

**MINUTES OF A SPECIAL MEETING OF THE  
MAYOR & COUNCIL  
HELD TUESDAY, MAY 5, 2009**

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The meeting was called to order by Mayor Hipp at 6:34 p.m. with the following Councilmembers present:

Councilman Genovesi  
Councilwoman Inguanti  
Councilman DeSalvo

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Councilwoman Keyes - Absent  
Councilman Sasso - Absent  
Councilwoman Birdsall - Absent

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

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

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Councilwoman Inguanti moved the following resolution for a closed session, seconded by Councilman DeSalvo with all members present voting aye:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, May 5, 2009 at 6:35 p.m. in the Committee of the Whole Room to discuss the following matter:

RFQ for Tax Counsel and Public Defender

The meeting re-convened to open session 7:05 p.m.

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Mayor Hipp opened the hearing of citizens.

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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Mike Fensik, 60 Park Avenue co-owner of Varrelmann's Bakery and President of the RDP said he was there because last Thursday the Board of Directors of RDP discussed the closure of Park Ave for the Multicultural Festival and a motion was placed and seconded with an unanimous vote from the Board that they did not feel an 8-hour closure of Park Ave was warranted for the Festival. Mr. Fensik said half that amount of time would probably be more than enough as an 8-hour closure equates to 10-hours of it being closed on a Saturday in May. He said they have never held any event in May strictly because it is bad timing, there was a lot going on, kids have baseball, softball, graduations, communions, confirmations during the month of May. Mr. Fensik said if the day happens to be a particularly nice day many people in the town who own homes down the shore are down there prepping their homes for the summer which causes an extreme drop off. He said the Board feels 4-hours would be enough for the event since it is an unproven event, had only had an attendance record of 300-400 in the past and to bring it out on the Avenue even with vendors it doesn't warrant 8-hour closure. Mr. Fencik said the restaurants will be affected and many of the other businesses will be affected during the day because their customers will not be able to get near their businesses.

Barry Goffin, 64 Park Avenue, an RDP Board Member said he also registered as a vendor at the Multicultural Festival at which he is happy to bring events to town to help, he participates in every event that comes to town. He said he didn't register for the Festival until he heard about it for the first time about 10-days ago, he appreciates all the effort the volunteers had put in but it was thrown in their business district at the last minute and they really don't know what they are doing, what their advertising is or what they could expect. Mr. Goffin said he didn't want to shoot it down because they need everything in town that is going to make the town more exciting, vibrant and it could be a great event like the Labor Day Fair going on for years. He said he thinks it may be jumping too fast from a small event in Williams Plaza to 2/3 of Park Ave for 10-hours on Saturday and he made the motion at their Board meeting to not approve it the way it was constructed and he also doesn't think it was right they put advertising in place before the Council had approved it. Mr. Goffin said yes they should try to continue the Festival but he thinks it should be cut back a bit.

Joseph Tantella, Park Avenue Pet Center said he had just heard that day they were going to close the street for the Festival and he thinks they should have it but closing the street will affect his business so he was against closing the street whether it was 1 or 2-hours but if they were going to do it maybe they should meet in the middle and do 4-hours.

Bonnie Corcoran, 390 Montross Avenue said she was just hearing about the closure of the street, she was wondering why it was moved from Lincoln Park to Williams Center and now to Park Ave on a Saturday which is a business time for the store owners to make a profit and in the current economy she finds it very difficult to close down the street that was going to affect the income of the stores in town. She said they are already seeing stores closing and she doesn't understand why the Council is having it moved from the park and the corner streets and closing down the street. Ms. Corcoran said why can't they move it back to Lincoln Park along with the side streets and not affect the business owners of losing business and possibly getting closed down.

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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Hannibal Phoaron, Gainville Learning Centers 17 Ames Avenue said the contagious sense of fear regarding the Festival it is not going to close their businesses, whether it is 4-12 hours it is not going to affect their business. Mr. Phoaron said in retrospect he understands that some people think so but for him they are on 17 Ames Avenue they could benefit but he didn't think they could see the potential of it. He said they are working hard to promote the Festival and he doesn't think 300-400 is going to be their goal so he votes for closing the street for 6-8 hours.

