

**MINUTES OF A REGULAR MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, DECEMBER 18, 2007**

The meeting was called to order by Mayor McPherson at 8:02 p.m. with the following Councilmembers present:

Councilman Reyes
Councilman Fecanin
Councilman Sommer
Councilwoman Keyes
Councilman Genovesi

Councilman Frazier - Absent

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

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

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Mayor McPherson made the following presentations:

- ◇ Membership Certificate for Firefighter Brian O'Hara
- ◇ Random Acts of Kindness Day – Olympic Karate Institute; Dan Rominiski made a presentation to the Mayor and Council and looks forward to working with them in the future.

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Mayor McPherson opened the hearing of citizens.

Mildred Dyson – 55 Wilson Avenue, said four or five weeks have passed and last week she was told by John Uhl that he wouldn't be calling her or if she wanted to speak with him because she had a problem with him and she said she did because he was negligent on the job that he did. Ms. Dyson said John passed the buck to Mr. Stafford and she still hasn't heard from Mr. Stafford. She presented the Council with two pictures

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

regarding the wall at 124 Woodland Ave showing the wall prior and the present wall. Ms. Dyson said the Mayor already received a copy but she chose to ignore it. Councilman Genovesi added he received a copy of a certified letter which was correspondence from John Uhl to Ms. Dyson, perhaps she hasn't received it yet.

Bonnie Corcoran – 390 Montross Ave, said she wanted to thank Councilman Reyes, last week she approached him at the work session regarding the leaf problem around Lincoln School and 5:30 the next morning the leaves were gone. Ms. Corcoran said she left a message at the DPW office at around 2:30, apparently at the Kip Garage her husband has a permit to park, was a sheet of ice. She said this is dangerous because some one could hit the ice and go sliding into the retaining wall and it needs to be taken care of. She didn't know if this has always been a problem but she did bring this to the DPW because they might not know about it yet because she called late in the afternoon and she hopes that gets done soon. Ms. Corcoran said another item is Mr. Cortright told her the payout to the Police Chief they had to take money out of the surplus of the DPW overtime and it is a good thing they didn't have many snowstorms and there has been three ice snow storms knowing that DPW has worked overtime for those three storms she is hoping the surplus didn't deplete that fund because they are required to have that overtime due to the fact they had to make sure the roads were clear. Ms. Corcoran said her last question is about Cliffhanger and their voucher from the Holiday Festivities was still on hold and she was wondering if anyone received an itemized bill and if so, has it been reviewed. She suggested if the Borough doesn't received itemized bills they don't pay as she thinks \$26,000 for a one-day event is outrageous.

Councilwoman Keyes said during the work session they did have an itemized bill from Cliffhanger, she was not aware that the entire Council had received it, so she asked for it to be pulled. She said however now that she understands that they all had it, they will be moving it forward to be paid that evening. Ms. Corcoran asked when was it received. Councilwoman Keyes replied that she received it today. Ms. Corcoran replied that it took less than 12 hours to review and then the Council approves it? Councilwoman Keyes replied yes and every item is given a dollar amount and they are services that they asked Cliffhanger to provide and he provided such and gave the itemized bill for it. Ms. Corcoran asked if that is open to the public if she fills out a form, she will be in tomorrow to look at the bill.

Gene Rochat – Meadowlands Board of Realtors said he was present to discuss the Open House Ordinance, but he found out that it is going to be tabled on the efforts of many of the people on the dais particularly Councilman Genovesi and they are very happy that this will create a little more discussion and dialogue. Mr. Rochat said they hope to participate with the other residents in finding something more compatible.

Frank Wilson – 171 Montross Avenue wished Mayor McPherson and Councilman Reyes well in there future endeavors. Mr. Wilson asked in regards to the \$12,000 safety glass in the Tax Assessor's Office and before they vote, wouldn't it have been easier to put a sign saying no cash accepted, certified check or money order. He asked how much money do they actually take in on a daily or monthly basis. Mr. Wilson asked if the RPD has ever been called to that office because some of the banks that he uses don't have

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

bullet proof glass. Mayor McPherson said that the Council had consented to the glass and the question in regards to the Rutherford Police Department being called to the Tax Assessor's Office, two years ago it was robbed during a weekend time. The Mayor said there was a recommendation from the Police Department that they take the action they are taking. Mayor McPherson said they would have to check legally if they are allowed to not accept cash.

