

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, DECEMBER 15, 2009**

The meeting was called to order by Mayor Hipp at 8:20 p.m. with the following Councilmembers present:

Councilwoman Keyes
Councilman Genovesi
Councilwoman Inguanti
Councilman Sasso
Councilwoman Birdsall
Councilman DeSalvo

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

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

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Mayor Hipp made the following presentation:

- "Rutherford Junior Football - Pee Wee Super Bowl Champs"

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Mayor Hipp opened the hearing of citizens.

Charles Burrhus, 267 Mortimer Avenue spoke regarding his displeasure of the Council not supporting Mayor Hipp. He wanted the town to go back to being affordable and wanted solidarity between the Council. Mr. Burrhus spoke about Mr. Shenkler's position as Administrator.

Trina Poindexter, 444 Edgewood Place stated that she was disappointed with Councilwoman Inguanti's decision to stop an investigation of the employees. Ms. Poindexter asked Councilwoman Keyes why there was no due process in the termination of Les Shenkler and how she came to such a quick decision and she wanted to know the reason for his termination.

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

Charles DiNoto, 103 West Passaic Avenue stated that every type of business should be made in motions so that they don't forget what happened previously.

Rabbi Shuman, 185 Montross Avenue spoke in regards to an ERUV being placed in town; Rabbi Shuman to provide the updated locations of the poles to Ms. Kriston before the end of the year.

John Hughes, 60 Riverview Avenue & Steve Savitsky, 51 Donaldson Avenue provided a brief report from the Green Team Committee.

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

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Mayor Hipp opened the hearing to the Council.

Councilwoman Keyes responded to Mr. Burrhus and Ms. Poindexter's comments regarding Mr. Shenkler and commented that there were many reasons which the Council brought up and they were very unhappy with his performance. Councilwoman Keyes noted she did not demand Mr. Shenkler's resignation, she brought to him concerns from other Council members and employees to which he denied. The Councilwoman noted he was an at-will employee and the Council voted to terminate him.

Councilman Sasso responded to Mr. Burrhus' comments regarding a divided Council and further explained that there is dialogue between the Council which is a good quality to a certain extent. The Councilman asked Mr. Burrhus to be careful as to what he perceived; to what was actuality as the Council makes their decision based on facts not as to what party they are on.

Councilwoman Birdsall thanked the public for their time and opinion; she wanted to add to the comments made by Council members agreeing that they work in an open and honest discussion and dialogue. The Councilwoman responded to Ms. Poindexter's statement referring to the November 23 Council meeting's resolution asking the Mayor to refrain from talking with Borough employees.

Councilwoman Inguanti spoke regarding the role of Councilmembers; clarified the Resolution put forth at the November 23 Meeting and the unfortunate turn her supporters took as they didn't have both sides of the issues. The Councilwoman stated that the Borough needs an Administrator who can serve the Borough's needs.

Mayor Hipp thanked Mr. Burrhus and Ms. Poindexter for their comments. The Mayor commented that Mr. Shenkler's Assistant was on leave a large amount of time and she continued to work with the Rent Board. Mayor Hipp stated for the record that Councilwoman Keyes did ask Mr. Shenkler to resign on July 21 and made reference to his decision in a July 23 email. Mayor Hipp questioned the process of how the termination was done.

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

Councilwoman Birdsall asked to make a comment. Mayor Hipp denied her request.

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

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Regular Meeting Minutes of October 27 were pulled to be checked.

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12/08

Under the Consent Agenda, Councilwoman Keyes made a motion to approve the Special Meeting Minutes of October 13, 2009, seconded by Councilman DeSalvo and unanimously approved on roll call.

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Councilman DeSalvo made a motion to approve the Regular Meeting Minutes of November 23, 2009, seconded by Councilwoman Birdsall. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall and Councilman DeSalvo voted aye; Councilwoman Keyes and Councilman Genovesi abstained.

