

**MINUTES OF A SPECIAL MEETING OF THE  
MAYOR & COUNCIL  
HELD TUESDAY, JANUARY 29, 2008**

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The meeting was called to order by Mayor Hipp at 7:15 p.m. with the following Councilmembers present:

Councilman Fecanin  
Councilman Sommer  
Councilwoman Keyes  
Councilman Genovesi  
Councilwoman Inguanti  
Councilman Sasso

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

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Councilwoman Inguanti read the provisions of the Open Public Meetings Law.

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Councilman Genovesi moved the following Resolution, seconded by Councilman Sommer and unanimously approved on roll call:

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Rutherford will hold a closed session meeting on January 29, 2008 at 7:17 p.m. in Borough Hall to discuss the following matter or matters:

- ◇ Litigation
- ◇ Prospective Litigation
- ◇ Borough Administrator Position
- ◇ Personnel

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Councilman Genovesi moved to add two items to the agenda, seconded by Councilman Sommer and unanimously approved on roll call.

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Councilman Genovesi made a motion to authorize the Borough Clerk to advertise for the position of Borough Administrator, seconded by Councilwoman Inguanti and unanimously approved on roll call.

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Councilman Genovesi made a motion to authorize the Borough Attorney to seek proposals from Executive Search Firms for the position of Borough Administrator, seconded by Councilwoman Inguanti and unanimously approved on roll call.

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Councilman Sasso made a motion to add an item to his agenda, seconded by Councilwoman Keyes and unanimously approved on roll call.

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Councilman Sasso made a motion to reopen the search for the Recreation Superintendent, seconded by Councilwoman Keyes and unanimously approved on roll call.

Councilman Sommer added that the position will be posted locally on the Borough website and externally to other appropriate bodies.

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Councilwoman Keyes made a motion to add an item to her agenda, seconded by Councilwoman Inguanti and unanimously approved on roll call.

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Councilwoman Keyes made a motion to include improvements to Grand Avenue under the Community Development Program as in the following Resolution, seconded by Councilwoman Inguanti and unanimously approved on roll call.

**WHEREAS**, a Bergen County Community Development grant of **\$165,000** has been proposed by the Borough of Rutherford for **Improvements to Grand Avenue** in the municipality of Rutherford; and

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**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

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

**WHEREAS**, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body 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 Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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Mayor Hipp opened the hearing of citizens.

Steve Litusko – 37 Preble Place said that the top of his street is near Route 3 and it is filled with trash, he personally is sick of cleaning it himself. Mr. Litusko said he pays enough taxes, he is a single person, he cleans it and puts it in the street and it stays there a couple of weeks, then finally the town comes and cleans it up. He said is has not been cleaned in six to seven months, every day when driving up Preble Place getting on Route 3 it is a dump, tons of garbage, the town or the State never cleans it. Mr. Litusko said he has been to these meetings a hundred times asking for the town to put up a snow fence so the garbage doesn't come down on the street, it has never been done and he was promised and it has never been done. He asked what the new Mayor and Council is going to do about this situation? Mr. Litusko said he is sick of complaining about the dirt, people are pigs, Route 3 when driving down is a pig sty, Rutherford is supposed to be a beautiful town it is a pig sty; Preble Place on top is filled with garbage needles, toilet bowls, you name it, it is there. He said he has gone to the hospital for tetnus shots after cleaning it and he asked all to drive up the street and see. Mr. Litusko again asked what could be done?

Councilman Sommer said as the liaison to the DPW he appreciates him bringing this to their attention and in fact the last couple of years they have been very diligent not only with this but in other ways such as the one-way request and the signage request. He asked if they were remedied? Mr. Litusko said yes after fighting for many years. Councilman Sommer asked for the specific area on Preble Place. Mr. Litusko said half the

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block has it, it is not one little section it is the entire block. Mr. Litusko responded where the highway is, it has never been cleaned when he calls the DPW they say it is the State and State said it is Rutherford. Councilman Sommer said he will take the information and report back no later than the February 19<sup>th</sup> meeting. Mr. Litusko said they have to understand him because in the past nothing has been done and the taxes keep going up and up. He said if they drive up his street they will see all the garbage he has to look at, it is very frustrating.