John Hipp – 143 Highland Cross said he was going to ask the Council to do something and he didn't get a chance to talk about it at the work session but it concerns Mr. Cortright's agreement. Mr. Hipp said while he has no objection to the substance of the resolution that was passed two years ago, he has a concern with memorializing it into a contract. He said he doesn't know if anyone looked into this but by doing this they will be implicating provisions of New Jersey Public Employee Relations Act and so he asked the Council to table that and do it the right way next year. Mr. Hipp said they are changing the status of an employee and he doesn't think that is the intention but he thinks the intention was to memorialize the benefits that were provided to him and the fact that it is in contract form is actually a substantial change. He asked that they give them the opportunity next year to sit down and talk with his attorney and they can fix it, but if they do it now they might end up tying their hands, so seriously consider tabling this. Mayor McPherson said to Mayor-Elect respectfully the proper research has been done and it is up to the Council to determine whether or not they want to pull this, but this is nothing more or less then they have done in the past. The Mayor said as known, Mr. Cortright is not a member of a bargaining unit and she believes it is up to the Council but she didn't think there would be any tabling of that action, respectfully.

As no further citizens wished to speak Mayor McPherson closed the hearing to the citizens.

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

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Under the Consent Agenda, Councilman Reyes moved approval of the Minutes of the Regular Meeting of November 27, 2007, seconded by Councilman Fecanin with all members present voting aye.

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Councilman Reyes moved approval of the Minutes of the Closed Meeting of January 16 2007, seconded by Councilman Fecanin with all members present voting aye.

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

Councilman Reyes moved approval of the Minutes of the Closed Meeting of January 23, 2007, seconded by Councilman Fecanin with all members present voting aye except Councilman Genovesi who abstained.

Councilwoman Keyes moved approval of the Minutes of the Closed Meeting of February 20, 2007, seconded by Councilman Sommer with all members present voting aye except Councilman Reyes who recused himself and Councilmen Frazier & Fecanin abstained.

Councilman Reyes moved approval of the Minutes of the Closed Meeting of February 27, 2007, seconded by Councilman Frazier with all members present voting aye.

Councilman Reyes moved approval of the Minutes of the Closed Meeting of March 6, 20, 2007, seconded by Councilman Fecanin with all members present voting aye.

Councilman Reyes moved approval of the Minutes of the Closed Meeting of March 20, 2007, seconded by Councilwoman Keyes with all members present voting aye except Councilman Fecanin who abstained.

Councilman Reyes moved approval of the Minutes of the Closed Meeting of March 27, 2007, seconded by Councilman Sommer with all members present voting aye except Councilman Fecanin who abstained.

Councilman Reyes moved approval of the Minutes of the Closed Meeting of May 22, 2007, seconded by Councilman Genovesi with all members present voting aye except Councilman Fecanin who abstained.

Councilman Reyes moved approval of the Minutes of the Closed Meeting of August 9, 2007, seconded by Councilman Keyes with all members present voting aye except Councilman Fecanin and Sommer who abstained.

Councilman Reyes moved approval of the Minutes of the Closed Meeting of August 21 & 28, 2007, seconded by Councilman Fecanin with all members present voting aye.

Councilman Reyes moved approval of the Minutes of the Closed Meeting of September 18, 2007, seconded by Councilman Fecanin with all members present voting aye except Councilman Genovesi who abstained.

Councilman Reyes moved approval of the Minutes of the Closed Meeting of September 25, 2007, seconded by Councilman Fecanin with all members present voting aye.

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

Councilman Reyes moved approval of the Minutes of the Closed Meeting of October 16, 2007 seconded by Councilman Frazier with all members present voting aye except Councilmember's Fecanin, Keyes and Sommer who abstained.

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Councilman Reyes moved approval of the Minutes of the Closed Meeting of November 27, 2007, seconded by Councilman Fecanin with all members present voting aye.

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Councilman Reyes moved the Consent Motion for November 27, 2007 agenda, seconded by Councilman Fecanin with all members present voting aye.

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12/11 Under the Consent Agenda, Councilmen Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

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

1. In the amount of \$300.00 payable to FLAS Wrestling – payment for wrestling tournament.
2. In the amount of \$2,970.00 payable to North Jersey Basketball League – payment for basketball tournaments.
3. In the amount of \$30.00 payable to Kathleen Caffrey – refund for basketball.
4. In the amount of \$3,000 payable to Reserve Account for postage for all department.

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12/11 Under the Consent Agenda, Councilmen Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

RESOLVED: That bills in the amount of \$3,749,173.30 payable from the Rutherford Current Account, \$40,000.00 from the Business Improvement District Account and \$200.00 from the Public Assistance Trust Fund 1 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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MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

12/11 Under the Consent Agenda, Councilmen Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

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

In the amount of \$1,000.00 payable to the retired Police employees listed below for medical benefits compensation as per contract for the period of July – December, 2007:

Jack Frey	\$500
Jack Romain	\$500

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12/11 Under the Consent Agenda, Councilmen Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS Block 130, Lot 24 more commonly known as 198 Woodland Avenue has an erroneous overpayment in the amount of \$336.00 in 2008 taxes and;

WHEREAS this overpayment must be applied to 2007 principal as follows; \$254.42 to 2007 principal and \$81.58 to interest;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the amount of \$336.00 made payable to the Borough of Rutherford.