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Closed Meeting Minutes of May 19, 26(a), 26(b), June 3, 23(a), 23(b), July 7, 14, 2009 were held for the Closed Meeting.

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12/8

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

RESOLVED: that bills in the amount of \$722,016.72 from the Current Account and \$20,000 from the Rutherford Downtown Partnership Account, all detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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12/8

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

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

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

In the amount of \$500.00 each payable to the retired Police employees listed below for medical benefits compensation as per contract for the period of July – December, 2009:

Joseph Frey	\$500
Jack Romain	\$500

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12/8

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

WHEREAS the Borough of Rutherford has received overpayments of 2009 taxes for the following properties; and,

WHEREAS these overpayments will be credited to 2010 taxes for the same parcels;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$9494.11 to the Borough of Rutherford and charge same to 2009 taxes overpaid.

BLOCK	LOT	NAME & ADDRESS	AMOUNT
1	4	Klaes, Beth Adrienne 372 Riverside Avenue	\$66.56
5	12	Monahan, Judy 281 W Passaic Avenue	\$68.07
14	4	Kaminski, S. 170 Vreeland Avenue	\$95.57
18	1.01	Esposito, M. & K. 222 W. Passaic Avenue	\$95.44
25	30	Dauria, F. & J. 481 Edgewood Place	\$80.00
35.02	20	Gaston, E. & Castillo, J. 188 Wood Street	\$81.78
36	18 C002C	Scollo, E. 199 Union Ave- 2C	\$135.54

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

BLOCK	LOT	NAME & ADDRESS	AMOUNT
36	18 C002F	Mariano, V.J. 199 Union Ave- 2F	\$187.22
49	6	Mink, W. & N. 141 Irving Place	\$106.59
54	10	Tran, T. & Shen M. 7 Wood Street	\$169.04
57	6	Kearny Federal Savings Re: 11 West Newell Avenue	\$424.17
66	17	118 Union Ave., LLC 118 Union Avenue	\$74.03
79	9.02	Leon, J. & C. 215 Jackson Avenue	\$78.46
82	18	Burns, P. & J. 184 Springfield Avenue	\$213.37
86	3.02	Mesiha, G. Re: 82 Montross Avenue	\$4038.33
87	35	Luhana, P. & J. 20 Montross Avenue	\$77.20
102	8.01	Barbossa, C. & E. 65 E. Gouverneur Avenue	\$94.34
109	4	Treat, Doris Re: 51 E. Pierrepont Avenue	\$74.35
109	8	Purpura, N. 67 E. Pierrepont Avenue	\$81.95
112	47	Espinoza, M. & Kelly, M. 102 Woodland Avenue	\$108.42
118	14	Blum, Paul 42 Ridge Road	\$138.70

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

BLOCK	LOT	NAME & ADDRESS	AMOUNT
122	27	Conboy, K. & Yu, S. 266 Sylvan Street	\$79.35
135.01	5	Scott, M.& J. 195 Sylvan Street	\$573.30
137	5	Lynch, R. 99 Sylvan Street	\$82.08
142.02	7	Munoz, D. & L. 250 Orient Way	\$79.93
150	7.06	Fiorillo, R. & M.L. 360 Feronia Way	\$178.66
154	14 C03B8	Trobat (et als) Re: 88 Feronia Way- 3B	\$40.08
158	45.01	Flaws, H. S. 10 Highfield Lane	\$94.00
163	1	Di Genio, H. 72 Crane Avenue	\$97.18
164.02	43.02	Corradino, M. 38 Elycroft Parkway	\$76.03
173	1.04	Coppola, C. & J. 64 Raymond Avenue	\$615.76
173	1.16	LZJN Property, LLC Re: 73 Jackson Avenue	\$272.36
174.01	25	Wallace, J. & E. 8 Raymond Avenue	\$79.04
188	14.02	Brown, K. & Soacha, S. 5 Vanderburgh Avenue	\$161.24
190	32	Peluso, R. (etal) 60 Carneer Avenue	\$337.85
210	1 C0071	Stawnychy, Y Re: 69 Clark Court	\$144.06

