

MINUTES OF A REGULAR MEETING HELD TUESDAY, SEPT. 28, 2004

**MINUTES OF A REGULAR MEETING OF THE
MAYOR AND COUNCIL
HELD TUESDAY, SEPTEMBER 28, 2004**

The meeting was called to order by Mayor McPherson at 8:05 p.m. with the following Councilmembers present:

Councilmember Frazier
Councilmember Fecanin
Councilmember Matthews
Councilmember Bartlett
Councilmember Keyes
Councilmember Arnold was 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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Councilmember Fecanin read the provisions of the Open Public Meetings Law.

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The Mayor and Council congratulated the Civil Rights Commission on the occasion of their 40th Anniversary and a presentation of Department photos was made to the Police and Fire Departments and the First Aid Ambulance Corps.

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Mayor McPherson opened the hearing of citizens

Steve Latushko, 37 Preble Place - Mr. Latushko congratulated the Mayor and Council for Lincoln Park. He talked about the garbage on the embankment on Route 3. He said they had asked that it be cleaned but it was not cleaned the entire summer. Mr. Latushko said they (neighbors) had asked that the fence be put back but now it is totally gone. He said these requests had all been made at meetings but meanwhile the garbage is getting worse and worse and as of March 9th the town has done absolutely nothing. He said that the town cut the grass once this summer, left the clippings that went into the sewer after a rain clogging the sewer. Mr. Latushko said there is a water problem on Preble Place and last week after the hurricane the yards behind him had 2 to 3 feet of water and the town did nothing about it. He talked about the drainage in the area.

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Mayor McPherson said that she was under the impression that DOT did respond to the complaints regarding the ramps.

Mr. Latushko said they had done it only once.

The Mayor said as to Preble Place and what the Borough should and should not do if it is a flood plain she was not prepared to answer. She said this would have to be brought to the engineers and/or the health department.

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

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Under the consent agenda, Councilmember Fecanin moved approval of the minutes of the regular meeting held August 24, 2004 and the special meeting held Sept. 14, seconded by Councilmember Frazier with all members present voting aye.

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Councilmember Fecanin moved that all the items on the Consent Agenda be passed, seconded by Councilmember Frazier with all members present voting aye.

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09/21 Under the Consent Agenda, Councilmember Bartlett moved the following resolution, seconded by Councilmember Keyes with all members present voting aye:

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

1. In the amount of \$2,388. payable to PostMaster for tax bill mailing.
2. In the amount of \$20. payable to Cindy Capitani for Recreation refund.
3. In the amount of \$170. payable to Cici Nunez for Recreation refund.
4. In the amount of \$30. payable to Vivian Taboada as recreation refund.
5. In the amount of \$50. payable to each of the following for Volleyball refund.

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Patty Caughey	Kim Beggs	Clorinda DeSalvo
Marion Douglas	Cindy Hastie	Carol Kalb
Christine Lambie	Madlyn Mignone	Maria Naylor
Debra Papalette		

6. In the amount of \$1,300 payable to Rutherford Post Office for Recreation Fall brochure.
7. In the amount of \$120.50 payable to Liberty Science Center as deposit.
8. In the amount of \$2,355.00 payable to NJPAC for 50 tickets.

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09/21 Under the Consent Agenda, Councilmember Bartlett moved the following resolution, seconded by Councilmember Keyes with all members present voting aye:

RESOLVED: That Current Account Bills in the amount of \$3,484,497.32, Capital Fund bills in the amount of \$7,995.60, Grant Fund bills in the amount of \$77,596.21 and \$8,833.02 in Trust Account Fund bills 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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09/21 Under the Consent Agenda, Councilmember Bartlett moved the following resolution, seconded by Councilmember Keyes with all members present voting aye:

WHEREAS a lien on the parcel of property referred to as Block 193, Lot 29, known as 426 Union Avenue and assessed in the name of Kmiec, Richard and Florence was sold at the Borough Tax Lien Sale held October 8, 2003 to B & B Realty Assoc., LLC and;

WHEREAS the necessary arrangements have been made with the Tax Collectors Office for the redemption of this Lien and the amount of \$11,853.55 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$300.00 was deposited in the Premium Trust Account on the day of the sale;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and she is hereby authorized to issue a check in the amount of \$ 12,153.55 to B & B Realty Assoc., LLC in settlement of Lien Certificate # 001677.