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12/11 Under the Consent Agenda, Councilmen Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS the Tax Collector, on June 7, 2007, issued a Tax Sale Certificate on June 7, 2007 on a parcel of property referred to as Block 90, Lot 47 and more commonly known as 12 Courier 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 \$10,806.37 has been deposited in the Tax Sale Suspense Account;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant in the amount of \$10,806.37 made payable to R.U. Del Vecchio Pension Trust in settlement of Lien # 200706.

Principal.....\$ 9,918.24

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

Interest & Penalty.....\$ 846.13
 Costs.....\$ 42.00
 Total.....\$10,806.37

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12/11 Under the Consent Agenda, Councilmen Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS the following taxpayers have applied for and been granted a State Tax Court Judgment, reducing their assessments for 2006 and 2007 and;

WHEREAS this State Tax Court Judgment has resulted in an overpayment of 2006 and 2007 taxes and the taxpayers are entitled to a refund;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue refund checks in the amount of \$701.24 and \$2,249.19 to the parties listed and charge \$1400.07 to the Reserve for Tax Appeals and \$1550.36 to 2007 Taxes.

Block	Lot	Name & Address	Amount	Year
155	15.04	Peter J. Melchionne, Atty Trust for	\$332.76	2006
Qual.	C0402	Joseph F. McAllister	\$368.48	2007
TOTAL			\$701.24	
103	1.01	Paul M. Laurora & Grace Laurora &	\$1067.31	2006
		Kip & Allen, LLC, Attys.	\$1181.88	2007
TOTAL			\$2249.19	

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12/11 Under the Consent Agenda, Councilmen Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS Block 128, Lot 5 more commonly known as 41 Park Avenue has an erroneous overpayment in the amount of \$133.85 in 2007 taxes .15 in interest and;

WHEREAS this overpayment must be applied to 2008 principal for Block 128, Lot 5 Qualifier B01 in the amount of \$134.00;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the amount of \$134.00 made payable to the Borough of Rutherford.

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

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12/11 Under the Consent Agenda, Councilmen Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS there exists overpayments of 4th quarter 2007 property taxes on the following properties and;

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

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue warrants totaling \$7332.00 as follows;

BLOCK	LOT	NAME & ADDRESS	AMOUNT
178	27.02	1 st American R.E. Tax Service Re: 9 Insley Avenue	\$2879.00
16	23	1 st American R.E. Tax Service Re: 199 Donaldson Avenue	\$2665.00
202	21	FIS Tax Services Re: 459 Union Avenue	\$1788.00

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12/11 Under the Consent Agenda, Councilmen Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS a payment for Block 202, Lot 21 in the amount of \$26.23 was erroneously applied to 2008 taxes on Block 210, Lot 1, Qualifier C0005 and;

WHEREAS this overpayment must be applied to 2007 principal in the amount of \$14.30 and \$11.93 for 2008 principal for Block 202, Lot 21;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue a check in the amount of \$26.23 made payable to the Borough of Rutherford.

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

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

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

1. In the amount of \$40.00 payable to Margaret Ronga – refund for basketball.
2. In the amount of \$100.00 payable to Margaret Ronga – refund for traveling basketball.
3. In the amount of \$130.00 payable to Ron Wilkinson – refund for 2 Radio City tickets.
4. In the amount of \$2,520.00 payable to North Eastern Basketball Association – payment eight teams traveling basketball.
5. In the amount of \$40.00 payable to Hiromi McCosker – refund for basketball.
6. In the amount of \$100.00 payable to Pascack Valley Indoor Soccer League – payment 2008 indoor soccer team.

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

RESOLVED: That bills in the amount of \$1,754,796.08 payable from the Rutherford Current Account, and \$7,000.00 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 Councilman Fecanin with all members present voting aye:

WHEREAS there exists overpayments of 2007 taxes on the following properties, and;

WHEREAS it has been determined that these payments will be credited to their 2008 taxes;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and he is hereby authorized to issue a warrant totaling \$6,536.69 to the Borough of Rutherford for the following accounts;

BLOCK	LOT	NAME & ADDRESS	AMOUNT
3	19	Bhatt, J. & K. 374 Carmita Avenue	\$2027.60

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

14	19	Nunez, W. & T. 169 W. Newell Avenue	\$ 31.96
36	18 C002F	Mariano, V. 199 Union Avenue	\$ 247.65
36	21 CB104	Johnson, S. 126 Hackett Place	\$ 1.32
95	58	Middleton, J. & J. 10 Walnut Street	\$1019.28
123	7	Virani, N. & S. 139 Ridge Rd.	\$453.64
127	1	Wong, K.P. 69 Park Avenue	\$.20
157	42	Ferrari, G.V. 40 Arthur Drive	\$ 255.08
178	27.02	Silva, H. & J. 9 Insley Avenue	\$.40
190	1	Barnes, K. & E. 229 Grand Avenue	\$ 150.56
193	33	Naik, Rokad & Naik 434 Union Avenue	\$2349.00

