench or any other bench on public property. He said if they are talking traffic signs like alternate side parking sign, this pretty much means that you can't place the sign anywhere because, everywhere is within five feet of one of these. Mr. Elliot said is this is the only provision that Mr. Rochat mentioned that he doesn't understand and he request that be clarified.

Mildred Dyson – 55 Wilson Avenue said she has resided in this town for 29 years and the last time she wrote to Mayor McPherson her taxes were around \$8,200 and now they are up to \$10,000 and she still hasn't heard from her. Ms. Dyson said there was a wall that was built at 125 Woodland Ave which is an illegal wall, she can't see street signs or open house signs from her property. She said they went from a three foot wall to a nine foot retaining wall with a six foot fence on top of that. She asked how that wall could have been built without a variance. Ms. Dyson said she has asked this question for three years. She said Captain Egbert is in the audience, he called the State and it is illegal for anyone to build a wall where one cannot see oncoming traffic or street signs so she is asking a councilmember, Mr. Reyes said he would reply but she hasn't heard anything. Ms. Dyson said she got a letter from him only because she sent one with a return receipt attached to it and he said a wall could encroach her property. She said yes there is a retaining wall encroaching her property but that one is five feet, she is talking about the illegal wall that her neighbor has on his property. Ms. Dyson said it is now cracking, Mike Sartori who was here in this town as the building inspector stated that the bricks the gentlemen used were illegal. She said she wants some answers and she wants them now. Mayor McPherson thanked Ms. Dyson and directed her to Mr. Uhl. Ms. Dyson responded

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that Mr. Uhl was a problem. Mayor McPherson responded that she will ask the Administrator to document exactly what direction she should go in.

Lt. Thomas Reid – 100 Carmita Avenue said that he has been through a series of promotions over the years with the Police Department and this was the first time that he was notified the morning of a certification being taken place. Lt. Reid said they usually get it by certified mail from the Borough Clerk and it is a written response if you are still interested in the position. He said the certification process usually goes through the Borough Clerk's Office, it is a certified letter which is sent out received and given a specific amount of time to respond. Lt. Reid said in this case he received his request for certification at 10:24 that morning, a hand delivery and it was required to be in by 12 in the afternoon that day. He said that when he originally heard that the certification was being asked for he had a phone call and he was out of State, he had to run back from out of State to put his certification in. Lt. Reid said he didn't understand why the rush, everybody knew this was coming, why the secrecy on these agenda items. Lt. Reid said they are not on the original agenda, there is a provision right in front saying you could pick up a copy prior to the meetings, these were additions. He said this is not a good way to do business; this is supposed to be a government not a secret agency. Lt. Reid said he understands that there is going to be a call for promotions, he doesn't have a problem with that, he does have a problem after 30 years of service, not even being given the courtesy of an interview or anything else in the process. He said it seems as though certain factions are in control, it has been a problem these last minute promotions over the years, it should be illegal in his opinion. Lt. Reid said it causes a lot of harm and a lot of damage to the Department. He said in this case he looked up on the internet the Pension Board cannot be certified before December 12th for any retirements. He said it has been historic that no one has been made in the first days after this, so that would mean historically they wouldn't be eligible for promotion until January 12th because of the possibility these people could come back. Lt. Reid said actually they could come back up to the point they receive their first check. He said to have someone promoted and then turn around and be demoted really undermines everything, these last minute promotions have never been good, it divides the Department and it just a terrible way to do business. He said he doesn't understand why this was a secret agenda, it should be done properly, these are too important of positions to just do it haphazardly or according to whose related to who or whose the favorite son of who, it just is bad business all around.

Sgt. Richard O'Boyle – 9 Hawthorne Street said that he agrees totally with Lt. Reid and he would like to add that they all just took a test eight weeks ago and they are waiting for the current results of that test, they studied together for six months to avoid all the talk and litigation and the only one that benefits are the lawyers he feels they should wait for the results of the new test.

John McParland – 89 Woodland Avenue said that he came to ask a question about EnCap; they got another 30 day extension, he would like to ask if the town has been consulted by the Governor's Office, the Attorney General's Office, the DEP about whether or not extending the EnCap and giving them more time when they haven't done anything in months is a wise decision. Mr. McParland asked if they consulted with them and if so what have they been told? Mayor McPherson said they have simply received

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correspondence and have been kept up to date and what meetings are taking place with Mr. Trump.

Mr. Parland said tonight if the Chief and one of the Captains are retiring, is the Mayor going to replace them tonight? Mayor McPherson said they did not have a promotion for Chief on the agenda tonight. Mr. Parland said will it become clear as to what is going to happen tonight as far as the retiring officers. Mayor McPherson responded absolutely.

Bonnie Corcoran – 390 Montross Avenue said the first question is simple, it's been made in the news that the Chief and the Captain are retiring, has the Borough received a letter of retirement? Mayor McPherson responded that they will not receive a letter of retirement until the agreement is approved by the Council as in accordance of all applicable laws. Ms. Corcoran said as they know, Cliffhanger is a pain in her stomach again, as she went over with the OPRA request from the Borough and going over the reports with Mr. Cortright, she found that he was actually double billing the town. She said it went through Tim Stafford and it went through Ed Cortright and they both paid the bill. Ms. Corcoran said it was National Night Out, the first bill was August 8 for 7,800; the second bill apparently Mr. Witmyer forgot the \$120 for blue table clothes so again on August 28th he resubmitted a bill for 7,800 and an additional \$120 for the blue table clothes. She said plus both bills were paid and it wasn't until an average citizen brought it to their attention in October and said there is double billing here how many other double bills were paid. Ms. Corcoran said Mr. Cortright told her he would get back to her if Cliff Witmyer paid them back and she didn't find out until she approached him, we'll call you, but they never do. She said she keeps having to follow-up and she knows that Mr. Witmyer has reimbursed them somehow by taking it off one of his other bills but she would like to know how many other bills, was an audit done of other bills that were possibly double paid? Mayor McPherson said that is a question they will ask of Mr. Cortright.

Mayor McPherson said that she would have to say, and Ms. Corcoran may or may not agree with her, certainly Mr. Cortright is very responsive to the public and spends a great deal of time with individuals like herself. Mr. Cortright said what had happened in the case of Cliff Witmyer was the bills that he submits do not have invoice numbers on them so when they pay the bills the computer does not kick them out and he has no way of knowing if it is a double billing especially when it comes in combination with another part of another bill which it did. He said Bonnie was nice enough to point this out and they did get the money back, it was deducted from a subsequent bill but again this does happen when a vendor does not use invoices. Mr. Cortright said they do try to find them anyway but there is a possibility of double payment even when invoice numbers are not used this is one of the rare examples when one did fly over the cuckoo's nest but he is glad they got it. Mayor McPherson thanked Mr. Cortright. Ms. Corcoran said as a suggestion maybe they should implement a billing protocol of how they submit or get bills submitted or put them in a computer so this doesn't happen, this was \$7,800 that is someone's tax bill that we paid out.