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Principal.....\$10,616.83
 Recording.....\$ 30.00
 Premium.....\$ 300.00

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09/21 Under the Consent Agenda, Councilmember Bartlett moved the following resolution, seconded by Councilmember Keyes with all members present voting aye:

WHEREAS overpayments are present on the below Blocks and Lots that have been judicated between the Borough and Linque-H.C. Partners, LLC and;

WHEREAS Linque-H.C. Partners, LLC are entitled to a refund of these overpayments;

NOW THEREFORE BE IT RESOLVED THAT THE Financial Officer be and she is hereby authorized to issue a refund check in the amount of \$113,796.00 and charge same to 2004 taxes.

BLOCK	PLOT	AMOUNT
219.02	63	\$24,552.00
219.02	65.01	\$53,196.00
219.02	65.04	\$10,742.00
219.02	65.06	\$ 9,586.00
219.02	66.05	\$13,402.00
223	8.02	\$ 418.00
224	3.01	\$ 502.00
224	3.02	\$ 1,398.00

09/21 Under the Consent Agenda, Councilmember Bartlett moved the following resolution, seconded by Councilmember Keyes with all members present voting aye:

WHEREAS, an overpayment exists on Block 103, Lot. 1.01 for 2004 and;

WHEREAS, Park Avenue Townhouses, LLC is entitled to a refund of this overpayment;

NOW, THEREFORE, BE IT RESOLVED that the Financial Officer be and she is hereby authorized to issue a refund check in the amount of \$13,622.00 to Park Avenue Townhouses, LLC and change same to 2004 taxes.

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Under the consent, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

RESOLVED: That Current Account bills in the amount of \$633,070.09, Capital Fund bills in the amount of \$289,190.95, Trust Account Fund bills in the amount of \$18,715.43 and Grant Fund bills in the amount of \$143,740.59, 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, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier 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 \$50. Payable to Wayne Goldstein as Recreation refund.
2. In the amount of \$85. Payable to Charles Cantelmo as Recreation refund.

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Under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS there exists an overpayment of 2nd quarter, 2004 taxes on the following properties, and;

WHEREAS the party listed is entitled to a refund of this money;

NOW THEREFORE BE IT RESOLVED that the Financial Officer be and she is hereby authorized to issue a refund check in the amount of \$1332.00 as follows and charge same to 2004 taxes.

BLOCK	LOT	NAME & ADDRESS	AMOUNT
197	10	Saxon Mortgage Co. Re: 31 Monona Avenue	\$1332.00

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Under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS a lien on the parcel of property referred to as Block 52, Lot 12, known as 55 Wood Street and assessed in the name of Miceli, John and Janice was sold at the Borough Tax Lien sale on October 8, 2003 to Crusader Servicing Corp., and;

WHEREAS the necessary arrangements have been made with the Tax Collector's Office for the redemption of this Lien and a check in the amount of \$18,434.74 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$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 she is hereby authorized to issue a check in the amount of \$18,534.74 to Crusader Servicing Corp. in settlement of Lien Certificate # 001674.

Principal.....	\$16,858.15
Int. & Penalty.....	\$ 1,524.59
Recording fees.....	\$ 52.00
Premium.....	\$ 100.00

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Under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS a lien on the parcel of property referred to as Block 61, Lot 15, known as 69 Elliott Place and assessed in the name of Occhibone was sold at the Borough Tax Lien sale on June 8, 2004 to American Tax Funding, and;

WHEREAS the necessary arrangements have been made with the Tax Collector's Office for the redemption of this Lien and a check in the amount of \$5,259.86 has been deposited in the Tax Sale Suspense Account and a check in the amount of \$15,300.00 was deposited in the Premium Trust Account on the day of the sale;

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NOW THEREFORE BE IT RESOLVED that the Financial Officer be and she is hereby authorized to issue a check in the amount of \$20,559.86 to American Tax Funding, LLC. in settlement of Lien Certificate # 020044.

Principal.....	\$ 5,107.34
Int. & Penalty.....	\$ 100.52
Recording fees.....	\$ 52.00
Premium.....	\$15,300.00

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For **FINANCE**, Councilmember Keyes gave the following report: The governing body has hired Ms. Maria Incremona as The Chief Financial Officer. Ms. Incremona joined the Borough on September 15 and comes with a wealth of not only financial but also municipal experience. They are also in the process of reviewing various grant applications for submission and once they have been finalized.