Yvonne Hassett, Advanced Home Decorating said she owns two homes in town, pays a lot of taxes and she doesn't understand why there was such a push back on them trying to build the town up and try to bring business to town that was not coming to the town to do business. She said they are there every Saturday from 9:30-8:00 p.m. trying to get any kind of business they could and the business they get is from the restaurants they have actually gotten business late after 5:00 when all of the businesses close. Ms. Hassett said the reason they got involved in it was not a selfish reason, it was to bring attention to the town, possible more business to town. She said they heard many times from the Labor Day Festival that people come back and they might not do business a lot during the Festival, they might not get to the stores because a lot of the stores they can't even get to sometimes but they come back. Ms. Hassett said the reason they actually take their time from their business and she had to say that it was getting ridiculous because they are trying to do business in town and they got involve in that Committee, they are ready to resign and she thinks it is a shame because they can't do something new in Rutherford and build it up to make it a big Festival some day. She said they had to start from humble beginnings and they aren't starting from the ground, they already had the Festival in Lincoln Park which is not a business district. Ms. Hassett said in the Williams Center, half the people the last couple of years didn't even know anything was going on down there, the people that were there didn't know they had a vibrant town, they had retail what is left of it because there is not too many retail stores there and it will continue if they can't go together and say let's have a great time. She said it's not that they are closing someone's street, on Saturdays they see what goes on and most of the time of Saturdays the people that are parking there are the business owner's and they hear from the customer's they can't park, they don't want to go to Kip to park, they are afraid to go to Kip or whatever. Ms. Hassett said they could go on and on about parking but they've gone to festivals before and if they have a festival that looks great those people will park somewhere else and check it out. She said that was the whole idea behind it, if they open up their minds and let it happen and first of all they weren't going to let it happen now they can have a few hours. Ms. Hassett said she had 62 vendors that were interested in being involved, 18 outside, 32 from Rutherford, 12 organizations and they are still going up; what was she going to say to the people that Rutherford is an unfriendly street fair town. She said they are closing the street for the Taste of Rutherford for a couple of hours. Ms. Hassett said they are trying to make the town better, they want to make it beneficial for all the businesses in town; if they had to compromise with the time that's okay but they need to be able to fit in the acts that were chosen. She asked for a chance to help Rutherford become something more and they need to work together to achieve that so people go to Rutherford.

Councilman Genovesi said he listened to what was said and what he and Councilman DeSalvo were working on was a compromise and he thinks it was important to note that

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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because people were coming together to work out differences and issues and people are going to see things from different sides but the main thing to get through was to get a final pack between the two sides to agree on and to be beneficial to everybody; that was the main thing to get through that night. He said by saying the street is closed is a phrase everyone was using; the street will be closed to vehicle traffic not foot traffic, people still venture up the block and go to other stores they need to go. Councilman Genovesi said to try and work it out that night as they had been trying the last couple of days and everyone had been very cooperative and in the end it is a good thing they have those Festivals in town. He said it is beneficial to the town and they need to iron out the way it was going to work.

Councilwoman Inguanti said the Council did not come up with the idea to close Park Ave, they approve the 2009 Multicultural in June 2008 and the Council was informed about the street closure and decision to turn it into an event that involved retail last week. She said her concerns were that from Ed Cortright there was about \$4,700 in the Multicultural Festival escrow account that the town administers and they had heard a lot of times they wanted the Festival to be like Labor Day. Councilwoman Inguanti said just for salaries for Police and DPW Labor Day costs about \$8,000 with the reason she had been somewhat disturbed by the way it got planned was because they as a Council voted not to do a 4<sup>th</sup> July Celebration because it was an expense to the Community that they couldn't justify when they are considering layoffs. She said she is hopeful it will be a successful event but she was very concerned if the town ends up covering the shortfall how would she say to people they don't have 4<sup>th</sup> of July but they choose to spend \$4,000 doing the Festival especially when it wasn't something the Council had an opportunity to weigh in on. Councilwoman Inguanti said her suggestion to the Festival would have been if she had known about it was to potentially change the date to Sunday, as they could go against the blue law if it is for a special town event such as a Festival they could waive the blue laws. She said since the Council was kept out of the process they didn't have chances to offer suggestions and her other concern was that there didn't seem to be a great working knowledge from the Committee as to exactly how many people were going to be there. Councilwoman Inguanti said if it was going to be open for 8-hours and they double the number of people that attend which would be great, it is 800 people which are not enough people to close down the main retail area of town for 8-hours. She said if they have a lot of people did they allow for enough coverage of DPW and police overtime, she feels like her back was against the wall because the advertisement went out with a lot of assumptions being made to what the town was willing to do or capable of providing and she was concerned that permits were issued to vendors for a street and that was typically that was handled through the Clerk's office. Councilwoman Inguanti said she understands the enthusiasm and appreciates the volunteerism but there are procedures for a reason and they are finding that there is some frustration because there wasn't a little more preproduction a few months out where it could be planned with a little more comprehensive look at everyone's issues while there was still time to fix it. She felt from a public safety standpoint they had to be prepared for the fact that the advertisements went out and if they had people show up they needed to be prepared for them.