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Pat Kinzler – 105 Vreeland Avenue said there have been a lot of rumors, newspaper articles that don't necessarily have facts pertaining to the potential resignation of the Chief and the Captain and maybe some other members of the Police Department, he thinks what he heard this evening is that before the night is out they will find out what is going on but by that time they would have all have voted. He said before they vote he would like to understand some things, whatever it is they are going to do, is it one reading and since he is always careful, he would like to know if he will get a chance to ask a question and ask a follow-up question or is he there for just one concentrated statement. Mayor McPherson responded that he was there for the hearing of citizens, he had five-minutes to ask his question like everyone else. Mr. Kinzler said so they could have a dialogue. Mayor McPherson said no, they are not going to have a dialogue, he can ask his questions and the answer will be provided to him. Mr. Kinzler said since he could not have a dialogue he will ask one question with each one of Council taking note of the question and then he would like an answer, please.

Mr. Kinzler asked if the Borough received resignation letters from members of the Police Department, he asked Mr. Genovesi to answer that question. Mr. Kinzler said Mr. Sommer why is it if there is a letter, it is only accepted by the Borough after this agreement is reached and will this agreement include a salary increase, they know the Chief makes \$182,000 today but will his salary go up? He asked Ms. Keyes, the Chief's accumulated vacation and sick pay, his understanding that in the past people have negotiated discounts on those, will he be paid dollar for dollar or will he take a discount? He said if he is getting a salary increase, will all of these items be paid at his new higher salary? Mr. Kinzler asked Mr. Reyes allegedly there is a Captain resigning also other Officers, are similar agreements being negotiated with them, that you need to know about before you vote? Mr. Kinzler asked Councilman Fecanin, one thing they don't understand as citizens that is their fault is they don't understand the rules of Council, whatever they do there will it be binding or will it require a second reading at another Council meeting and do those 6:00 meetings count as the readings or are they done there in the big room? Mr. Kinzler asked Mayor McPherson when she was running she would not answer their question, will there be a new PBA contract before December 31? Mr. Kinzler asked Councilman Frazier will there be a new White Collar Union contract before December 31? Mr. Kinzler said he asked each one of them essentially one question because he knows in the past when they read off the list the questions got lost so if they could answer one at a time.

Mayor McPherson said she would be happy to call upon the Council Members, but for her part there will be no new PBA contract before the end of the year. Councilman Genovesi said he believed the question was, has there been a resignation letter submitted to the Borough that he is aware of or that the Council people are aware of, was that it? Mr. Kinzler said he would hope that if it has been submitted he was aware of it, so maybe he could take it both ways, has it been submitted. Mayor McPherson asked if he could please answer the question as Mr. Kinzler proposed. Councilman Genovesi said he would love to answer the question but he was just trying to find out what the question was. Mayor McPherson stated that the question was has the Borough received letter's of retirement. Councilman Genovesi said he believed the question was has there been a resignation letter submitted, with all do respect to him, he asked the Borough Attorney if

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he could answer that as a matter of legality. Borough Attorney reply inaudible. Councilman Genovesi said with all honesty he has not seen a resignation letter and he has not received one.

Councilman Sommer said that he believed his question was if they are resigning are they getting a salary increase; he asked the Borough Attorney as to whether that question could be answered. The Borough Attorney said there is a proposed agreement, there is a resolution on the agenda to be voted upon, the agreement does not provide for any salary increases and to clarify there are no resignations, there is a proposed retirement of the Police Chief and Captain Farrell, it is not a resignation.

Councilwoman Keyes said she believes part of her question was based upon whether or not there was a salary increase, is that correct? Mr. Kinzler said the other part was will he be given his vacation in sick time, dollar for dollar or as he understands in the past people received discounts. Councilwoman Keyes said the agreement is based on past precedence. Mr. Kinzler asked which precedence? Councilwoman Keyes said the prior retirement. Mr. Kinzler said meaning the prior Chief who was negotiated out by this Administration. Councilwoman Keyes said the prior Chief and Captain. Mr. Kinzler said who were all negotiated out by this Administration. Councilwoman Keyes said who retired. Mr. Kinzler said yes, but who all got more than what was given to those before them.

Councilman Reyes said the resolution that was reviewed and discussed for the gentlemen, who he has a lot of respect for, they served a lot of years, so he said with all due respect, he was not going to answer his question. Councilman Reyes said there is a resolution regarding these individuals which has come in front of the Council and is present now and he will make his decision based on those facts.

Councilman Frazier said the question raised was concerning the white collar and to his knowledge at this particular time, there has been no final word that has come before them. Mayor McPherson said to Mr. Kinzler that the white collar contracts will not be on the agenda before the end of the year.

Councilman Fecanin said he has no comment for Mr. Kinzler. Mr. Kinzler said he simply wanted to know if whatever passes tonight if final. Mayor McPherson said this is not a second reading, this was a resolution and there will be an agreement placed for a vote on the Police agenda. Mr. Kinzler said so whatever is done is binding. Mayor McPherson said yes.

Susan Muller – 29 Feronia Way said that she was at the work session at 6:00 p.m. and they were asked to leave at 6:04 and not re-enter until 7:25. Borough Attorney Rizzuto corrected saying the closed session was from 6:04 to 6:30. Ms. Muller said okay then they re-enter the room and she understands that the resolutions # 6,7, 8, and 9 will be brought up this evening. She said her question is the answer to Lt. Reid's question was not answered as to why he was given a hand delivery notification and asked to give an answer by noon today. Borough Attorney Rizzuto said no comment.