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

BLOCK	LOT	NAME & ADDRESS	AMOUNT
210	1 C0110	Cavanaugh, J. & C. 52 Clark Court	\$94.06

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

RESOLVED: That bills in the amount of \$600,081.76 and \$625,599.87 from the Current Account, all detailed as follows on the attached sheets, be passed for payment, warrants drawn and charged to the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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

WHEREAS the Borough of Rutherford has received duplicate payments of 2009 4th quarter taxes for the following properties; and,

WHEREAS the party listed has requested and is entitled to a refund of these overpayments;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is authorized to issue a warrant in the amount \$20,926.93 to First American Real Estate Tax Service as a refund for the following properties.

BLOCK	LOT	NAME&ADDRESS	AMOUNT
1	14.02	Willms, Marianne 316 Riverside Avenue	\$2708.30
20	4	Marchesani, Dante & Romy 246 Fairview Avenue	\$2736.29
25	28	Duergne, Francois & Tania 487 Edgewood Place	\$2416.14
29	11	Schroder, Edward J. & Flora 352 Mortimer Avenue	\$2233.10
36	21 C0304	Nieto, Alfredo 126 Hackett Place	\$1382.00

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

BLOCK	LOT	NAME & ADDRESS	AMOUNT
67	4	Jones, Darryl & Allison Re: 60 Washington Avenue	\$2113.24
125	18	Laskey, Daniel & Samira 76 Sylvan Street	\$3319.63
136	18	Larossa, Melody & Christopher 139 Sylvan Street	\$3018.82
210	1 C0043	Vanderburgh, Felicia 13 Clark Court	\$999.41

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

WHEREAS the Borough of Rutherford has received duplicate payments of 2009 4th quarter taxes for the following properties; and,

WHEREAS the party listed has requested and is entitled to a refund of these overpayments;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is authorized to issue a warrant in the amount \$1,099.00 to BAC as a refund for the following property.

BLOCK	LOT	NAME&ADDRESS	AMOUNT
154	5 C001A	Janefshan, Jennifer 137 Orient Way	\$1099.00

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FINANCE

Councilwoman Inguanti spoke regarding the finances of the Borough. The Councilwoman asked the entire Council to work vigorously to come up with cost saving measures and speak with their Department Heads.

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12/8

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

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

WHEREAS, certain 2009 budget accounts will have unexpended balances and other 2008 budget accounts will have sufficient amounts to cover requirements;

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

<u>FROM</u>		<u>TO</u>	
Administrator Salaries	\$10,000	Financial Administration	
Building Inspector Wages	8,500	For ADP Payroll Prep	18,000
Misc Insurance	15,000	For Bank Service Charge	8,465
Group Ins	70,000	Data Processing Costs	1,000
Police Equipment	5,000	Legal Services & Costs	40,000
Employee Education	3,000	Board of Adjust. Legal	15,000
Gasoline	50,000	Police – Overtime	186,035
Dumping Fees	100,000	Municipal Court	3,000
FICA	10,000		
TOTALS	\$ 271,500		\$ 271,500

DEPARTMENT OF PUBLIC WORKS

Roads Salaries & Wages	37,000	Solid Waste Salaries	100,000
Shade Tree Salaries	125,000	Buildings & Grounds Wages	100,000
Recycling Salaries	31,000		
Sewers Salaries	7,000		
TOTALS	\$ 200,000		\$ 200,000

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The request from the CFO regarding 90 days of vacation time was referred to the Borough Attorney.

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12/8

Under the Consent Agenda, Councilwoman Keyes moved to approve the Request for the Borough Attorney to provide an analysis of fund raising and expenditures of same by Borough committees, seconded by Councilman DeSalvo and unanimously approved on roll call.

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Councilwoman Inguanti moved to authorize the CFO to prepare specifications for bid for banking services, seconded by Councilwoman Keyes and unanimously approved on roll call.