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

WHEREAS the Borough of Rutherford has received the NJ Homestead Rebate for the following property owners and:

WHEREAS the following are entitled to a refund of these monies as the property taxes are now paid current and/or the property owner is not entitled to this refund;

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be and he is hereby authorized to issue warrants totaling \$2611.39 as follows:

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
36	21 Qual. C0304	Alfredo Nieto 126 Hackett Place- A304	\$1200.00
90	47	State of New Jersey Re: 12 Courier Place	\$1411.39

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Councilwoman Keyes made a motion to move the following Resolution, seconded Councilman Reyes with all members present voting aye with the exception of Councilman Genovesi who voted nay:

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

1. In the amount of \$26,450.00 payable to Cliffhanger Productions for the November 24, 2007 Holiday Festival.

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For, **FINANCE**, Councilwoman Keyes said that as was mentioned early to Ms. Corcoran, Cliffhanger's services are services that were asked for by the Borough and they were provided, they might not all agree with all the line items and the cost but this is what was provided to the Borough and she thinks Cliffhanger Productions have done a wonderful job in the past providing the events for the Borough.

Councilwoman Keyes reported that investment income is up \$15,000; the recycling revenue is up \$81,000 and they are still looking at the sponsorship revenue; they have received word from the Office of Emergency Management that they will be getting \$75,000 from FEMA.

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

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 Japato Realty Co., LLC NJ under Docket Nos.: 003251-2006 and 001030-2007 for the years 2006, and 2007; and

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

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 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 to accept the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

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 Patco Realty Co. under Docket Nos.: 003249-2006 and 001032-2007 for the years 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 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.

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

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 to accept the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, EDGC is the owner of 301 State Highway 17, Block 219, Lot 1 in the Borough of Rutherford and which said parcel of vacant land; and

WHEREAS, the Borough of Rutherford had incorrectly assessed a taxable improvement to the taxpayer EDGC and as a result improperly billed tax obligations against the said incorrect assessment; and

WHEREAS, the Borough of Rutherford had added interest and penalty to the portion of taxes not paid by EDGC for an improvement which was not on Block 219, Lot 1.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Rutherford that the interest and penalty balance reflected in the taxpayer's account be and is hereby canceled.

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12/11 Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

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:	
Borough Clerk – Other Expenses		Borough Clerk – Salaries	19,000
Elections	4,300	Financial Administration -	
Web site costs	1,600	Salaries	12,000
Equipment, parts, supplies	2,000	Collection of Taxes -	
		Salaries	11,000
Legal Fees and Costs	50,000	Tax Assessor – Salaries	4,000
		Group Insurance Plan:	

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

Police – Other Expenses		Dental	8,000
Ammunition	8,000	B-Med	113,000
Office of Emergency Mgmt.			
Miscellaneous Other Exp.	500	Recreation – Salaries	5,000
Animal Control Services	1,600	FICA	45,000
Mandatory Education for Borough		DPW Salaries:	
Employees	2,000	Streets & Roads	65,000
		Solid Waste Salaries	25,000
Recycling Salaries	30,000	Shade Tree	15,000
Police – Salaries & Wages	300,000	Sewers	10,000
		DPW Other Expenses:	
		Streets	10,000
		Buildings	10,000
		Sewers	10,000
		Court salaries	3,000
		Fire Hydrant Service	15,000
		Liability Insurance	20,000
Grand Totals	\$400,000		\$400,000

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Councilwoman Keyes said No. 5 on her agenda is for the Chief Financial Officer's memorandum of agreement that the Borough entered into in 2005 with the CFO. She said he has provided services to the Borough for 28 years and it is no more than putting forth the benefits and the terms of his employment on paper in an agreement and they are asking for a roll call vote.

Councilwoman Keyes made a motion to accept the agreement regarding emoluments between the Borough and Edward Cortright, seconded by Councilman Fecanin with all those present voting aye with the exception of Councilman Genovesi who noted nay.