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John Hipp – 143 Highland Cross said his comments are concerning the work session and what they intend to do that evening. Mr. Hipp said first he would like to address the closed meeting, for years elected members of the Council that were to take office were given the courtesy of attending closed sessions. He said that is a fact, in fact Mayor McPherson when she was elected to the Council was also given that courtesy, that is a fact. He said that was denied him now so he doesn't know what happened, what he does know that up until this evening nothing in connection with the Police was on any agenda that he received and he was given at least the privilege of getting the agendas and the packages that everybody else on the Council was getting. Mr. Hipp said that when you go into a closed session and start adding items to the agenda on the night of the meeting it is his position they violated their own Bylaws. He said you are not permitted to do that, this information is not provided to the Clerk at Friday 12 noon prior to the meeting, it was not provided to anybody tonight and what he asks the Council to do during the public part of the meeting is to allow the public to see the resolutions that they are going to vote on and see them in detail, they are now a matter of public records. Mr. Hipp said they can take the time and show to the people present so that they can see what it is this Government is doing, there is a reason why they do not have the kind of the closed session agenda right before a regular meeting. He said the public has a right to know and when Lt. Reid stood up and said he got notice of a matter that would effect his employment potentially and he had an hour and half to decide, he believes that is a violation of the public meetings act, that is Mr. Reid's decision to take it up but as far as he is concerned this Council is acting ultravires but at least give the public present the opportunity to see the resolutions and to comment on them before the vote is taken.

Peter VanWinkle – 60 Sylvan Street said he would like to ask Councilman Genovesi what is the status of the ordinance for Open House Signs and would the Council feel like tabling the ordinance so that they could get all the realtors in for discussion to fine tune the ordinance. Councilman Genovesi said he will engage him in the discussion, he has no problem with that so they can go back and forth for the allotted time. Mayor McPherson said that in fairness for the hearing of citizens it's not a dialogue and asked him to please answer Mr. VanWinkle's question. He said the vote came down to 4 to 2, obviously he was against it and he doesn't believe in this ordinance the way it was written. Mr. VanWinkle asked if there is an opportunity for the Council to reconsider their decision and perhaps table the motion. Councilman Genovesi said he asked for it to be tabled. Mr. VanWinkle said it comes up on their agenda would the Council entertain a motion to table so they could have further discussion. Mayor McPherson said that Borough Attorney Rizzuto would respond in terms of the procedure. Borough Attorney Rizzuto said it has been voted to put it on for first reading but when it is announced for first reading and the Clerk is asked to read it, if Councilman Genovesi or another Councilmember wants to make a motion to remove it from the agenda that is permissible. Mr. VanWinkle said he requests they all consider that. The Borough Attorney said or it could go for first reading and everyone can vote yes or no for it, therefore if it doesn't pass on first reading there won't be a second reading either. Mr. Van Winkle said for those who will be present next year, he hopes that they have a second hearing of citizens like they used to have because he thinks the citizens deserve the right to have a second bite at the apple.

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Councilman Frazier asked Mr. VanWinkle did he belong to the Board of Realtors Mr. VanWinkle responded yes.

Mildred Dyson - 55 Wilson Avenue said she would like to have a copy of the agenda that she could view. Ms. Dyson then asked if the questions they were talking about that they talked about at the 6:00 meeting, were they on the agenda. Mayor McPherson said no, they are added agenda items. Ms. Dyson asked where were they added. Mayor McPherson responded on the Police agenda. Ms. Dyson asked how would she view them. Mayor McPherson said they have been added and discussed at the public meeting, they will be on Councilman Frazier's agenda when they get there. Ms. Dyson said when will she know about them. Mayor McPherson responded Councilman Frazier will give a report on his agenda. Mayor McPherson responded shortly after the close of the hearing of citizens. Ms. Dyson said the public will not be able to view those questions that they added to the agenda. Mayor McPherson said the number of the added agenda items were reviewed at a public meeting just then and will review by Councilman Frazier which is in accordance with the Bylaws and all applicable laws. Ms. Dyson said all that stuff was just talked about. She said she had another question for Mr. Stafford-is he related to the Chief of Police?

Mr. Stafford replied yes he is. Ms. Dyson said so when the Chief of Police retires is another relative of his going to step in. Mayor McPherson said there will be no appointment of the Chief of Police that evening.

Patrick Kinzler -105 Vreeland, said what has become apparent is that there are some agenda items that the audience doesn't know what it is they will be voting on later and it will be binding. Mr. Kinzler said before the election Councilman Sommer voted against the budget to make the vote 4-2, he doesn't know why he voted against the budget, they can only trust it was for good reasons, making the assumption that it was, they took hope that there was a democrat who had independence and was willing to do the right thing. Mr. Kinzler reminded Councilman Sommer he was up for election next year. Mr. Kinzler said when they spoke before the election they said it would be nice to have balance up there, they hoped that he truly is bringing balance and prospective that isn't railroading things down on the town. He continued to say to Councilmen Reyes and Frazier the voters made a very clear choice three weeks ago, out of respect for what they had to say, whatever the agenda is they ask that it be done on two readings so that they could come back next month as citizens and express their opinion, they ask that their voice be respected.

Patricia Hoffman-Goodwin – 54 East Pierrepont Avenue said her comment was that she didn't know the town turned its governance over to a mob scene. Ms. Hoffman-Goodwin said these are their elected officials; they have a legal right to do what they feel they need to do. She said they all know how the election turned out, they would never know by the room that there were happy people present; she doesn't know what happened to all. She said no union contract could be negotiated at the podium, it is not the appropriate way to do it and the citizens elect the Council and the Council deals with the issues.

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

Councilman Sommer said in regards to Mr. Kinzler's comment as to why he voted against the budget and Mr. Kinzler said he did not know why he voted against the budget. Councilman Sommer said he was interviewed by at least three newspapers and he stated very clearly and maybe that is not the most perfect way to communicate in the written press but he did state why he voted against the budget. He continued to say it did have to do with doing the right thing so if he has any questions about it, Councilman Sommer would be happy to answer them.

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

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Under the Consent Agenda, Councilman Reyes moved approval of the Minutes of the Regular Meeting of October 23, 2007, seconded by Councilwoman Keyes and unanimously approved on roll call.

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11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

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

1. In the amount of \$50.00 payable to Allison Alexander – refund for wrestling program.
2. In the amount of \$1,675.00 payable to Madison Square Garden – refund for Radio City Tickets.
3. In the amount of 1,200.00 payable to Rutherford Post Office – Winter Brochure.
4. In the amount of \$40.00 payable to Tracey Carey – refund Fall Soccer.
5. In the amount of \$1,500.00 payable to Golden Age – deposit for Golden Age Holiday Party.

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11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

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RESOLVED: That bills in the amount of \$15,234,645.08 payable from the Current Account, \$243.14 from the Public Assistance Trust Fund #1 and \$26,000 from the Business Improvement District Account, all as detailed on the attached sheets be passed for payment, warrants drawn and charged in the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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

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

1. In the 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	\$ 10,416.64
Rutherford Fire Engine Co. #2	12,656.20
West End Engine & Hose Co. #3	7,708.28
Rutherford Engine Co. #4	10,000.00
Rescue Co. #5	9,375.00
Special Duty fire fighters -	
Harry J. Western	300.00
David Kinney	300.00
Michael Flynn	300.00
Colin Swift, Jr.	300.00
Robert Smith	300.00
TOTAL	\$51,656.12

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11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

WHEREAS there exists an overpayment of 3rd quarter 2007 property taxes on the following property and;

WHEREAS it has been determined that the following party is entitled to a refund of this overpayment;

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NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrants totaling \$1165.32.