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Councilmember Keyes moved approval of the following resolution for the Corrective Action Report, seconded by Councilmember Frazier with all members present voting aye:

RESOLVED, that the Corrective Action Report attached was approved by the governing body of the Borough of Rutherford and was authorized to be submitted to the Director of Local Government Services as required by the NJ Financial Regulations.

Finding #1

1. Description: ADP withdrew an excess of \$4,265.68 in 2002 and \$3,564.91 in 2003 for state unemployment insurance.
2. Analysis: ADP was not aware of the change in Tax Regulations, which required that one percent of Employees' Unemployment Insurance be retained by the Borough.
3. Corrective Action: ADP was immediately notified of this error and is endeavoring to have the \$7,830.59 refunded.
4. Implementation Date: September 28, 2004

Finding #2

1. Description: There were several municipal employees that were required to be enrolled in the State Retirement System that were not enrolled.
2. Analysis: A few recently hired Borough employees who should have been enrolled into PERS were inadvertently omitted.

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3. Corrective Action: That affected employees who should have been enrolled were promptly enrolled into PERS.
4. Implementation Date: September 28, 2004.

Finding #3

1. Description - Correct fees were not charged for several building permits in the auditor's sample.
2. Analysis: Due to a large increase in volume and employee terminations, the Building Department found itself short staffed. Consequently, building permits were charged in some instances at a rate that was not in agreement with the Borough Fee Ordinance.
3. Corrective action: Additional staff is being hired to handle the increased workload; also an upgrade in software is being considered so that the correct fee is charged in all cases.
4. Implementation date: September 28, 2004

Finding #4

1. Description: IRS form 1099 was not issued in all instances as required by law.
2. Analysis: The Chief Financial Officer attempts to prepare form 1099 for whenever it is required, but there were a few omissions that were inadvertently made.
3. Corrective Action: The CFO will examine all vendor histories so as to issue 1099's whenever appropriate
4. Implementation date: September 28, 2004

Finding #5

1. Description: The Recreation Department daily revenue reports did not always agree with the amounts being deposited and no reconciliation of the difference was being made.
2. Analysis: Refunds were included in daily revenue reports, which caused the difference.
3. Corrective Action: The Recreation Department will reconcile daily deposits to revenue reports and provide explanations when refunds occur.
4. Implementation date: September 28, 2004

Finding #6

1. Description: There were ten (10) instances of vouchers included in the testing of expenditures that either did not contain all the required certifications or contain supporting documentation.
2. Analysis: A few vouchers had been inadvertently not signed or contain supporting documentation.

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3. Corrective Action: All vouchers will contain the required certification or supporting documentation.
4. Implementation date: September 28, 2004

Finding #7

1. Description: There was a notice to bidders for sidewalk improvements published less than ten days prior to receipt of the bids which was in violation of N.J.S.A.40A:11-4.5.
2. Analysis: The Borough Clerk is not aware that a violation had occurred in this instance.
3. Corrective Action: All notices to bidders will be published in accordance with N.J.S.A. 40A:11-4.5.
4. Implementation date: September 28, 2004

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Under the Consent Agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, financial data proves that Bergen County residents contribute a major percentage of tax revenue to the State of New Jersey; and

WHEREAS, it has been clearly shown that Bergen County school districts, and therefore school children are not receiving a commensurate portion of State education aid, as compared to other counties; and

WHEREAS, Department of Education figures indicate that no county receives less education aid than Bergen County; and

WHEREAS, the 2000 census figures show that Bergen County is far from the wealthiest of New Jersey's Counties; and

WHEREAS, several other New Jersey counties having comparable median household income and house values receive substantially more State aid per pupil than Bergen County, including; Morris County which receives over \$400 more in State aid per pupil than Bergen County; Hunterdon County, which receives almost \$600 more in State aid per pupil than Bergen County; Somerset County, which receives almost \$500 more in State aid per pupil than Bergen County; and Monmouth County, which receives \$1,700 more in State aid per pupil than Bergen County; and

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WHEREAS, Sussex County, with less than one-fourth the number of students, receives \$2,500 more per pupil in State aid than Bergen County;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Rutherford, County of Bergen and State of New Jersey, urges all municipalities within Bergen County to join a united effort directed to guaranteeing that the students of Bergen County receive a share of whatever educational funding the State provides that is proportional to Bergen County's total contributions to State tax revenues; and

BE IT FURTHER RESOLVED that the Borough of Rutherford calls upon each Bergen County legislator, regardless of party affiliation, to join together to ensure more equitable funding to Bergen County districts; and

BE IT FINALLY RESOLVED that a copy of this Resolution be forwarded to New Jersey Governor James E. McGreevey, State Senator Gerald Cardinale, Assemblyman John E. Rooney, Assemblywoman Charlotte Vandervalk, all Bergen County municipalities, and the Pascack Valley Regional High School District Board of Education.