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

WHEREAS, certain 2007 budget accounts will have unexpended balances and other 2007 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:

FROM

TO

Revenue Administration Other Expense:

Borough Clerk Other Exp:

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

Estimated Tax Bills	3,000	Awards	700
Fire Safety Salaries & Wages:		Memorial Day	500
Part Time salaries	3,000	Equipment	3,000
Overtime	2,000		
Buildings & Grounds Salaries	10,000	General Administration Sal.	27,000
Shade Tree Salaries	10,000	Legal Fees	
20,000			
Sewer Salaries	5,000	Off of Emer Mgmt Other	20
Sewers Other Expenses:		Dumping Fees	49,280
Equipment, Parts Supplies	3,000	Fuel Oil	1,000
Emergency Repairs	2,000		
Borough Clerk Office Salaries	500		
General Administration Other Exp:			
Office Equipment	1,000		
Storm Meal Reimbursement	500		
Financial Administration Salaries:			
Full Time Salaries	1,000		
Overtime	300		
Financial Administration Other Exp:			
Car Allowance	1,300		
Street & Road Maintenance Other Exp:			
Equipment, Parts, Supplies	12,000		
Assessor's Office Other Exp:			
Books, Stationary	400		
Car Allowance	500		
Recreation Salaries:			
Seasonal Employees	1,000		
Police Salaries	40,000		
Street Lighting	5,000		
Totals	101,500		101,500

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As Liaison for **Community Development**, Councilwoman Keyes reported award of \$44,890 in grant funds for Wall Field through Bergen County Open Space Grant.

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MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

As Liaison for **55 Kip Center**, Councilwoman Keyes reported the festival of trees ended on December 8th which netted the Center \$10,000; St. Mary's High School Choir entertained the members on Tuesday, December 11; the Center will be closed on December 22 and 25th and for the second year in a row, Bobby Wong-Tao's sponsored a luncheon for the Senior's who reside at the Senior Manor.

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For **POLICE**, in the absence of Councilman Frazier, Mayor McPherson reported all reports are on file with the Borough Clerk.

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12/11 Under the Consent Agenda, Councilman Sommer 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:

The Rutherford Education Foundation On Premises 50/50

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Under the Consent Agenda, Councilman Reyes 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:

St. Mary High School PTA Tricky Tray

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For **PUBLIC WORKS**, Councilman Fecanin stated that the report is on file with the Borough Clerk. Councilman Fecanin thanked Mayor McPherson for all her years of service as a Councilwoman and Mayor to the Borough of Rutherford, for her professionalism,

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

honesty, dedication to Rutherford; she was truly a hands-on Mayor, a full time Mayor. He said they came in together in the year 2000 and started off with the tragic death of Volunteer Fireman Frank Linzalone, a tragic house fire on Carmita Avenue and through the death of a good friend Councilman Bruce Bartlett and the passing of Councilman Arnold and September 11th. Councilman Fecanin continued to say but there were a lot of great things done during their tenure together such as the Lincoln Park restoration, Station Square improvements, Tryon Field Improvements, passing of the school referendum a few years ago for an expansion of all the schools, the 9/11 Memorial at Lincoln Park. He said the many hours of driving through this town during snowstorms making sure that the streets were safe to drive for our residents. He said finally he appreciates everything she taught him on the political arena and she will truly be missed, the residents will surely find that out too. Councilman Fecanin said in closing political positions though they are temporary, friendships are forever, from the bottom of his heart and his wife, Kim and his family he thanked the Mayor. Councilman Fecanin said to Councilman Reyes that it was a pleasure to serve with him and a friend as well.

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Under the Consent Agenda, Councilman Reyes moved to accept the request from 55 Kip Center for permission to use the mini bus for a shopping trip to Garden State Plaza on December 10th, seconded by Councilman Fecanin with all members present voting aye.

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Councilman Reyes moved the following resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, the Governing Body authorized the conducting of closing of title by resolution entered on March 27, 2007;

WHEREAS, the Borough, the Bergen County Utilities Authority ("BCUA"), and Linque-Highland Cross Partners LLC ("Linque") did conduct closing of title on December 6, 2007;

WHEREAS, pursuant to the prior Resolution and the various Agreements between the Parties, the final closing documents were revised and executed, and deeds and easements have been presented for recording to the Bergen County Clerk's Office;

WHEREAS, the Borough has enacted ordinances in connection with this matter;

WHEREAS, the subdivision has been filed with the County Clerk;

WHEREAS, in addition to those items recited in the Resolution of March 27, 2007, the Borough Attorney has reported the following additional revision: that the Borough has agreed to pay for and install or cause the installation of fencing, and repair of gate and curbing at the BCUA pump lot, where the Borough's Salt Barn is located, after Linque pays for and completes the asphalt paving at the BCUA lot, pursuant to Letter Agreement dated December 6, 2007 (copy attached);

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

WHEREAS, the pricing for the above is in the approximate amount of \$5,000.00;

WHEREAS, the Edward Cortright, Chief Financial Officer, has certified the availability of funds in an not to exceed \$8,000.00;

NOW THEREFORE, the Mayor and Council do hereby resolve as follows:

The closing of title, acceptance of deeds and easements, and all reasonable actions taken thereon, including those described herein, are hereby approved and ratified.

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Under the Consent Agenda, Councilman Reyes moved to accept the request from the Rutherford Senior Manor to use the mini-bus on December 27, seconded by Councilman Fecanin with all members present voting aye.