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
36	24	CB104	Pelio & Quinn, Attys Re: 125 Hackett Place	\$1,165.32

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11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

WHEREAS the following property owners have applied for a property tax deduction for the tax year 2007, and;

WHEREAS their 2007 taxes have been paid in full and they are entitled to a refund for these deductions;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrants totaling \$750 to the following;

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>DEDUCTION</u>	<u>AMOUNT</u>
34	7.02	George & Mary Ann Rago 122 Donaldson Avenue	Senior Citizen	\$250.00
68	13	Vojislav Kivich 133 Home Avenue	Disabled Person	\$250.00
151.01	38	John Walter Johnson 17 Nevins Street	Veteran	\$250.00

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11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

WHEREAS the following properties were deleted from the Rutherford tax rolls in 2006, yet erroneously remain of record for 2007, and;

WHEREAS the taxes for these properties must now be cancelled of record;

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NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to cancel \$1,030.88 from the 2007 tax levy for the following properties;

BLOCK	LOT	ADDRESS	AMOUNT
219	56.02 Qual. B01	30 Borough St	\$666.40
221	3 Qual. B01	9 Meadow Road	\$123.48
184	9	343 Washington Ave.	\$241.00

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11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

WHEREAS the following property was deleted from the Rutherford tax rolls in 2006, yet erroneously remains of record for 2007, and;

WHEREAS the property owner has paid the 1st and 2nd quarters of 2007 and is entitled to a refund of these payments;

NOW RHEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a refund check in the amount of \$200.00 to the following property owner;

BLOCK	LOT	NAME & ADDRESS
184	9	Helen Yatsko Re: 343 Washington Avenue

*

11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

WHEREAS the Tax Collector has issued a Tax Sale Certificate on June 7, 2007 on a parcel of property referred to as Block 14, Lot 14 and more commonly known as 130 Vreeland Avenue and;

WHEREAS the necessary arrangements have been made with the Tax Collector's Office for the redemption of the Tax Sale Certificate and a check in the amount of

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\$23,281.82 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$5,100.00 was deposited in the Premium Trust Account on the day of the sale;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$28,381.82 made payable to Crusader Servicing Corp. in settlement of Lien # 200601.

Principal.....	\$ 19,968.43
Interest & Penalty.....	\$ 3,261.39
Fees.....	\$ 52.00
Premium.....	\$ 5,100.00
Total.....	\$28,381.82

*

11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

WHEREAS the Tax Collector has issued a Tax Sale Certificate on April 16, 2005 on a parcel of property referred to as Block 105, Lot 8 and more commonly known as 132 Wheaton Place and;

WHEREAS the necessary arrangements have been made with the Tax Collector's Office for the redemption of the Tax Sale Certificate and a check in the amount of \$29,270.60 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$7,800.00 was deposited in the Premium Trust Account on the day of the sale;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$37,070.60 made payable to US Bank-Cust/Sass Muni V dtr. in settlement of Lien #020056.

Principal.....	\$ 24,456.83
Interest & Penalty.....	\$ 4,761.77
Fees.....	\$ 52.00
Premium.....	\$ 7,800.00
Total.....	\$37,070.60

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

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

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1. In the amount of \$1,100.00 payable to Madison Square Garden – Radio City Tickets.
2. In the amount of \$30.00 payable to Margaret Scott – refund for basketball.

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

RESOLVED: That bills in the amount of \$726,756.74 payable from the Rutherford Current Account, and \$6,000.00 from the Business Improvement District Account all as detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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

WHEREAS, the Mayor and Council of the Borough of Rutherford have been advised of the proposed amended settlement of a Tax Appeal filed on behalf of EDGE C.O AM RES URG MGMT under Docket No.: 005140-2006 for the year 2006; and

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

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Rutherford to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that settlement of the said Tax Appeal be finalized in accordance with Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A. 40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

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

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WHEREAS, the Mayor and Council of the Borough of Rutherford have been advised of the proposed amended settlement of a Tax Appeal filed on behalf of VERIZON-NEW JERSEY, INC. under Docket No.: 001109-2005, 001701-2006 and 002843-2007 for the years 2005, 2006 and 2007; and

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

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Rutherford to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that settlement of the said Tax Appeal be finalized in accordance with Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A. 40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

*

11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

WHEREAS, certain 2007 budget accounts will have unexpended balances and other 2007 budget accounts will have insufficient amount to cover requirements;

NOW, THEREFORE BE IT RESOLVED, that the following amounts be transferred to and from the accounts named;

TO:		FROM:	
General Gov't-Misc expenses	\$3,000	Dumping fees	\$78,500
Fire Official-Equipment, supplies	1,500		
Employee Mandatory Ed Expenses	1,000		
Telephone	17,000		
Recreation	56,000		
TOTALS	\$78,500		\$78,500

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

WHEREAS, certain 2007 budget accounts will have unexpended balances and other 2007 budget accounts will have insufficient amounts to cover requirements;

NOW THEREFORE BE IT RESOLVED that the following amounts be transferred to and from the accounts named:

TO:		FROM:	
Legal fees	\$75,000	Employee Group Health Ins	\$115,000
Engineering Fees	40,000		
TOTALS	\$115,000		\$ 115,000

*

11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin and unanimously approved on roll call:

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

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Edward Cortright to be signatory to the aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council authorizes Edward Cortright to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council is liable for a dollar for dollar match awarded in accordance with the Trust Requirements.

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For, **FINANCE**, Councilwoman Keyes reported that they have an excess in funds in the Fire Official revenues anticipated \$73,000 and the estimate is now in at \$87,000;

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parking lot permits anticipated at \$85,000 actually came in at \$95,000; court fines \$446,000 and came in at \$450,000 and interest on delinquent taxes were estimated at \$100,000 and came in at \$125,000; recycling revenue anticipated at \$36,000 and came in at \$100,000 which proves that they are recycling a lot more than in the past; delinquent taxes for 2006 came in an estimate of \$495,000 and came in at \$516,000; building inspector fees estimated \$440,000 and came in at \$456,000; dividends from the insurance provider was estimated at \$75,000 and came in at \$92,000; interest on income estimated at \$300,000 and came in at \$305,000.