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MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

Endorsement of the NJMC Redevelopment Plan was held till January.

Under the Consent Agenda, Councilwoman Keyes moved to approve the request for an Eagle Scout Project for a food drive in the spring of 2010, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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For, **POLICE**, Councilman Genovesi spoke regarding the success of the hybrid vehicle that was being used at the Police Department. Councilman Genovesi provided a brief report stating the entire monthly report was on file with the Borough Clerk.

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12/8

Under the Consent Agenda, Councilwoman Keyes moved to approve the agreement modification for Route 3 Police Overtime Agreement, seconded by Councilman DeSalvo and unanimously approved on roll call.

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Councilman Genovesi explained the Certification of Eligibles will be held until January as further cost analysis needed to be completed.

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For, **PUBLIC WORKS**, Councilman DeSalvo provided brief recap of the DPW activities which was on file at the Borough Clerk's Office.

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Under the Consent Agenda, Councilwoman Keyes moved to approve the request from the Senior Manor requesting use of the mini bus for a luncheon at Tao's on December 29, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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12/8

Under the Consent Agenda, Councilwoman Keyes moved to approve the Borough Attorney to contact DPW union representatives to review clothing allowance procedures, seconded by Councilman DeSalvo and unanimously approved on roll call.

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Councilman DeSalvo moved to authorize the Borough Engineer to bid for the Curb Replacement Project, seconded by Councilwoman Birdsall.

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

Council discussion took place.

The Borough Clerk read the roll call; unanimously approved.

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Mayor Hipp asked the meeting be suspended at 9:45 p.m.; meeting resumed at 9:55 p.m.

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As Liaison to the **Shade Tree Committee**, Councilman DeSalvo announced that the State House Committee Meeting was being held Thursday, December 17 in Trenton; with no objections Councilman DeSalvo noted he would be attending the meeting and Mayor Hipp stated he would probably be joining him.

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As Liaison to the **Downtown Partnership**, Councilman DeSalvo asked for a public hearing on the RDP 2010 Budget. Mayor Hipp asked the RDP Manager to provide a brief presentation of the Budget.

Robin Reenstra-Bryant presented an overview of the 2010 RDP Budget.

Mayor Hipp opened the hearing to the public.

Trina Poindexter, 444 Edgewood Place spoke regarding the discussion of an invoice for Police hours.

No further citizens wished to be heard; Mayor Hipp opened for Council discussion.

Councilwoman Keyes asked how much money in the budget was allocated to the development of new businesses in the town. The Manager responded \$1,000 through the internet and explained the process.

Councilwoman Birdsall asked for clarification of the wording "assessments". The Manager provided an explanation of the wording.

No further discussion was requested.

Councilman DeSalvo made a motion to approve the RDP 2010 Budget, seconded by Councilman Genovesi and unanimously approved on roll call.

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The request from the RDP Manager for compensation for the festivals was held.

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

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For, **FIRE**, Councilwoman Keyes provided a monthly report and spoke of the exceptional job the volunteers did during the fire at Nick's Towing.

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Councilwoman Keyes moved to approve the following Resolution updated plan for existing LOSAP document, seconded by Councilman DeSalvo and unanimously approved on roll call:

WHEREAS, the Borough of Rutherford (hereinafter referred to as the "Sponsoring Agency") by resolution adopted a Length of Service Award Plan (hereinafter referred to as the "Plan") effective August 10, 1999, for the purpose of enhancing the Sponsoring Agency's ability to retain and recruit volunteer firefighters and volunteer members of emergency service squads; and

WHEREAS, the Sponsoring Agency by resolution retained The Variable Annuity Life Insurance Company ("VALIC") as the contractor under the Plan; and

WHEREAS, the Sponsoring Agency adopted the VALIC Length of Service Award Plan Document approved by the Division of Local Government Services and assigned identifier 02-LOSAP-VALIC-120800, effective August 10, 1999; and

WHEREAS, the Sponsoring Agency desires to adopt the updated VALIC Length of Service Award Plan Document approved by the Division of Local Government Services and assigned identifier 07-LOSAP-VALIC-040209;

NOW, THEREFORE, BE IT RESOLVED that the Sponsoring Agency hereby adopts the VALIC Length of Service Award Plan Document approved by the Division of Local Government Services and assigned identifier 07-LOSAP-VALIC-040209 effective December 15, 2009 and authorizes the Mayor to execute the document and to submit a certified copy of this Resolution to the Director of the Division of Local Government Services.