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Councilman Fecanin noted a Notice to property owners from 22 Sylvan Street.

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For **FIRE**, Councilman Reyes said that the reports are on file with the Borough Clerk's Office.

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Councilman Reyes said he wished to thank everyone and to remind all how important everyone of the positions, commissions and volunteers are for the Borough in so many ways. He continued to thank the firefighters who risk their lives and they do it for the residents of the Borough and they have his total support as much as he can give; to the members of the Shade Tree Commission who are out there to make sure that keep trees in and protect our environment; the Library; the volunteers of the Civil Rights Commission; the volunteers of the Historic Preservation; all those volunteers who give so much of their time for the residents of the Borough it is important that everyone never forget that and never take it for granted. Councilman Reyes said he hopes in the future they are always brought into whatever decisions are being made specifically in the areas where they volunteer and give their time. He said the veterans and the ladies auxiliary are individuals who have given of themselves for so many years and even the ones who have past, it is very important to keep their memory alive; in the middle of the war we see all these young people in Iraq and Afghanistan and are so proud of them, but can't forget the veterans that were there before in previous wars and this is why we have to take care of Sunset Park in their memory; the World War I monument let's make sure not to forget because it sends a message to the veterans of today who are fighting for us. Councilman

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

Reyes continued with the Police Department who make sure all are safe; the Borough Clerk and her office they do so much; he wished to thanked Mary personally because he had a lot of questions and he always felt comfortable calling her; the Borough Administrator; Ed Cortright; and everyone who has been so giving of their time for the community. Councilman Reyes said of course he wanted to thank Mayor McPherson who has done a wonderful job and he will always support her and he is very proud to have served with her as well as all of the past and present Councilmembers. He thanked the residents for all their kind words and all the positive comments. Councilman Reyes concluded by wishing everyone happy holidays, Merry Christmas and a Happy New Year.

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Under the Consent Agenda, Councilman Reyes moved to accept membership of Brian O'Hara in West End Engine and Hose Co. #3, seconded by Councilman Fecanin with all members present voting aye.

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As liaison to the HISTORIC PRESERVATION COMMISSION, Councilman Reyes noted that they are working on the lift from the livery stable.

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Under the consent agenda, Councilman Reyes moved to accept the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, Lilly A. Novak, of 172 Santiago Avenue, Rutherford, New Jersey in her last Will and Testament, gave various monetary bequests to several Rutherford entities;

WHEREAS, the Mayor and Council of the Borough of Rutherford did consider this matter and did gratefully accept the bequests left by Ms. Novak, at the meeting of the Governing Body held on December 18, 2007;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that the Borough of Rutherford does thereby accept the following testamentary charitable bequests as steed in the Last Will and Testament of Lilly A. Novak:

The bequest of \$10,000.00 left to the Rutherford Volunteer Ambulance Service;
The bequest of \$5,000.00 given to the Rutherford Police Department;
The bequest of \$5,000.00 given to the Rutherford Fire Department.

FURTHER RESOLVED, that the Borough Clerk is authorized to take all steps necessary to enable the Borough to receive the bequests.

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MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

12/11 Under the Consent Agenda, Councilman Sommer moved to accept the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, a New Jersey Meadowlands Commission Municipal Assistance Program Grant Application in the amount of \$100,000 has been proposed by the Borough of Rutherford for Parks and Open Space Improvements and law enforcement equipment, including vehicles, in the municipality of Rutherford Borough; and

WHEREAS, the aforesaid project is in the best interest of the people of Rutherford Borough;

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to authorize the submission of the grant application.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Rutherford hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Executive Director of the New Jersey Meadowlands Commission so that implementation of the aforesaid project may be expedited.

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For **BUILDINGS & PUBLIC UTILITIES**, Councilman Genovesi said he would like to take the opportunity to reply to the statement made by Councilwoman Keyes. While it is true that they received an itemized invoice for the Cliffhanger bill, which he received the day before today, a line by line breakdown, there is a reason why that invoice was prepared in the manner in which it was and that reason is because he pulled it a few weeks ago and he asked for it to be done that way. Councilman Genovesi said to his knowledge, he believes he was the only one that went into Ed Cortright's office and asked him to gather for him all of Cliffhanger's invoices from the entire year. He said there are no invoice numbers on the bills, there are no line by line breakdowns. He said that they only received an itemized bill for this one invoice and he felt this wasn't right and has been against this \$85,000 contract since January because he felt it should have gone out to bid and it never went out. Also, he said they were told that the sponsorship money will cover all of this and that appears to not be the case this year. He said this should have been stopped a long time ago.

Councilman Genovesi continued that it has taken him a while to gather information on this and he does not believe this invoice should be paid because this was prepared in a manner that was done haphazardly. He said he has no way to compare the bill that was submitted to him for review against other vendors since he only received it just yesterday and he hasn't been able to make any phone calls so this Council approved a \$26,000

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

payment that is over the bid threshold with obviously no review, he is the only one that has gone in and asked for the full year's documentation.