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As Liaison for **55 Kip Center**, Councilwoman Keyes reported that the fall session runs until December 21. On Tuesday, November 6 they held a Teddy Bear Tea and Kathy Hildebrand from Social Services and the Salvation Army were presented with 82 bears to be given out for the Holiday Season. Councilwoman Keyes said they received a third quarter donation from the Boiling Springs Community Alliance Program in the amount of \$5,385, 55 Kip Center was awarded \$55,000 in grant funds by the Women United in Philanthropy; Peggy Letsche was the recipient of the Dr. Celia Weisman Memorial Award presented by the Bergen County Dept. of Human Services. Councilwoman Keyes noted that the Center provides trips to Atlantic City and held its tree and wreath decorating program. Members marched with their grandchildren in the Chamber Holiday Parade and 580 meals were served over the last month; 400 volunteer hours, 352 home visits.

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

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11/19 Under the Consent Agenda, Councilwoman Keyes moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

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

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

Grace Episcopal Church

Tricky Tray

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11/19 Under the Consent Agenda, Councilwoman Keyes moved the request to close streets for the Annual Holiday Parade, Saturday, November 24, seconded by Councilman Fecanin with all members present voting aye.

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11/19 Under the Consent Agenda, Councilwoman Keyes moved the request to suspend parking meters for the holiday season, seconded by Councilman Fecanin with all members present voting aye.

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11/19 Under the Consent Agenda, Councilwoman Keyes authorized the Borough Clerk to request certified lists of eligibles for promotions for Captains, Lieutenants and Sergeants, seconded by Councilman Fecanin with all members present voting aye.

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Councilman Frazier asked Borough Attorney Rizzuto to present added agenda Items 6 and 7. Borough Attorney Rizzuto stated that on the agenda is a resolution authorizing approval of a memorandum of agreement and authorization to execute the agreement by the Mayor, witnessed by the Borough Clerk for the retirement of Chief Nienstedt from the employ of the Borough. She said the agreement as presented has been discussed in closed session and it remains confidential until approved by the Governing Body and executed by the parties, the summary of the terms of the agreement are that Chief Nienstedt retirement benefits are to be provided in accordance with the same medical, life time medical and dental benefits as the collective bargaining agreement provides for all of the other ranking file of the Police Department. The Borough Attorney stated that this is the same type of agreement as has been done in the past by the Governing Body of the Borough of Rutherford in the case of the former Police Chief who retired, as well as, two former Police Captains who retired. She said this agreement provides for benefits similar to what has been done in the past in both the Police Department and in other Departments in the Borough. The Borough Attorney said in addition it provides for a partial payment for unused accumulated sick leave and for payments with respect to vacation and personal leave, sick leave and those type of benefits. She said the Council has reviewed this in closed session, the resolution is before them for a vote and that resolution is to authorize the memorandum of agreement and to execute same on behalf of the Borough of Rutherford.

Councilman Frazier moved the following resolution for Police Chief Nienstedt, seconded by Councilman Reyes with all present voting aye except Councilman Genovesi who voted nay:

WHEREAS, **Chief Steven Nienstedt** has indicated his desire to retire from service as an employee of the Borough of Rutherford; and

WHEREAS, an Agreement between the Borough of Rutherford and Chief Nienstedt regarding retirement and benefits has been duly considered by the Governing Body;

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Rutherford as follows:

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1. The Memorandum of Agreement between the Borough of Rutherford and Chief Nienstedt be and is hereby approved;

2. The Mayor is authorized to execute same on behalf of the Borough of Rutherford and the Borough Clerk is authorized and directed to witness same.

*

Councilman Frazier said that Item 7 relates to a resolution for a Memorandum of Agreement as it relates to Captain Farrell. Borough Attorney Rizzuto stated that this resolution has been placed on the agenda after discussion by Council authorizing the approval of a memorandum of agreement for retirement of Captain Farrell from the Police Department and for authorization of the Mayor to execute same and the Borough Clerk to witness same. She said as stated earlier with respect to Chief Nienstedt, the agreement with Captain Farrell is also consistent with prior agreements that the Governing Body of the Borough of Rutherford has undertaken in various departments it is consistent with the collective bargaining agreement that applies to all of the police officers in the department under the rank. Captain Farrell is not a member of the collective bargaining agreement but nevertheless, all of the same benefits have always been extended to the upper level of the department in the Borough. Borough Attorney Rizzuto said in addition it provides for partial payment for accumulated sick leave as well as vacation, etc. those type of benefits that are normally dealt with in a retirement agreement so there is nothing unusual about the retirement agreement, it is consistent with past practice of the Governing Body, therefore the resolution is to approve the memorandum of agreement for Captain Farrell's retirement and to authorize execution of same.

Councilman Frazier moved approval of the following resolution for Police Captain Farrell, seconded by Councilwoman Keyes with all present voting aye with the exception of Councilman Genovesi who voted nay:

WHEREAS, **Captain Thomas Farrell** has indicated his desire to retire from service as an employee of the Borough of Rutherford; and

WHEREAS, an Agreement between the Borough of Rutherford and Captain Farrell regarding retirement and benefits has been duly considered by the Governing Body;

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Rutherford as follows:

1. The Memorandum of Agreement between the Borough of Rutherford and Captain Farrell be and is hereby approved;

2. The Mayor is authorized to execute same on behalf of the Borough of Rutherford and the Borough Clerk is authorized and directed to witness same.

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The Borough Attorney stated that the next item on the agenda is for recommendations for promotions within the Police Department. The Council has received correspondence from Chief Nienstedt recommending certain promotions as follows:

- o Joseph Merli rank of Captain
- o Patrick Feliciano rank of Lieutenant
- o Marc Amatucci rank of Sergeant
- o Anthony Nunziato rank of Sergeant

Borough Attorney stated that these promotions will fill positions that will be vacant on December 1, 2007 and those are the recommendations. Mayor McPherson stated that these are in conformance of all civil service laws and in keeping with the order on the list; Lt. Merli is a veteran and is number one on the list as well as the others that are recommended for promotion are in conformance with all civil service laws. The Borough Attorney agreed that they are in conformance with the current certified eligible list from the Department of Personnel of the State of New Jersey. Mayor McPherson said that procedurally with promotions Councilman Frazier would request that these promotions be placed on the Mayor's agenda. Councilman Frazier stated that he request that the above promotions be placed on the agenda for further confirmation.