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Under the consent agenda, Councilmember Fecanin moved authorization to prepare and submit application to the NJ Dept. of Law & Public Safety re: Local Domestic Preparedness Equipment Grant Program, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved authorization to prepare and submit application to the NJ Dept. of Environmental Protection re: Statewide Livable Communities Grant Program, seconded by Councilmember Frazier with all members present voting aye.

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For **Board of Education**, Councilmember Keyes gave the following report: The Rutherford Board of Education and the Rutherford Educators Association Union have agreed to settle the contract negotiations. Just as an FYI, the contract issues had been agreed upon for a very long time, the outstanding issue was the steps in the salary guideline and its equity across the board. As chair of the finance committee and liaison to the Board of Education, I have asked, and received consent on a resolution that addresses another inequity and that is the funding that Bergen County school districts receive as compared to other counties in the state. It is a fact that no county receives less education aid than Bergen County. When you compare household incomes and house values in comparable counties, Morris County receives over \$400 more per pupil,

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Hunterdon County receives \$600 more, Somerset County receives almost \$500 more and Monmouth County receives \$1700 state aid per pupil. Sussex County with less than 1/4th the number of students, receives \$2500 more per pupil in state aid than Bergen County. This governing body believes that the children of Bergen County should be receiving state funding that is more in line with the tax dollars that Bergen County residents are paying to the State in the form of property taxes. Along these lines, there will be a meeting of a group called Dollars and Sense, it is a share committee of the Demarest, Ramsey and Ridgewood school boards of Education and they are focused on real tax relief for Bergen County. I would encourage, particularly the Tax Payer Associations to participate in these meetings. The meeting in October will be at the Paramus High School, on Century Road in Paramus on Oct. 13 at 7pm. If anyone needs additional information on this group or the meeting itself, please see me after this session.

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For **Library**, Councilmember Keyes gave the following report: As I have reported in the past, the Library Board of Trustees has hired a new director, Ms. Jane Fisher. After re-locating to Rutherford, which I might add is a ringing endorsement for our town, Jane, began her new directorship on September 13. A reception was held in her honor on Thursday September 23, to welcome Jane to our community. Librarians from our neighboring South Bergen Libraries were there as well as representatives from most of our civic and community groups in town. We are very proud to have Jane take on this roll, as the Library is a very important part of this community. We are confident that she will be an asset to Rutherford.

I am sure everyone has noticed how wonderful the Library looks of late; our garden volunteers have put in over 150 man-hours over the last few months in cleaning up the beds, and planting for the spring, which I am told will be a quite colorful display. We applaud all who have been involved and are grateful for their volunteerism. They are:

William Neumann, Barbara Bennett, Terry Malcolm, Susan Gempler, Stu Kautsch, Adam Torres, Laura Mango, Jared Garik, Christine Eustice, Kanta Taylor, Pios Olu and the leader of the group: Larry Mango

Our new director, Jane Fisher is in the process of finalizing a grant application that has been made available by the NJ Dept. of Community Affairs statewide Livable Communities grant Municipal Libraries Projects. I will keep the Council informed on the status of that grant.

I have met with our director, our custodian at the Library Tom Rood and representatives from Shoor DePalma, which includes our engineer, Matt Nuels and our Fire Inspector Paul Dansbach, to review the preliminary set of design drawings for the HVAC system for the Library. This system will replace the old heating and air conditioning units currently in use. Discussions will continue with this group to incorporate the needs of the Fire Safety team and we are anticipating that after careful review by all the next set of design drawings will meet those needs. This process will be a long one but we will strategize on the best way to meet the needs of the community while undergoing this renovation. More details will follow as they develop.

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For the Williams Center, Councilwoman Keyes gave the following report: The new and robust board of trustees at the Williams Center have been very busy reviewing the operations and the current state of finances at the center. They have been successful in putting together committees to address policies and procedures and are building a foundation for managing the center as a focal point for the performing arts in southern Bergen County. Recently the center had the privilege of hosting the Bergen County board of Chosen Freeholders at their September 20th public meeting. Rutherford able to present some of our local and exceptional talent to perform for the Freeholders and the public audience. The talent was exceptional.