Councilman Genovesi said he has an e-mail from Cliff Witmyer in which he states that I obviously have no idea what it takes to produce a festival of this magnitude and he was very upset with me for asking for the voucher to be withheld. He continued to explain that the e-mail detailed meetings which took place between the Mayor, Borough Administrator, Rutherford Police, Fire, EMS, Chamber of Commerce, etc. and himself, and in the e-mail he says it takes months and weeks of planning. Councilman Genovesi said that to him this tells them that they have an idea of how much they are going to spend and that the Borough has an idea of how much they plan on spending, how much taxpayer money they plan on spending; therefore, there is no excuse in his mind for a purchase order never to have been written once this year. He said he is beside himself that the Council would vote for this, that is his personal opinion, and he is very upset about it and that is why he is voting against it.

Councilman Genovesi said to Ms. Dyson, he has a copy of the letter Mr. Uhl just presented to him, he asked if she would mind if he passed it on to the Borough Clerk, it says it was sent US postal certified mail. Ms. Dyson responded she never received it. Councilman Genovesi said it will be available for her with the Borough Attorney.

Councilman Genovesi said he would like to read a letter to the residents, very quickly, regarding the Building Department and it says: "Dear Mayor McPherson, In today's day and age it is gratifying to encounter a public employee who goes above and beyond to assist a resident of your town. Last spring we had the pleasure of working directly with Mr. John Uhl, Construction Officer Borough of Rutherford, he came to inspect and approve the installation of a new water line from the street to the house of one of Rutherford's senior citizens, Mr. Robert Wesp at 121 Irving Place. This project was successfully completed and approved by Mr. Uhl. However with his background and expertise John pointed out some major problems with an expensive basement sump pump system that had been installed a few months earlier by an independent contractor. Over the next six months our family struggled to have the basement pump contractor honor their warranty and correct the problem. We reside in California and several times John Uhl came to the assistance of Bob who lives alone and we could not be there. Our family is very grateful to John Uhl and as we are certain his knowledge and authority brought this problem to a successful resolution. His advise, integrity and mostly perseverance during the last six months were invaluable. The Borough of Rutherford is fortunate to have such a dedicated and caring public servant. Sincerely yours, John and Sharon Wesp Ninhardt". Councilman Genovesi said he just wanted to read that and say thank you to Mr. Uhl.

Councilman Genovesi said his November monthly report for the Building Department, uniform construction code revenue \$46,735; construction department revenue \$3,395; grand total of \$50,130; total value of construction for November \$1,845,546; total number of permits issued 175; total number of construction department inspections 646; this report is available on file with the Borough Clerk.

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MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

Councilman Genovesi reported that Verizon requested to put a utility pole and anchor in the public right of way in the Williams Center which he personally thought was a dangerous thing to get into from looking at the schematics and visiting the site. There is a leaning pole which is leaning towards Forest Dairy and from the schematics they want to brace it with a pole across the street in the Williams Center and run a wire from one side of the street to the other. He confirmed with John Uhl who also thought it was hazardous. Councilman Fecanin works with these types of things and he also thought it would be hazardous. Councilman Genovesi said he appreciates their input and he asked for it to be past to the Borough Officials for review.

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Councilman Genovesi said this evening they had a review from Leslie London with McManimon and Scotland who is preparing the cable TV franchising survey regarding the level of satisfaction from the residents. He said that this information is public record so if any residents wanted to look and see how their neighbors feel how Comcast is doing or if they want to further provide comments please feel free to stop by Borough Hall and make a request. Councilman Genovesi said this is an extensive process and they just finished the first portion of it and they approved the review and it will be submitted to the Office of Cable Television at Comcast so in the next couple of months they will be doing a little bit more with that.

Councilman Genovesi said in regards to the Open House Sign Ordinance, he has been against it, it was on his agenda and he asked for it to be removed, he was challenged by the Mayor to make a motion to have it removed and he did so. The Council at the work session voted 4-2 in favor of keeping it on the agenda and when it came out into the general meeting it was a 3-3 tie with the Mayor breaking the tie and he wanted to thank Councilwoman Keyes and Councilman Sommer for their opposition to the ordinance. He continued thanking Councilman Reyes for tabling the ordinance and to allow further discussion on the ordinance. Councilman Genovesi wished everyone a happy holiday and a safe New Year.

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12/11 Under the Consent Agenda, Councilman Sommer moved the following Resolution, seconded by Councilman Fecanin with all members present voting aye:

WHEREAS, pursuant to N.J.S.A. 40A:11-15, the current contract with CTC Vending Machine expired on November 1, 2007; and

WHEREAS, CTC Vending Machines, 370 Grove Street, East Rutherford, New Jersey 07073 offered the highest quarterly commission based upon twenty-five (25%) percent of sales to the Borough; and

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

WHEREAS, the Borough has received excellent success from CTC Vending Machines and is a responsible party; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Rutherford award a one (1) year extension of the current contract to CTC Vending Machines for the continued service of two (2) vending machines in Borough Hall; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute contracts in this matter.