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Borough Attorney Rizzuto stated that number nine is a resolution authorizing the Borough Clerk to call for the test to be issued from the Department of Personnel for the position of Police Chief and for such test to be offered to eligible police officers from the rank of Sergeant, Lieutenant and Captain to take the test to fill the position of Chief of Police that will be vacant upon the retirement of Chief Nienstedt.

Councilman Frazier moved that the following Resolution be adopted, seconded by Councilwoman Keyes with all members present voting aye with the exception of Councilman Reyes and Councilman Genovesi:

WHEREAS, Chief Steven Nienstedt has indicated his desire to retire from service as an employee of the Borough of Rutherford; and

WHEREAS, an Agreement between the Borough of Rutherford and Chief Nienstedt regarding retirement and benefits has been duly considered, approved and authorized by the Governing Body;

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Rutherford as follows:

The Borough Clerk is directed to request that the State Division of Personnel call for a Police Chief's Examination to be extended to all eligible police personnel from the ranks of Sergeant, Lieutenant and Captain.

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As Liaison to the HEALTH DEPARTMENT, Councilman Frazier announced that they will be conducting influenza shot program on Saturday, December 1, 2007 with approximately 300 vials available.

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For **PUBLIC WORKS**, Councilman Fecanin stated that the report is on file with the Borough Clerk.

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Under the Consent Agenda Councilman Reyes moved authorization to advertise for bids for a wood-chipper/body truck, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to award of contract to Cifelli & Sons General Construction for road improvements to a section of Mortimer Avenue in the amount of \$224,662, seconded by Councilwoman Keyes and unanimously approved on roll call.

WHEREAS, the Borough of Rutherford has solicited sealed bids for the Improvements to Mortimer Avenue, and

WHEREAS, bids for the above noted work were opened on November 13, 2007 by the Borough Clerk and Municipal Engineer; and

WHEREAS, the Municipal Engineer, Ralph J. Tango, Jr. has reviewed the bids and recommended an award to the low bidder pending approval of the bid documents by the Borough Attorney.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford does hereby award the contract for **the Improvements to Mortimer Avenue** to Cifelli & Son General Construction, Inc., 4 Coppola Street, Nutley, New Jersey 07110, in the amount of \$224,662.00.

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Councilman Fecanin requested the Mayor to appoint Christopher Seidler to the permanent title of Public Works Superintendent.

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Councilman Fecanin advised of notice of property owners at 36 Sylvan Street, construction of driveway.

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For **FIRE**, Councilman Reyes said he would like to congratulate Mayor-Elect John Hipp and Councilmembers-Elect Rose Inguanti and John Sasso. He believes it is important that they all move forward in the future and to appreciate the residents of Rutherford who are a great bunch of people.

Councilman Reyes said his monthly report for Fire there were 47 number of incidents, no structural fires, no vehicle fires, one bus fire, 25 false alarms, 19 other alarms, no estimated dollars lost but mutual aide was given three times and once again he thanked the volunteer fire fighters that they are so important to the Borough in protecting the residents. He said it is important to recognize the volunteers as this town is blessed to have a lot of people who care about the town and who get involved. Councilman Reyes said that concludes his report.

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Under the Consent Agenda, Councilman Reyes move to accept the request for membership of John Clare to Fire Co. No. 4, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to accept the request from Fire Marshal Dansbach for correspondence be sent to The Maples concerning razing of the building, seconded by Councilwoman Keyes and unanimously approved on roll call.

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11/19 Under the Consent Agenda, Councilwoman Keyes moved to accept the request from the Fire Department to participate in the Wallington Christmas Parade on Saturday, November 24, seconded by Councilman Fecanin and unanimously approved on roll call.

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Under the Consent Agenda, Councilman Reyes moved to accept the resignation of Thomas Prince, Jr. from Fire Co. Number 2, seconded by Councilwoman Keyes and unanimously approved on roll call.

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As Liaison to the SHADE TREE COMMISSION, Councilman Reyes announced the State approval of the Forestry Management Plan.

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Under the Consent Agenda, Councilman Reyes moved to authorization to apply for the 2008 NJMC MAP Grant, seconded by Councilwoman Keyes and unanimously approved on roll call.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi said number two on the agenda authorization of resolutions and execution of agreements for installation of fiber optics in the Borough right of way. He asked for consent on this resolution to have the Borough Attorney execute the agreement and it pertains to the following providers:

- ◇ 4 Connections
- ◇ AT&T
- ◇ Cablevision Light Path

Councilman Genovesi said this agreement will provide the Borough with this service and the agreement protects the Borough from such recourse as liability, road repair, police and DPW overtime or charges. He said the provider will submit a payment of escrow in the amount of \$7,500 to the Borough CFO which will remain as segregated account solely for payment of cost related to the agreement. Councilman Genovesi said the escrow payment will set to begin on November 19. He said he was told by the Borough Attorney that they had received payment for such, should the escrow deplete for the sum \$750 and the work authorized in the agreement is not yet completed, the provider will replenish the escrow within 10 days of such depletion.

Councilman Genovesi said the provider shall provide the Borough with a Performance Bond in the amount of \$25,000 to insure faithful performance of its undertakings at its own cost and expense. He said that nothing in the agreement shall be deemed to grant, convey the real property interest in the land or the ownership of the land to the provider. Also work within the right of way shall be concluded as to minimally interfere with the free passage of traffic and the free use of adjoining properties. He said the provider shall be responsible for the repair of any and all damage to paving, utility lines, any surface or subsurface installation caused by or from the construction installation or maintenance of these facilities. Any repairs needed shall return the paving or surface to the condition it was in prior to the work being conducted and the provider shall complete all repair work at its sole cost and expense.

Under the Consent Agenda, Councilman Reyes moved authorization of resolution and execution of agreements for installation of fiber optics options in the Borough right-of-way, seconded by Councilwoman Keyes and unanimously approved on roll call:

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WHEREAS, 4 Connections, LLC ("4 Connections") has been approved by the New Jersey Board of Public Utilities (the "Board") to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE02010035, in 2002; and

WHEREAS, pursuant to such authority granted by the Board, 4 Connections may locate, place, attach, install, operate and maintain facilities within municipal right-of-way for purposes of providing telecommunications services; and

WHEREAS, 4 Connections proposes to place its telecommunications facilities either aerially or underground, on existing utility poles owned by Verizon or on other utility poles or other structures located throughout the Borough; and

WHEREAS, 4 Connections seeks the non-exclusive use of the Borough's public right-of-way within the Borough for the purpose of owning, constructing, installing, operating, repairing and maintaining the described telecommunications system; and

WHEREAS, in accordance with N.J.S.A. 48:3-19, 4 Connections has requested the consent of the Borough to use and occupy its public right-of-way.