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For **POLICE** Councilmember Bartlett gave the following report: 3 Juvenile, 16 adult arrests, no major crimes. Larcenies - 5 over \$200, 5 between \$50 & \$200, 3 under \$50 resulting in property value stolen of \$85,520. of which \$500 was recovered. Two motor vehicles stolen both recovered. 114 burglar alarms, 113 ambulance dispatches, 1 death report, 1 missing person (located), 54 fire incidents, 6 working fires, 191- 911 calls, 68 auto accidents, 62 reportable, 1,042 parking summonses issued, 344 moving violations.

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Under the consent agenda, Councilmember Fecanin moved approval of a Taxi Driver permit for Kenneth Diver, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

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

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

Rutherford Elks
Jr. Football
Rutherford Elks

On-premise, 2 draw raffles
On-premise, Armchair raffle
Draw Raffle, 50/50 raffle

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Under the consent agenda, Councilmember Fecanin moved approval for Rutherford Jr. football to canvass on Sat. Sept.25th, seconded by Councilmember Frazier with all members present voting aye.

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Councilmember Fecanin asked the Mayor to appoint Karim Harrison and Maureen Morello to the position of Alternate School Crossing Guard. So ordered.

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Under the consent agenda, Councilmember Fecanin moved approval for Rutherford In-line Hockey to solicit for charitable purposes, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved approval for amendment to RHS PTA carnival request to extend hours if needed, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, Alcoholic Beverage License Number 0256-44-009-005 has received a Special Ruling to permit the filing and consideration of a renewal application for said referenced inactive license for the 2004-2005 license term pursuant to N.J.S.A. 33:1-12.39;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford that the following Alcoholic Beverage License at a fee of \$900.00 be issued to:

Scoter Corp.
0256-44-009-005

AN BE IT FURTHER RESOLVED that the Borough Clerk be authorized to sign the above license.

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Under the consent agenda, Councilmember Fecanin moved authorization for Borough Attorney to amend Vehicle & Traffic ordinance to include two handicap parking spaces at Tryon Field and one on Orient Way, seconded by Councilmember Frazier with all members present voting aye.

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Councilmember Bartlett said that Police Chief Nienstedt has volunteered on his own time to assist those people in Florida recover from the hurricane. He said that the Chief was serving in this capacity in Alabama.

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For **PUBLIC WORKS**, Councilmember Fecanin gave the following report: The Department has had a busy last few weeks - besides their normal day-to-day operations they have worked very hard at various events, re-opening of Tryon Field, Labor Day Street Fair, Criterum Bike race, re-opening of Tamblyn Field and the Hispanic Festival. He commended Supt. Tom Verdino and his work force for a job well done. The move to the new garage is underway although the actual move in date has not been finalized.

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Councilmember Fecanin asked the Mayor to appoint Philip Sartori to the position of mechanic from the Certification of Eligibles.

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Councilmember Fecanin asked the Mayor to appoint Paul Clossey, Robert Dimone and Vincent Perri to the position of Omnibus Operators.

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Councilmember Fecanin asked the Mayor to appoint Donald Tompko to the position of Supervisor, Roads and Sewers; Robert Gusera and Steven DeHaas to the positions of Heavy Laborer.

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Under the consent agenda, Councilmember Fecanin moved for authorization to solicit for new bids for the recycling contract, seconded by Councilmember Frazier with all members present voting aye.

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Councilmember Fecanin moved the termination of the Assistant Superintendent of Public Work, Ron Stusio, seconded by Councilmember Keyes with all members present voting aye except Councilmember Frazier who recused himself.

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For the Board of Adjustment, Councilmember Fecanin said there were 4 variances granted, 1 withdrawn and 1 no show.

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For **FIRE**, Councilmember Frazier gave the following report:
54 Incidents, 4 structure fires, 1 vehicle fire, 1 other. 32 False Alarms and 12 other. 1 firefighter injury, \$304,100. Estimated dollar loss, 4 mutual aid and 492.41 man hours.

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Under the consent agenda, Councilmember Fecanin moved approval for Co. #2 to use town bus on October 10th for annual fishing trip, seconded by Councilmember Frazier with all members present voting aye.