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Under the Consent Agenda, Councilwoman Keyes moved to approve the request to take Engine 2 to North Hudson Christmas Parade on December 16, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Councilwoman Keyes moved to approve the following Resolution to relocate five fire hydrants on Route 17, seconded by Councilman DeSalvo.

RESOLVED, that United Water New Jersey, Inc. is hereby requested to erect five (5) fire hydrants at the following designated place, to be used for fire purposes only, in accordance with the Rules and Regulations of the Company, and its rates as set forth in its Schedule of Rates filed with the New Jersey Board of Public Utilities in Newark, New Jersey.

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

LOCATION OF HYDRANTS

Hydrant 1 - Relocate Hydrant 6-138 5' back from existing location.

Hydrant 2 – Install hydrant south bound shoulder of Route 17 approximately 720' north of Route 17 South Meadow Road intersection, just south of Wendy's entrance.

Hydrant 3 – Relocate Hydrant 6-266 from center median approximately 60' to shoulder of Route 17 North 200' north of Highland Cross.

Hydrant 4 – Relocate Hydrant #6-265 from center median approximately 70' to shoulder.

Hydrant 5 – Install hydrant southbound of Route 17 approximately 180' north of Meadow Road.

Council discussion took place confirming that all parties involved were in agreement of the relocation.

The Borough Clerk read the roll call; unanimously approved on roll call.

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As Liaison to the **Board of Health**, Councilwoman Keyes announced the date of January 7 for H1N1 vaccinations.

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

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Councilwoman Birdsall moved that the Mayor and Clerk be authorized to execute the right-of-way agreement with MCI for aerial telecommunications cable on Rutherford Avenue, Ridge Road, Highland Cross and SR-17, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Councilwoman Birdsall stated that item regarding the Electrical Inspector's request to carry over vacation days was removed and deferred the issue to the Borough Attorney.

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As Liaison to the **Board of Adjustment**, Councilwoman Birdsall announced the notice to property owners regarding 33 Darwin Avenue.

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

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As Liaison to the **Board of Aesthetic Review**, Councilwoman Birdsall spoke regarding the store front coverings.

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As Liaison to the **Historic Preservation Committee**, Councilwoman Birdsall made a motion for a Council Committee to be formed to meet with the Borough Planner and the Historic Preservation Committee to meet the needs of the Borough and address if they should form a Commission- Rod Leith, Bill Gallo, Councilwoman Birdsall and Inguanti to serve on the Committee, seconded by Councilwoman Keyes and unanimously approved on roll call.

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As Liaison to the **Quality of Life Committee** and **West End Committee**, Councilwoman Birdsall provided a report.

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As Liaison to the **Citizen Round Table Forum**, Councilwoman Birdsall made a motion to have a follow-up meeting of the forum at a most convenient time, seconded by Councilwoman Keyes and unanimously approved on roll call.

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As Liaison to the **Green Team**, Councilwoman Birdsall thanked them for the attendance and explained the application of the Sustainable New Jersey.

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For, **HUMAN RESOURCES**, Councilman Sasso provided a report regarding the Nereid Boat Club and possibility of the community involvement for the improvement of the Borough Fields.

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MAYOR'S AGENDA

Mayor Hipp stated that the State Commission's Investigation Report, "Waste and Abuse in Local Government Employee Compensation and Benefits" was available to the public for their review; he noted that Rutherford was noted in a not-so favorable light.

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MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

Mayor Hipp reported that the Borough's litigation against the 7/11 store was rendered in favor of the store; the Borough's ordinance was rendered invalid.