Councilman DeSalvo said he would save his comments for later.

Mayor Hipp said he would like to get the issue resolved that night and he apologized to people because they had a couple of presentations they needed to go through first:

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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- **National Emergency Management System** - training which is required for elected officials.
- **Strategies Involving Worker's Compensation Cases** in closed session saving the taxpayer's \$1,250
- **Computer System Upgrades**

Mayor Hipp said he wanted the people to know as he has told the RDP in the past, he likes events and they are great things if they are coordinated and if they work. The Mayor said even though it was in existence for a while it is the first time the Festival wants to venture into the street and that unfortunately is a major qualitative change in how it was done in regards to the ordinance section 110-4 in order to get a street closed they have to go to the Mayor and Council with a plan; "The Mayor and Council shall not consider any application for the closing of a municipal street unless or until the person(s), association, firm or corporation requesting such permission shall first file with the Borough Clerk an application requesting such permission stating the location of the proposed street closing and the period of such; which period shall not exceed 48 continuous hours; together with the purpose of such street closing and the name, address and telephone number of the individual, group or organization applying for such street closure. A map of the section therefore to be closed showing the proposed method of effected the street closing and the location of barriers to be used in restricting the flow of vehicular traffic through the closed street. If after examining the application and the map provided the Mayor and Council shall be of the opinion that the proposed street closing will not create conditions inimical to the public health, safety, welfare permission to close the street shall be granted such permission shall be affected for a period of time not to exceed 48 continuous hours." Mayor Hipp said those two sections govern their decision, they are mandatory and what he would like to do for those who could stay, they heard both sides of the story if anyone of them representing each group could stay until they got through the other items, he would deeply appreciate it so they could resolve it that evening. The Mayor said they did have a Special Meeting prior to May 16 on May 13 so if they couldn't resolve it that night they had one more shot.

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

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### **PRESENTATIONS**

Larry Raush Chief Fire Instructor at the Academy, County Fire Coordinator presented information regarding the *Incident Command System* and what their goal is in an emergency situation.

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For, **POLICE**, Councilman Genovesi made a motion for the following Resolution, seconded by Councilman DeSalvo and unanimously approved on roll call:

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

**WHEREAS**, certain organizations have applied for a Raffle/Bingo License and have been approved by the Police Director and paid the required fees:

**NOW, THEREFORE, BE IT RESOLVED** that license be issued to:

**Aquinas Club of St. Mary Grammar School      Off Premise 50/50 Raffle**

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Mayor Hipp said they had a request to close a portion of Park Avenue under Councilman DeSalvo' agenda.