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Under the consent agenda, Councilmember Fecanin moved to authorize the Borough Attorney to work with Fire Official and the Supt. Of Schools to prepare agreement to allow the use of fire alarm poles for fiber optics, seconded by Councilmember Frazier with all members present voting aye.

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For Planning Board and under the consent agenda, Councilmember Fecanin moved that the Planning Board be directed to begin and complete a re-development plan for The Maples Rehabilitation Area, seconded by Councilmember Frazier with all members present voting aye.

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For **BUILDINGS AND PUBLIC UTILITIES**, Councilmember Fecanin asked the Mayor to appoint Donna Lattieri to the position of full time clerk typist in the Building Department and Rosemarie Crowley to the position of part time clerk typist in the Building Department.

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For **HUMAN RESOURCES**, Councilmember Matthews gave the following report: Opening ceremonies at Tryon Field were canceled due to rain. The field and stadium are 99% complete. Clear rules and regulations, hours of operation need to be established and posted. Opening soccer day was rained out. They started out Sept. 25 with 650 children. The fall programs will start Sept. 27th

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Under the consent agenda, Councilmember Fecanin moved the Borough Attorney be authorized to amend recreation areas ordinance to add other restrictions, seconded by Councilmember Frazier with all members present voting aye.

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For Local Assistance Board and under the consent agenda, Councilmember Fecanin moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

WHEREAS, there exists a need to provide for a **temporary Social Services Director** for the Borough of Rutherford; and

WHEREAS, the maximum amount of the contract for the year 2004 is **\$6,000** which sum has been certified by the Local Finance Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et sec.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself to be available for public inspection.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute a Professional Services Contract with **Caryn Urtnowski, M.P.A., C.S.W., as a temporary Social Service Director** and said contract when executed shall be retained by the Borough Clerk for public inspection.

2. This contract is awarded without competitive bidding as a "professional service" in accordance with 40A:11-5 (1) (a) of the Local Public Contracts Law because said services are performed by a person or firm authorized by law to practice a recognized profession.

3. A notice of this action shall be printed once in The News Leader.

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Mayor McPherson made the following appointments:

To the position of Omnibus operator, Paul Clossey, Robert Dimone and Vincent Perri, effective immediately pending NJ Dept. of Personnel procedures. Confirmation moved by Councilmember Bartlett, seconded by Councilmember Fecanin with all members present voting aye.

To the position of Alternate School Guard, Corrine Harrison and Maureen Morrello, effective immediately pending NJ Dept. of Personnel procedures. Confirmation moved by Councilmember Bartlett, seconded by Councilmember Fecanin with all members present voting aye.

To the permanent position of Mechanic, Philip Sartori effective immediately in accordance with NJ Dept. of Personnel procedures. Confirmation moved by

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Councilmember Fecanin, seconded by Councilmember Bartlett with all members present voting aye.

To the position of DPW Supervisor, Roads and Sewers, Donald Tompko, effective on a date to be decided by the Borough Administrator and subject to the rules and regulations of the NJ Dept. Personnel. Confirmation moved by Councilmember Fecanin, seconded by Councilmember Keyes with all members present voting aye.

To the position of Heavy Laborer, Robert Gusera, effective on a date to be determined by the Administrator and subject to the rules and regulations of the NJ Dept. of Personnel. Confirmation moved by Councilmember Fecanin, seconded by Councilmember Keyes with all members present voting aye.

To the position of Heavy Laborer, Steven DeHaas, effective on a date to be determined by the Administrator and subject to the rules and regulations of the NJ Dept. of Personnel. Confirmation moved by Councilmember Fecanin, seconded by Councilmember Keyes with all members present voting aye.

To the position of full time Building Department Clerk Typist, Donna Lattieri, effective on a date to be determined by the Administrator and subject to the rules and regulations of the NJ Dept. of Personnel. Confirmation moved by Councilmember Fecanin, seconded by Councilmember Keyes with all members present voting aye.

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To the position of part time Building Department Clerk Typist, Rosemary Crowley, effective on a date to be determined by the Administrator and subject to the rules and regulations of the NJ Dept. of Personnel. Confirmation moved by Councilmember Fecanin, seconded by Councilmember Keyes with all members present voting aye.

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Mayor McPherson proclaimed the following:

Resolution in Memory Leonard C. Gumbman
Civil rights Commission 40th Anniversary
Statement of Support for the Guard & Reserve
Resolution in Memory Elaine Finlay

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Mayor McPherson gave the following committee reports:

A sign design was submitted to the governing body on behalf of the Downtown Partnership for the new signs that will be going into the square. On the

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consent agenda, Councilmember Fecanin moved approval of the sign, seconded by Councilmember Frazier with all members present voting aye.