Dan Saxon – 21 Carlton Place said he came to give his support for Robin Reenstra-Bryant they have known her a very long time and find her very responsive to the community, he thinks she understands the community, she has been of great service to Friends of the Library in her explanation of admittances into colleges, she has been supportive as a listener to what the town does and he wanted to offer their support to Robin as the Borough Administrator.

Mayor Hipp announced that Dr. Reenstra-Bryant asked him not to make the appointment so there will be no appointments and the Council has passed two resolutions advertising for the position and authorizing the Clerk and Borough Attorney to find a couple of search firms for the Council's proposal. Mayor Hipp said he will not be making that appointment this evening.

Councilman Genovesi apologized to Mr. Saxon saying he should have been clearer when he added the items to the agenda earlier. Councilman Genovesi said as the Mayor stated they made a motion to authorize the Borough Clerk to advertise for the position which they plan on doing immediately and the other was a motion to authorize the Borough Attorney to seek out professional firms to help in the process of seeking candidates.

Charles Burrhus – 267 Mortimer Avenue asked if there were any monetary limitations on the search committee for the Borough Administrator? Mayor Hipp responded that the Borough Attorney will solicit proposals which will have monetary amounts and the Council will consider those proposals at an open public meeting. Mr. Burrhus said in the discussion, was there a limitation on how long they will be searching for a person. He said evidently that position is very important in this town and without a Borough Administrator basically one of the many things that person does is procure grants through the State or Federal Government, so by the time they look for one, maybe there should be a timeframe of when this will be in place. Mayor Hipp said the proposals may include services on a per diem or temporary basis and as a result of passing the resolutions the Borough Attorney and Clerk are authorized to proceed on this matter with all deliberate speed, and he thinks the Council is sensitive to the time constraints, he would be surprised if that was going to be stretched out over a long period of time but it is an open process.

Margaret Schak – 78 Orient Way said she wanted to repeat what she said once before and she summarized it saying she still feels as though that position was created and for years they did not have a Borough Administrator, they had one and he resigned and Glenn Elliot was Mayor at that time and he was without one for quite a while because they were saving, trying to save money and he had the time. Ms. Schak said she knows it is

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going to be very hard on the Mayor if he doesn't have someone quickly to help him to organize and do the things that are required when he has only had a short time since January 1 and she would like to say that she is still for having Robin Reenstra-Bryant selected because that was the original person that the Mayor indicated that he wanted and she doesn't know what happened in the close session but she would like to support the Mayor in his choice of Robin and she is totally qualified.

Mayor Hipp said as a point of information, late that afternoon Dr. Reenstra-Bryant did ask him not to make the appointment and in doing so as Mayor he has rendered his right to make that appointment within 30 days. The Mayor said so now it moves to the Council and it is going to open up the entire process and they will be receiving resumes and they will have the opportunity to look at a variety of different resumes and study the matter more closely. Mayor Hipp said sadly the ordinance is written the way it is that they only have 30 days to make the appointment but if they could get someone in on a temporary basis it will help relieve some of the problems. The Mayor said he appreciates the concerns and he also appreciates Dr. Reenstra-Bryant's decision.

Councilman Fecanin said in November after the election they received phone calls from individuals who were forming a Transition Team and part of this Team should have been looking at the Borough Administrator's job and how they were going to approach that, so he begs to differ that they only started January 1<sup>st</sup>. He said to Ms. Schak that yes this position is important but it didn't start January 1<sup>st</sup>, it started the day after the election. Councilman Fecanin said there was ample time to get some information to them but it just took a little longer and he just wanted her to know that it didn't start January 1<sup>st</sup>, it started approximately two months before that.

Robert Genardi – 155 Montross Avenue said to Councilman Genovesi that he heard a remark by Councilman Fecanin but he is not going to get into that issue, but his issue would be that if they had a number of applicants for the Borough Administrator's position, wouldn't it be better if all the Councilman got together and reviewed the applicants and have them come in for a closed meeting where he thinks that the Council people could make a better determination on their titles and so forth and then make a final decision in an open meeting. Mr. Genardi said rather than going back and forth, it would probably take a lot less time and another idea could be to combine it with the Purchasing Agent, he doesn't know if it is a full time position but they are looking to save money.