Councilman DeSalvo said after last Tuesday's Council Meeting it was brought to them and he agreed with Councilwoman Inguanti saying they were backed up against a corner but fortunate enough they had another meeting. He said he had numerous discussions since last Tuesday with Multicultural and RDP Boards where they got together with Councilman Genovesi on Friday at 4:30 to see if they could get a solution for both parties. Councilman DeSalvo said they had it straighten out and he thought at that time that everyone was comfortable with the proposal being brought to the table and the next day he received more telephone calls and discussion took place since that Tuesday; he understood the concerns from both sides with the Avenue being closed. Councilman DeSalvo said the suggestion that they came up with on Friday night and on Saturday morning he heard from Bea of the Multicultural Board and she put forth another proposal which he discussed with Councilman Genovesi and they feel that is the best way to go. He said for the road to be closed from The Terrace down to Ames Avenue leaving open the original proposed lower half of Ridge Road to The Terrace and the upper part of Park Avenue which would create a diversion for the buses down Ridge and the street for parking and car traffic would be open. Councilman DeSalvo said the proposal he presented was that the street be closed from Terrace to Ames from 12:00-6:00 with the street opening back up at 6:00. Mayor Hipp said that would mean vendors had to vacate at 5:00 in order for clean-up, is that the intent? Councilman DeSalvo said the street would be open at 6:00 as there is no plan as yet so they didn't know how long it was going to take to clean up and open the street but that was the plan which consolidates the plan from 12:00 – 8:00 to 12:00 – 6:00. He said in the original plan the stage was being located on The Terrace and then it was decided to bring it outside the Williams Plaza at the intersection of Glen Road and Park Avenue and if the Council decided to go with it they would have to get in touch with the other Borough officials to coordinate that and for inspections. Councilman DeSalvo said a plan is going to have to be set forth pretty quickly if they decide to close the street that night. Mayor Hipp asked if they had a map and if it showed the proposed method affecting the street closing, the location of the barriers to be used? Councilman DeSalvo responded that he didn't receive that. Mayor Hipp responded that if the Council so chose that it be subject to the provision of the map so it is in compliance with the ordinance they can't consider any application without that. Councilman DeSalvo asked if they had an application. Mayor Hipp said he assumes they had something and he will call it an application for purposes of discussion but they do need something because they are not permitted to consider it without that information so he suggested if the Council chose to do so that at the Special Meeting on May 13 that the information be provided by then so they could review it if they were going to pass it that night. Councilwoman Inguanti asked what it was they were passing. Mayor Hipp said if the Council wishes to approve the idea

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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of street closing based upon what Councilman DeSalvo proposed which was closing from Terrace down to Ames from 12:00-6:00 p.m. with the street opening at 6:00; he said that was the proposal but they still didn't have a map showing that.

Ms. Goldberg said she called a meeting with the Borough Officials Tuesday at 2:30 to discuss. Mayor Hipp asked her to familiarize herself with the ordinance and if the Council chose he suggested that if Councilman DeSalvo was prepared to make a motion to close the street and in the motion he could say the approval is subject to compliance.

Councilman Genovesi said Mr. Mayor was correct in what he was saying about following the ordinance and he would never argue with that but his questions is that they do block party's and street closings that way and he had never seen a map presented to the Council when they approve street closures for block party's. He said it was good that the Mayor pointed it out and they should follow that further. Mayor Hipp said he thinks they will see the reason why. Councilman Genovesi said they did have the maps that Carl just handed him more it is more of a legal question at that point, showing the proposed method of effecting the street closing, isn't that really the Traffic Police Dept, wouldn't they be better at that than an organization telling them what street they want closed and how the traffic should be diverted so he suggested they amend that to say based upon what the Traffic Dept recommends. He said on Tuesday when he started because that was when the Mayor appointed him, the first thing he said that was based upon Police Dept. recommendation is for the flow of traffic and that was his main stipulation all along but maybe they should removed from the ordinance but he doesn't think an organization or resident or Council person has the knowledge to advise the Borough for the best direction that the traffic should be moved so perhaps they should look at that for the future. The Borough Attorney said the question is who should prepare the map, the applicant could prepare the map to be approved by the traffic officer. Councilman Genovesi said that is right but not only that but the logic behind asking a citizen to tell them where to direct buses and traffic. The Borough Attorney said the applicant should go to the traffic officer and ask him and based on that prepare a map and there should be something written so it is confirmed they go to the traffic officer. Councilman Genovesi said he agrees with Councilman DeSalvo that they were both thrown into it but they were doing the best they could to resolve it. Councilman DeSalvo said he thought it was going to be resolved that night and he wished he knew about it before that night so they could have had it prepared for that night. Mayor Hipp said it is an important requirement, it is one thing to close a street for a block party for a day because there is usually access to that area. Councilman DeSalvo said it came up last Tuesday and they had been meeting back and forth discussing with a lot of people all weekend and none of that was brought to his attention until 15 minutes ago so he was under the impression it was going to be settled that night and now it is going to another week. Mayor Hipp responded no, if the Council wishes to do so they may vote on it and approve it, all they needed to do were complete it and from the verbal description he had they would have to divert the traffic. Councilman Genovesi said he anticipates the bus traffic because of the Labor Day route will be diverted from Ridge to Passaic but what they are doing is leaving the access on Terrace open.