A draft of the Visioning Process statement was submitted to the governing body for review.

There will be a public information session by DOT regarding the Rte. 3 project on October 13 between 4 and 8pm in the Council Chambers.

The Tryon Field Grand Opening was rescheduled due to rain. Date to be announced.

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For **Ordinance on First Reading**, Councilmember Keyes moved AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE 11, N.J. REV. STAT.) OF NEW JERSEY, NO.3045-04 ADOPTED JULY 27, 2004 be read by title only by the Clerk, seconded by Councilmember Fecanin with all members present voting aye. Salaries for Recycling Coordinator, Chief Financial Officer, Super. Sanit. & Supt. Roads & Sewers.

The Clerk read the ordinance by title only.

Councilmember Keyes moved AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE 11, N.J. REV. STAT.) OF NEW JERSEY, NO.3045-04 ADOPTED JULY 27, 2004 be passed on first reading and advertised according to law, seconded by Councilmember Fecanin with all members present voting aye.

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For **Ordinance on First Reading**, Councilmember Keyes moved AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE 11, N.J. REV. STAT.) OF NEW JERSEY, NO.3045-04 ADOPTED JULY 27, 2004 be read by title only by the Clerk, seconded by Councilmember Frazier with all members present voting aye.
Salary for Library Director.

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The Clerk read the ordinance by title only.

Councilmember Keyes moved AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE 11, N.J. REV. STAT.) OF NEW JERSEY, NO.3045-04 ADOPTED JULY 27, 2004 be passed on first reading and advertised according to law, seconded by Councilmember Frazier with all members present voting aye.

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. For **Ordinance on second reading**, Councilmember Keyes moved AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE, AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD, UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE 11, N.J. REV. STAT.) OF NEW JERSEY, NO. 3045-04 ADOPTED JULY 27, 2004 be read by title only by the Clerk, seconded by Councilmember Frazier with all members present voting aye.
Salary ordinance for Confidential Assistant.

The Clerk read the ordinance by title only.

Councilmember Keyes asked the Mayor to open the meeting for a public hearing on this ordinance. Mayor McPherson opened the meeting for a public hearing. As no citizen wished to speak, Mayor McPherson closed the public hearing.

Councilmember Keyes moved AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE EMPLOYMENT, TENURE, AND DISCHARGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF RUTHERFORD, UNDER THE PROVISIONS OF THE CIVIL SERVICE ACT (TITLE 11, N.J. REV. STAT.) OF NEW JERSEY, NO. 3045-04 ADOPTED JULY 27, 2004 be passed on second and final reading and advertised according to law, seconded by Councilmember Frazier with all members present voting aye.

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For **Ordinance on second reading**, Councilmember Matthews moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 73, ENTITLED PLAYGROUNDS AND RECREATION AREAS be read by title only by the Clerk, seconded by Councilmember Frazier with all members present voting aye. This ordinance prohibits smoking in Tryon Field.

The Clerk read the ordinance by title only.

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Councilmember Matthews asked the Mayor to open the meeting for a public hearing on this ordinance. Mayor McPherson opened the meeting for a public hearing. As no citizen wished to speak, Mayor McPherson closed the public hearing.

Councilmember Matthews moved AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RUTHERFORD, CHAPTER 73, ENTITLED PLAYGROUNDS AND RECREATION AREAS be passed on second and final reading and advertised according to law, seconded by Councilmember Frazier with all members present voting aye:

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Councilmember Keyes moved the following resolution, seconded by Councilmember Frazier with all members present voting aye:

RESOLVED: that pursuant to and within the schedule of Salary Ranges and Titles contained in the Civil Service ordinance, (3052-04), salaries for the year 2004 to be paid to the employee named in the attached list, which is made a part hereof in the amount and under the title set after the respective name; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and he is hereby directed to prepare payrolls for the Borough of Rutherford employee to reflect the salaries and titles detailed on the attached list.

Changes in Rate of Pay and Titles
Effective August 1, 2004

Name	Title	Salary
Robyn Esposito	Confidential assistant	\$31,989

As there was no further business, Councilmember Fecanin moved to adjourn at 9:00pm, seconded by Councilmember Keyes with all members present voting aye.

Borough Clerk