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Mayor Hipp spoke regarding purchasing procedures as stated in the by-laws. The Mayor had met with the Department Heads to ensure the complete compliance of the procedures.

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Mayor Hipp asked if the resolution giving permission for the Eruv project be held till January. Discussion took place.

Councilman Genovesi made a motion granting permission for the Congregational Beth El to conduct the Eruv Project subject to the confirmation of approval by Verizon and PSE&G, seconded by Councilman DeSalvo.

Council discussion took place with Rabbi Shuman. The Borough Attorney requested Rabbi Shuman to provide the Borough with the form regarding the rental agreement for the Eruv. Councilman Sasso asked for clarification of the proposed motion, the Borough Attorney responded.

The Borough Clerk read the roll call: Councilwoman Keyes, Councilman Genovesi, Councilwoman Inguanti, Councilwoman Birdsall and Councilman DeSalvo voted aye; Councilman Sasso abstained.

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Mayor Hipp held the Resolution regarding holding back payments to the State pending review of comptra aid.

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ORDINANCES ON 1ST READING

The Refunding Bond Ordinance was removed.

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ORDINANCES ON 2ND READING

Councilwoman Inguanti introduced the Ordinance as a bond ordinance to enable the Borough to get through the end of the year.

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

The Borough Clerk read Ordinance by Title only: **CAPITAL BOND ORDINANCE TO APPROPRIATE THE SUM OF \$493,660.00 FOR VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY AND TO TRANSFER UNEXPENDED BOND ORDINANCE BALANCES AND REAPPROPRIATE SAME TO FINANCE SUCH APPROPRIATION.**

Councilwoman Inguanti moved the Ordinance be passed on second reading and final reading and advertised according to law, seconded by Councilwoman Birdsall.

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

Mayor Hipp opened the hearing for Council discussion; Council discussion took place.

The Borough Clerk read the roll call; the ordinance was unanimously approved.

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The Borough Clerk read Ordinance by Title only: **A REFUNDING BOND ORDINANCE PROVIDING FOR THE FUNDING OF CERTAIN PROPERTY TAX REPAYMENT OBLIGATIONS OF THE BOROUGH OF RUTHERFORD, IN THE COUNTY OF BERGEN, NEW JERSEY, IN SATISFACTION OF CERTAIN SUCCESSFUL PROPERTY TAX APPEALS, APPROPRIATING NOT TO EXCEED \$450,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$450,000 IN AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS FOR SUCH PURPOSE.**

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

Councilwoman Inguanti moved to have the following Ordinance tabled, seconded by Councilwoman Keyes and unanimously approved on roll call.

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UNFINISHED BUSINESS

Councilwoman Keyes asked the Borough Attorney if he had reviewed the issue of the Police Director's vacation time not being in compliance with his agreement. The Borough Attorney responded that he had spoken with the Police Director who agreed the amount of days was not in the agreement and the Director was willing to sit with the Council to come up with an agreement. Mayor Hipp stated that the ordinance needed to be updated in regards to the Police Director and he urged the Council to meet with the Director as soon as possible and amend the ordinance.

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MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

Councilman DeSalvo spoke in regards to the purchase of composters and rain barrels. He confirmed a check was cut then pulled because there was no authorization for the check. With that Councilman DeSalvo did ask the check be authorized as the vendor was waiting for payment.

Councilman DeSalvo made a motion for payment, seconded by Councilwoman Inguanti.

Councilwoman Inguanti noted that the funds were from dedicated revenue from recycling initiatives.

Councilman Sasso suggested that there be two signatures on every check the Borough sends out. The Borough Clerk commented that they could review the bank accounts.

Discussion took place.

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

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NEW BUSINESS

Councilwoman Inguanti requested a discussion regarding the Council liaison assignments for the upcoming year.