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

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Councilman Genovesi said he wanted to respond to Mr. Burrhus, saying he appreciated his comments and has listened to everything that was said and wanted to assure him that the financial sensitivity over this matter is greatly understood by the Council. He said they are going to move ahead and seek the most qualified individual for that position. Councilman Genovesi said there was substantial discussion on this matter and they are moving ahead in a fiscally responsible manner in looking into someone for the position of Borough Administrator. He said in response to Mr. Genardi, the open

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process that he was describing, he agrees with and that is exactly what is going to take place and they will field resumes through the firm they authorized the Borough Attorney, through this firm they will be receiving resumes from that as well as advertising it in the newspaper and once the word gets around they will yield other resumes from people that are interested in the job. Councilman Genovesi said they, the Council know it won't be an easy job, it is going to be a tough thing to sort through the resumes and to field the best candidate possible and one that meets all the criteria that each of the Council people are looking for he personally feels it is important that each person may want to let their individual qualifications that they are looking for in the person that will be holding this job. He said that he wanted to let him know that he anticipates what Mr. Genardi described and that is an open process.

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**Mayoral Appointments**

Mayor Hipp asked that the Council move to change the persons on the Local Assistance Board a five person board from a three person board.

Councilwoman Keyes made a motion to change the Local Assistance Board membership to five, seconded by Councilman Fecanin and unanimously approved on roll call.

Mayor Hipp appointed the following members to the Local Assistance Board with confirmation from Councilman Genovesi, seconded by Councilwoman Keyes and unanimously approved on roll call:

- ◇ **Mary Kriston**                      4 year term
- ◇ **Alice McGovern**                2 year term
- ◇ **June Flippin**                      2 year term
- ◇ **Michael Matthews**              4 year term
- ◇ **Joseph Sommer**                1 year term

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**Auxiliary Police and Church Traffic Guards**

Mayor Hipp re-appointed **Captain George Egbert** to the Auxiliary Police and Church Traffic Guards. Confirmation moved by Councilman Genovesi, seconded by Councilman Sommer and unanimously approved on roll call.

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Mayor Hipp re-appointed **Maria Calabria** to the Auxiliary Police and Church Traffic Guards. Confirmation moved by Councilman Genovesi, seconded by Councilman Fecanin and unanimously approved on roll call.

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Mayor Hipp re-appointed **John Bewighouse** to the Auxiliary Police and Church Traffic Guards. Confirmation moved by Councilman Genovesi, seconded by Councilman Fecanin and unanimously approved on roll call.

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Mayor Hipp re-appointed **Anthony Cunningham** to the Auxiliary Police and Church Traffic Guards. Confirmation moved by Councilman Genovesi, seconded by Councilman Fecanin and unanimously approved on roll call.

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Mayor Hipp re-appointed **Kathleen McNeill** to the Auxiliary Police and Church Traffic Guards. Confirmation moved by Councilman Genovesi, seconded by Councilman Fecanin and unanimously approved on roll call.

Mayor Hipp re-appointed **John Gibney** to the Auxiliary Police and Church Traffic Guards. Confirmation moved by Councilwoman Keyes, seconded by Councilman Genovesi and unanimously approved on roll call.

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Mayor Hipp appointed **Frank Wilson** to the Auxiliary Police and Church Traffic Guards. Confirmation moved by Councilwoman Keyes, seconded by Councilman Genovesi with all members present voting aye except Councilman Fecanin and Councilman Sasso who voted nay.

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Mayor Hipp appointed **Robert Genardi** to the Auxiliary Police and Church Traffic Guards. Confirmation moved by Councilman Genovesi, seconded by Councilwoman Inguanti and unanimously with all members present voting aye except Councilmembers Fecanin, Keyes and Sasso who voted nay causing a tie. Mayor Hipp voted aye for the deciding vote.

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**Municipal Alliance**

- ◇ P.O. Al Anderson
- ◇ Supt. Of School Leslie O'Keefe
- ◇ Admin. Health Officer Brian O'Keefe
- ◇ Jeff Doorn, Rutherford High School
- ◇ Brenda Fargo
- ◇ Shelly Ahmed
- ◇ Joseph Domal
- ◇ Ken Meister
- ◇ Maureen LaFaso
- ◇ P.O. Thomas Lewis

Councilwoman Keyes moved a motion to confirm the above members to the Municipal Alliance, seconded by Councilman Sommer and unanimously approved on roll call.