WHEREAS, a Right-of-Way Agreement has been negotiated with 4 Connections, a copy of which is attached hereto and made a part hereof, which sets forth the responsibilities and obligations of 4 Connections to the Borough and the terms and conditions required of 4 Connections with respect to the grant of a consent to use and occupy the Borough's public right-of-way; and

WHEREAS, the Council desires to provide such consent to 4 Connections and authorize the execution of the Right-of-Way Agreement.

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Rutherford as follows:

1. The Right of Way is hereby approved, the Mayor is authorized to execute same and the Clerk is directed to witness same and maintain same thereafter as a public record.

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Under the Consent Agenda, Councilman Reyes moved authorization of resolution and execution of agreements for installation of fiber optics options in the Borough right-of-way, seconded by Councilwoman Keyes and unanimously approved on roll call:

WHEREAS, Cablevision Lightpath, NJ, Inc. ("Lightpath") has been approved by the New Jersey Board of Public Utilities (the "Board") to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE97120883, dated March 26, 1998; and

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WHEREAS, pursuant to such authority granted by the Board, Lightpath may locate, place, attach, install, operate and maintain facilities within municipal right-of-way for purposes of providing telecommunications services; and

WHEREAS, Lightpath proposes to place its telecommunications facilities either aerially or underground, on existing utility poles owned by Verizon or on other utility poles or other structures located throughout the Borough; and

WHEREAS, Lightpath seeks the non-exclusive use of the Borough's public right-of-way within the Borough for the purpose of owning, constructing, installing, operating, repairing and maintaining the described telecommunications system; and

WHEREAS, in accordance with N.J.S.A. 48:3-19, Lightpath has requested the consent of the Borough to use and occupy its public right-of-way.

WHEREAS, a Right-of-Way Agreement has been negotiated with Lightpath, a copy of which is attached hereto and made a part hereof, which sets forth the responsibilities and obligations of Lightpath to the Borough and the terms and conditions required of Lightpath with respect to the grant of a consent to use and occupy the Borough's public right-of-way; and

WHEREAS, the Council desires to provide such consent to Lightpath and authorize the execution of the Right-of-Way Agreement.

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Rutherford as follows:

1. The Right of Way is hereby approved, the Mayor is authorized to execute same and the Clerk is directed to witness same and maintain same thereafter as a public record.

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Under the Consent Agenda, Councilman Reyes moved authorization of resolution and execution of agreements for installation of fiber optics options in the Borough right-of-way, seconded by Councilwoman Keyes with all members present voting aye except Councilman Sommer who recused himself:

WHEREAS, AT&T Corp. on behalf of itself and its subsidiaries including AT&T Communications of New Jersey and Teleport Communications New York and TCG Delaware Valley, Inc. (AT&T) has been approved by the New Jersey Board of Public Utilities (the "Board") to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket Nos. 8311-1035 and 8311-1064, dated December 23, 1983 and Docket No. TT8603271 dated May 6, 1986; and

WHEREAS, pursuant to such authority granted by the Board, AT&T may locate,

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place, attach, install, operate and maintain facilities within municipal right-of-way for purposes of providing telecommunications services; and

WHEREAS, AT&T proposes to place its telecommunications facilities either aerially or underground, on existing utility poles owned by Verizon or on other utility poles or other structures located throughout the Borough; and

WHEREAS, AT&T seeks the non-exclusive use of the Borough's public right-of-way within the Borough for the purpose of owning, constructing, installing, operating, repairing and maintaining the described telecommunications system; and

WHEREAS, in accordance with N.J.S.A. 48:3-19, AT&T has requested the consent of the Borough to use and occupy its public right-of-way.

WHEREAS, a Right-of-Way Agreement has been negotiated with AT&T, a copy of which is attached hereto and made a part hereof, which sets forth the responsibilities and obligations of AT&T to the Borough and the terms and conditions required of AT&T with respect to the grant of a consent to use and occupy the Borough's public right-of-way; and

WHEREAS, the Council desires to provide such consent to AT&T and authorize the execution of the Right-of-Way Agreement.

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Rutherford as follows:

1. The Right of Way is hereby approved, the Mayor is authorized to execute same and the Clerk is directed to witness same and maintain same thereafter as a public record.

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Councilman Genovesi said Item 4 on his agenda will be brought up by a member of the Governing Body other than him, he did not agree with the real estate ordinance. He said it was under his agenda in regards to the Open House Real Estate signs and he asked this to be tabled until a later date as he finds the agreement and language of the original draft not specific enough. For example, no more than three signs can be placed on a property or right way for a particular sale which means that one sign can be placed on the persons property and the other two can be in the right of way; what could have on one street is actually multiple signs in the right of way and he thinks that could cause an interruption to the public. He said his main thing with the ordinance was that apparently from tonight's work session, the Meadowland Board of Realtors had a great amount of input into the writing of this but they seem to agree that the language needs to be cleaned up and he said he feels other realtors need to be involved in this decision. Councilman

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Genovesi said it will benefit them but he would like to hear from them first hand to see what it is that they like.

He said he would also like public input on this to find out what the public feels about this. He said he feels it very hard to support something when both major factors in the ordinance have really had no input as far as he is concerned. Councilman Genovesi made a motion to remove the discussion of the real estate open house signs ordinance from the agenda, seconded by Councilman Sommer, with Councilmembers Genovesi, Sommer, Keyes voting aye and Councilmembers Fecanin, Reyes, Frazier voting nay. With the vote tied, Mayor McPherson voted nay and the motion to remove it from the agenda was defeated.

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Councilman Genovesi reported for the month of October 2007 the uniform construction code revenue \$35,462; construction department revenue \$2,785; grand total of \$38,247; total value of construction \$1,123,632.; total number of permits issues 168; total number of construction department inspections 931; this report is available with the Borough Clerk.

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For **HUMAN RESOURCES**, Councilman Sommer reported that at the November 19, 2007 work session, a public hearing was held regarding Green Acres application for Wall Field & Nereid Boat Club.

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As Liaison for the **AMBULANCE**, Councilman Sommer said they responded to 129 calls and 78 were classified as medical emergencies.

He asked all to please support the food pantry as they provide a very important role in the community.