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Under the Consent Agenda, Councilman Reyes moved to accept the request from Aaron Aldridge for the use of Borough Hall parking lot for "Pedals for Progress" in April, 2008, seconded by Councilman Fecanin with all members present voting aye.

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

WHEREAS, quotes were received from various qualified contractors for the replacement of countertops and the installation of safety glass in the Borough Tax Office, and

WHEREAS, the lowest quote of \$11,470.40 was submitted by Seehaus and Walker Construction, P.O. Box 316, Rutherford, New Jersey 07070; and

WHEREAS, it is the recommendation of the Borough Engineer that a contract be awarded to Seehaus and Walker Construction in the amount of \$11,470.40;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that they approve the award of contract to Seehaus and Walker Construction for the total amount of \$11,470.40

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Under the Consent Agenda, Councilman Reyes moved to approve the report by Leslie London regarding the Municipal Ascertainment Report for cable re-franchising, seconded by Councilman Fecanin with all members present voting aye.

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MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

For **HUMAN RESOURCES**, Councilman Sommer as liaison to the BOARD OF HEALTH they are offering a flu vaccination on January 10, 2008 at 10:00.

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As liaison to the AMBULANCE Councilman Sommer reported that the volunteers went out on 93 calls and 54 were considered critical medical emergencies, 24 for traumas. He said this is a very active corp. and something heavily relied on for the health and safety of our community.

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Councilman Sommer reported that the RECREATION DEPARTMENT has begun their basketball season and it is his opinion that the very comprehensive and pervasive Rec. Dept. is something that sets this town, this Borough, apart from some of the other Borough's in what it has to offer and the tremendous number of people who volunteer. He said after stopping by the Food Pantry walk down into the Recreation office and they'll see that there are not a lot of people doing all that work.

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Mayor's Report

Mayor McPherson opened the hearing to the public for comments on the Rutherford Downtown Partnership Budget.

Robin Reenstra-Bryant, Downtown Manager said that the Budget that is before them is one that has been voted on by the membership of the Downtown Partnership with 91 voting members voting approval and six voting against. She said the Board of the Partnership has accepted the vote and has asked it be passed onto the Council for approval.

As no one else wished to speak, Mayor McPherson closed the public hearing.

Councilwoman Keyes made a motion to approve the Downtown Partnership Budget for 2008, seconded by Councilman Reyes with all members present voting aye.

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Under the Consent Agenda, Councilman Reyes moved the petition from members of the Downtown Partnership requesting allowance for sandwich board signs on sidewalks be referred to Mayor-elect Hipp for 2008, seconded by Councilman Fecanin with all members present voting aye.

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Mayor Proclamations and Awards:

◇ **January – Radon Action Awareness Month**

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Mayor McPherson wished to take the opportunity to thank and wish all of her colleagues on the Council, all Borough Employees, Volunteers and all of the Residents a Merry Christmas and Happy Holidays and she hopes all enjoy the slowing down of time to spend with our families, friends and neighbors.

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For **Ordinance on Second 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 public hearing. As no one 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 Fecanin moved the Ordinance be passed on second and final reading and advertised according to law, seconded by Councilwoman Keyes with all members present voting aye.

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

MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2007

The Clerk read the ordinance by title only as follows: **AN ORDINANCE REGULATING THE EMPLOYMENT TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT TITLE 11 NEW JERSEY REVISED STATUTES OF NEW JERSEY 3117-06 ADOPTED AUGUST 26, 2006.**

Mayor McPherson opened the Ordinance for public hearing. As no one 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 Genovesi moved the Ordinance be passed on second and final reading and advertised according to law, seconded by Councilman Sommer with all members present voting aye.

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Councilman Reyes made a motion the Open House Sign Ordinance be taken off the agenda. Mayor McPherson said she has been advised by the Borough Attorney that because it has been advertised they will open it for public hearing. Mayor McPherson opened the Ordinance for public hearing.

Vinnie Laborim – 135 Orient Way wished to thank Councilman Reyes for tabling the ordinance because he thinks that they need more input into this. He said he hasn't been at Council meetings for a while but he will be coming and he thinks it is a good idea to get input from the public.

As no one else wished to speak, the Mayor closed the hearing.

Councilman Reyes made a motion to table the Open House Sign Ordinance, seconded by Councilwoman Keyes with all members present voting aye.

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Councilwoman Keyes moved to adjourn at 8:53 p.m., seconded by Councilman Sommer with all members present voting aye.

Borough Clerk