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Mayor Hipp made the following **Council Liaison Assignments:**

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| ◇ Auxiliary Police and Church Traffic Guards | - Councilman George Fecanin  |
| ◇ Municipal Alliance Committee               | - Councilman John Sasso      |
| ◇ Borough Historian                          | - Rod Leith                  |
| ◇ Veteran's Groups                           | - Councilman George Fecanin  |
| ◇ Recreation Advisory Committee              | - Councilman Joseph Sommer   |
| ◇ Board of Education                         | - Councilman John Sasso      |
| ◇ Williams Center                            | - Councilwoman Rose Inguanti |
| ◇ Ambulance Corp                             | - Councilman George Fecanin  |
| ◇ 55 Kip Center                              | - Mayor Hipp                 |
| ◇ Rutherford Downtown Partnership            | - Barbara Winters            |
| ◇ Nereid Boat Club                           | - Councilman Joseph Sommer   |

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Mayor Hipp opened the second hearing of citizens.

Trina Poindexter – 444 Edgewood Place asked for the file regarding the Borough Administrator applicants that they have been working on for two months, who has the file. Councilman Fecanin said there was a Transition Team put in place at the time and that should have been one of the positions that was talked about, he did not say there was a file on it. Ms. Poindexter said to Councilman Fecanin that he stated it was worked on for two months. Councilman Fecanin responded that he stated they had two months after the election there should have been discussions by the Transition Team regarding the Department Heads. Ms. Poindexter said she thought that Councilman Fecanin said the

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Council was working on it for two months. Councilman Fecanin said no, it was the Transition Team. Mayor Hipp said there was a Transition Team of people who looked into a variety of appointments, with respect to the Borough Administrator the Committee did receive resumes from a number of people and that has been the subject of previous discussions from this Chair and open public meetings. The Mayor said the position did not become available until January 1<sup>st</sup> so they were not ready to make a recommendation on January because they were not aware until that day or the day before that there would be in fact a resignation and as he said he fully expected that the previous Administrator would continue in his role for some time going into 2008. Mayor Hipp said yes the Transition Team did look at resumes, the file of course would not be a public record because they had not been sworn in and he promised the Bergenite to get the copies of the resumes and he apologized to them because he hasn't had a chance to get it to them but he does plan on doing it as soon as he can.

Charles Burrhus – 267 Mortimer Avenue said he thought back in the old days the Borough Administrator was appointed by the Mayor. Mr. Burrhus said he was supposed to help the Mayor run the town, now between them he doesn't see how you could put six people together to come up with a Borough Administrator. Mayor Hipp said well he couldn't so that is why. Mr. Burrhus said he doesn't see how it is going to work because everybody has their own piece of pie that they want out of the Administrator, he thinks this is going to be a long term process and he doesn't think they could afford a long term process. He said he thought the Mayor appoints the Borough Administrator. Mr. Burrhus said when Mayor Hipp went into office in January he was gun hoe, that he had in his pocket somebody to pull out to fulfill the job of Tim Stafford after he quit, what happened? Mayor Hipp said he will answer that.

Mildred Dyson – 55 Wilson Avenue said speaking of the ex-Borough Administrator she remembers on the first agenda maybe the first or second meeting there was an \$8,000 check that was supposed to be given to him for benefits or sick benefits and as of this day she didn't hear the Council vote on that, she would like to know the status of that?

As no further citizens wished to speak Mayor Hipp closed the hearing to the citizens and asked the Council if they had any comments regarding the public hearing.