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Mayor's Report

Mayor McPherson wished to comment on the promotions that were to take place. She said in her opinion a great disservice has been done; Chief Nienstedt and Captain Farrell have submitted their letters of intent to retire and the Council has and indeed the residents should accept them with a great deal of regret and also a great deal of gratitude

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for their many years of service in protecting the Borough and its residents. The Mayor said the Chief and the Captain's agreements request nothing more than a memorialization of what has been granted in the past and what has been earned by them. She said under Chief Nienstedt's leadership along with Captain Farrell, the Rutherford Police Department was held to the highest standards of public safety and professionalism. The Mayor said Chief Nienstedt accomplished this through strict adherence to a policy of tolerance, restraint and vigorous enforcement of the law and she thanked both of them for their service to the Borough.

Mayor McPherson made the following appointments:

Mayor McPherson said as for the promotions, they can not wait to fill those positions, they must provide a chain of command to ensure public safety of the residents. The Mayor said in accordance with all applicable laws and civil service procedures at that time it was her pleasure to appoint to the rank of Captain effective December 1, 2007 in accordance with all civil service laws and procedures and Borough policies Lieutenant Joseph Merli.

Councilman Frazier made a motion to approve the appointment of **Joseph Merli** to the position of Captain, seconded by Councilman Sommer with all members present voting yes with the exception of Councilman Genovesi who abstained.

Mayor McPherson appointed Sergeant Patrick Feliciano in accordance with all civil service laws and procedures and all applicable Borough ordinances effective December 1, 2007.

Councilman Frazier made a motion to approve the appointment of **Patrick Feliciano** to the position of Lieutenant, seconded by Councilwoman Keyes with all members present voting yes with the exception of Councilman Genovesi who abstained.

Mayor McPherson appointed P.O. Marc Amatucci to Sergeant to the position of Sergeant in accordance with all civil service laws and all applicable Borough ordinances effective December 1, 2007.

Councilman Frazier made a motion to approve the appointment of **Marc Amatucci** to the position of Sergeant, seconded by Councilman Fecanin and unanimously approved on roll call.

Mayor McPherson appointed Detective Anthony Nunziato to the position of Sergeant in accordance with all civil service laws and all applicable Borough ordinances effective December 1, 2007.

Councilman Frazier made a motion to approve the appointment of **Anthony Nunziato** to the position of Sergeant, seconded by Councilman Sommer and unanimously approved on roll call.

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Mayor McPherson appointed Christopher Seidler to the permanent title of the Public Works Superintendent in accordance with all civil service laws and all applicable Borough ordinances effective November 27, 2007.

Councilman Fecanin made a motion to approve the appointment of **Christopher Seidler** to the permanent title of Public Works Superintendent, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Mayor Proclamations and Awards:

The following **Giving Thanks** Proclamations were presented:

Mazur's Bakery	Lyndhurst Pastry Shop	Wise
IHOP	Frank's GMC	Paisano's Restaurant
Port Authority NY/NJ	CMX	Stadium Auto Mall
Angelo's Express Limo	Boiling Springs Savings Bank	Varrelmann's Bake Shop
Dunkin Donuts	Dr. James Cuozzo	Dr. Daniel Mariano
Dr. Jill Garripoli	Dr. Ira Kurz	Dr. Michael Bimonte
Dr. Isralowitz & Assoc.	Dr. Manuel Morman	West End Pharmacy
Macagna Diffily Onorato	South Bergenite	The Newsleader
McManimon & Scotland	Felician College	Cathy Botti
Garabedian Group	Outdoor Living	Elks Club
Rutherford Jr. Football	Dr. Matthew White	Panasonic Computer

National Caregivers Month - November

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Councilman Genovesi said he has a salary ordinance on first reading regarding the position of electrical sub-code official and code enforcement officer. This ordinance reflects in December 2006 the Council voted and approved the Electrical Sub-Code Official position be changed from part-time position to full-time. The existing salary ordinance for this position only reflects a part-time salary and this must be corrected. He said also the Borough's Code Enforcement Officer has been certified in the NJ Department of Personnel with that permanent title from the original title of Code Enforcement Trainee. The title does not exist in the current salary ordinance and in order to comply with the NJDOP regulations a title must be listed in the ordinance.

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

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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, NJ REV. STAT.) OF NEW JERSEY, NO. 3117-06, ADOPTED AUGUST 22, 2006.**

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

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

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD TO PROVIDE FOR STORMWATER MANAGEMENT (ILLICIT STORM SEWER CONNECTION ORDINANCE)**

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

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

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 97, ENTITLED SIGNS, ORDINANCE NO. 2381-84.**

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

Councilman Reyes moved this Ordinance be passed on first reading and advertised according to law, seconded by Councilman Fecanin with Councilmembers Frazier, Reyes,

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Fecanin voting aye and Councilmembers Sommer, Keyes, Genovesi voting nay. The vote was tied and Mayor McPherson voted aye. Motion passed.

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

The Clerk read the ordinance by title only as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 126, ENTITLED VEHICLES AND TRAFFIC, ORDINANCE NO. 2140-74.**

Mayor McPherson opened the Ordinance for public hearing. Dennis Moore noted that Councilman Frazier incorrectly stated the intersections. As no one else wished to speak, the Mayor closed the hearing. Mayor McPherson opened the Ordinance for discussion by Councilmembers, as no one wished to speak the Mayor closed the discussion.

Councilman Frazier amended the motion on second reading to list the correction of Yahara and Vanderburgh, moved this Ordinance be passed on second and final reading and advertised according to law, seconded by Councilwoman Keyes and unanimously approved on roll call

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Councilwoman Keyes wished to address Chief Nienstedt and thanked him for putting forth the promotion list because as he has always done, he has thought of the Borough first and it was the right thing to do. She said he is not just walking out the door and leaving, he is making sure the Borough is taken care of and she thanked him.

Councilman Frazier said to Chief Nienstedt, as liaison he thanked him for his openness and sharing and for the objective relationship in working with him and for his suggestions and by sharing his overall plans that would further benefit the safety of the residents of the Borough and of the men under him. Councilman Frazier wished the Chief well and in conjunction wish Captain Farrell well as it was a good team effort and he thanked them for they have contributed such as knowledge, skills to the residents of Rutherford. He said for both of them he is sure this is just one stop along the way and he thanked them for their honesty, justice and fairness.

Councilman Reyes thanked Chief Nienstedt and Captain Farrell for a career in policing is difficult and there are a lot of challenges that come with the position. He said anyone that has been there they understand it and the hardship even comes more to the family, while he thanks the Chief and Captain he also wants to thank their families for their support and he congratulated the families because now they are going to be spending a lot more time with them. Councilman Reyes said to enjoy your retirement and don't think of it as the end of an era, think of it as a beginning and again congratulations.

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Councilman Frazier moved to adjourn at 9:35 p.m., seconded by Councilman Sommer and unanimously approved on roll call.

Borough Clerk