Mayor Hipp responded it would be appropriate to discuss the process but he didn't think it was appropriate for the Council to discuss what liaison position they wanted and he deferred to the Borough Attorney. The Borough Attorney responded there were no legal restrictions preventing the Council's discussion.

Councilwoman Inguanti stated that she was willing to re-assume the liaison position of the Finance Committee.

Councilwoman Birdsall stated it would be a benefit if they kept the liaison positions they currently held.

Councilman Genovesi agreed with Councilwoman Birdsall and provided an explanation for such.

Councilman Sasso added that in the past the Mayor had instructed the Borough Clerk to ask the Council members what Council Assignment they would like.

MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

Councilwoman Inguanti wished to be assigned to the Municipal Alliance Committee and Councilman Genovesi agreed.

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Councilwoman Inguanti spoke regarding the purchasing procedures and commended the Mayor for holding a Department Head meeting to clarify some of the issues and spoke about the two-day requirement.

Discussion took place regarding the purchasing procedures.

Councilman Genovesi stated Point of Order to Mayor Hipp due to the hour of the meeting.

Councilwoman Keyes made a motion to adjourn, seconded Councilman Genovesi.

Councilman DeSalvo stated that he had an issue that may need to be done by the end of the year.

Councilman DeSalvo made a motion to extend the meeting to 11:30, seconded by Councilwoman Keyes and unanimously approved.

Councilwoman Inguanti spoke that they needed to have an open process in regards to the purchasing procedures.

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Councilman Sasso made a motion to have the Police Director/Police Department to provide options for pedestrian safety on Orient Way, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Councilman DeSalvo made a motion to add a discussion of the Garbage Schedule to the agenda, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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Councilman DeSalvo made a motion to extend the meeting to discuss the Garbage Schedule, seconded by Councilman Sasso and unanimously approved on roll call.

Councilman DeSalvo made a motion authorizing the Garbage Schedule to change from a yearly to the first three months of 2010, seconded by Councilwoman Birdsall and unanimously approved on roll call.

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MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

12/08 Councilwoman Inguanti moved the following resolution for a closed session, seconded by Councilman DeSalvo and unanimously approved on roll call:

WHEREAS, the Open Public Meetings Act requires that a public body adopt a resolution at an open meeting before going into closed session to discuss a matter which excludes the public as permitted 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, December 08, 2009 at 10:40 p.m. in the Committee of the Whole Room to discuss the Borough Administrator and potential litigation regarding the pistol range.

12/08 Councilwoman Keyes moved to terminate the employment of Les Shenkler as Borough Administrator effective December 9, 2009 and for Mr. Shenkler to receive all the benefits listed in the Borough's Administrative Code, seconded by Councilwoman Birdsall.

Councilman Genovesi objected to the motion stating that there was no just cause demonstrated and there wasn't a proper and fair evaluation.

On roll call, all members present voted aye except Councilman Genovesi.

Mayor Hipp added that he agreed with Councilman Genovesi stating absent any evaluation, this violates the basic concepts of fundamental fairness.

Mayor Hipp asked for time to talk about the article that was coming out in the Bergen Record stating the Borough overpaid the BCIA \$525,000; the Mayor asked for a motion though he would have preferred to do it in closed.

Councilwoman Birdsall made a motion to go into closed session to discuss the matter, seconded by Councilman Sasso and unanimously approved on roll call.

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Councilwoman Birdsall moved the following resolution for a closed session, seconded by Councilman Sasso and unanimously approved on roll call:

WHEREAS, the Open Public Meetings Act requires that a public body adopt a resolution at an open meeting before going into closed session to discuss a matter which excludes the public as permitted 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, December 15, 2009 at 11:35 p.m. in the Committee of the Whole Room to discuss potential litigation regarding BCIA loan.

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MINUTES OF REGULAR MEETING HELD DECEMBER 15, 2009

The meeting re-convened to open session at 12:00 pm and there being no further business, Councilman Genovesi moved to adjourn at 12:01p.m., seconded by Councilman DeSalvo and unanimously approved on roll call.

Borough Clerk