Mayor Hipp said with respect to Mr. Burrhus that is a fair criticism as to what has happened. The Mayor said he proposed a name because they only have 30 days or at least the Mayor's Office only has 30 days within which to make the appointment under the ordinance and what he wanted to do was to disclose to everybody, members of the Council as well as the public the benefit of his thinking. Mayor Hipp said a lot of the benefit by the way came from Transition Team discussions. The Mayor said although they were not prepared to make the appointment on that day, he had the benefit of conversations and discussions with members of the Transition Team who had reviewed these resumes. Mayor Hipp said most of them were in favor of Dr. Reenstra-Bryant and as he said before he wanted to afford everyone a full and fair opportunity to comment. The Mayor said what they are trying to do is they are trying to change the dynamic, they had to make some

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appointments necessary for it to operate but that position in his judgment although very important because it was not going to be vacated or had no knowledge that it would be in fact vacated on the first, they felt they had the opportunity, he wanted to give the full 30 days. Mayor Hipp said he did not want to look like or have people say that they were just going to rush this through, it is a contemplative process and it is essential that people have the opportunity including the time to reflect upon that choice, it is a Mayor's appointment but it's subject to the advice and consent of the Council. Mayor Hipp said during that process he has heard from a variety of different sources, he thinks generally from the public's point of view, it is a very favorable appointment however in some cases and he is not going to speak for the Council, there were he thinks some concerns, appropriate concerns. The Mayor said so rather than heed this, why not open up the process, why not take the time to address those concerns and allow the process to take place, in doing so the Mayor's Office and the Chair is surrendering the statutory obligation to make the appointment within 30 days. Mayor Hipp said he thinks that all things considered it is the better way to go and so he appreciates the concerns but he thinks that they need to step back and take the time to look at this with new eyes and a fresh light. The Mayor said it is unfortunate in some cases that they had to take the time because they have a lot of things going on and they don't really have the pleasure of stopping everything so they can take the time to consider this, but having said that they will march on, they have an outstanding advisory committee of citizens for finances that will help this Governing Body with the budget. Mayor Hipp said the input is going to be valuable and they will on March 11<sup>th</sup> introduce a budget maybe without a Borough Administrator, he thinks it will be a good budget, he has full faith in the ability of Councilwomen Rose Inguanti and Keyes to bring that home. The Mayor said they will have help and they will do a great job, he thinks the rest of the requirements, they will have some problems no doubt about it, they face issues with Encap, with other types of development Zanadu and longer term issues. Mayor Hipp said he feels a good Borough Administrator is going to be somebody who will address that but they need to have the open process and to the extent that members of the Council feel that this was rushed, it was not his intention to do that, it was his intention to allow the process within the 30 days which is all the time he had. The Mayor said now that the resolutions have been passed he thinks they are taking the wiser course and he applauds Dr. Bryant for actually going up to him late that afternoon and basically telling him to not make the appointment let the process go forward and he feels that is an appropriate thing for him to do.

Mayor Hipp said with respect to the \$8,000 there has been no resolution that has been put forward, it is his understanding that he did get \$8,000 and the Council will be dealing with that at the next meeting in an open public meeting. Ms. Dyson inaudible. Mayor Hipp said he thinks that will be addressed at the next meeting.

### **Miscellaneous**

Councilman Genovesi had a question for Mayor Hipp saying that last year under former Mayor Bernadette McPherson he was given one committee which was the Passaic River Coalition, he took it in stride figuring he was the new guy on the block and he didn't have much experience, fine. Councilman Genovesi said he would like to know why that

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after a year's experience on the Council, positions that have typically gone to the Police Liaison such as Pedestrian Safety, Auxiliary Church Guard, Ambulance, he has been overlooked for those positions. He said in fact again he sits on the Council with only one committee position when other members of the Council have been given four, five, six and that was something he requested to be on those committees with the addition of Kip so he would like to get an understanding of why. Councilman Genovesi asked Mayor Hipp if he feels that he is not capable of handling those committees. Mayor Hipp responded no not at all, with respect to the Pedestrian Safety the second liaison is also Councilman Fecanin and what he was trying to do is balance. Councilman Genovesi said with all do respect it is completely unbalanced, he has one and his colleagues have five and six. Mayor Hipp said he is going to find some other assignments for Councilman Genovesi. Councilman Fecanin said he would make balance and resign and given it to Councilman Genovesi. Mayor Hipp said if that is what they would like to do. Councilman Fecanin told Councilman Genovesi they will discuss it.

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Councilman Fecanin moved to adjourn at 9:20 p.m., seconded by Councilman Sommer with all members present voting aye.

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Borough Clerk