Paul Dansbach, Fire Safety said that was correct and it was past practice for the Police Dept. to move the barriers that provide a buffer from the events and vehicular traffic and he agreed that the ordinance should state the approval of the Police Dept. is required rather than leave it to the organization. He said as for the Fire Dept. they meet

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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to assure that in the event of a fire they could have the proper response, they basically could use the Labor Day Street Fair map and scale down from that. The Administrator said the plan should include who will notify NJ Transit to the change in the bus route. The response was the Police Dept.

Councilman Genovesi said the 6:00 p.m. was a contentious issue as well; it was the first year the Festival was expanding outside of a confined area and there seems to be sufficient vendor support for the event knowing that there was a discussion keeping it open to 8:00 if 6:00 is an equitable solution for them.

Councilman DeSalvo said the map he was just handed shows two stages and as of Friday night they were talking about one stage. Ms. Goldberg responded she didn't know about the entertainment as the day before they were discussing that, they were having a puppet show.

Gentlemen from the audience: said as was pointed out by Mr. Dansbach they need clearance in the street and put the two stages together they don't get the clearance for fire apparatus in case of an emergency. He said the stage sizes are 20x15 and putting two together will not permit emergency vehicles to get passed the stages so they decided to break them up. Councilman DeSalvo said he understood that but it was changing as they spoke, the stage as of Friday was at the intersection of Glen and Ridge.

The gentlemen said they were looking at the map and they were discussing where the barriers were going to go and then they had to discuss with the powers that be wiring the different departments where the other things were going to and showing where traffic might be diverted. Councilman DeSalvo said he was just concerned because from his notes on Friday the stage was one place and then another. Mayor Hipp said was there an issue to anyone besides the Fire Dept. as to where the stage was going to be? Paul Dansbach said for the future they could give the Council what the Fire guidelines are, as the Labor Day Street Fair is almost automatic because they have been doing it for so long. He said they ask for vendors to be 10' off the center line, giving them a 20' fire line obviously they are prohibited from blocking the hydrants, if they did have a stage they could put it on the sidewalk so part of the stage could be back a couple of feet as in front of the bank or wherever there aren't a lot of parking meters. The Gentlemen said they talked about putting it by Glen Road but it starts to get a little narrow, by Franklin it gets a little wider. Mr. Dansbach said Franklin is a good place if they go the opposite side of Park Avenue, if they look at it before the event it could be determined then. The Gentlemen said they based it on the Labor Day Street Fair where things were placed, hydrants not being blocked or cross walks.

Barry Goffin said he was a little confused too, it was his understanding that the Festival pays for the DPW and the barricades, police and he thinks that is why they need to know what was being blocked because they need to know what the cost were. Mr. Goffin said when he hears there was \$4,700 how much of that is going towards barricades and overtime versus advertising and entertaining, if the Festival is too large they will use more of the budget on police that doesn't leave much to run the Festival. Mr. Dansbach said the barricades are free of charge but personnel costs are incurred. Councilman DeSalvo said there are a lot of questions arising but now they are limited to time because it was brought to them then. Mayor Hipp said it is decision time because the people need to know what

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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was going on and he does appreciate it was the first time it was tried for that type of event and mistakes are going to be made but the question is whether or not the Council wants to close the street for that affair, everything else could be worked out. The Mayor said the hours 12:00-6:00 are better than 10:00-8:00 and is it the Council's wish that the Multicultural Committee be responsible for Borough overtime. Councilman DeSalvo responded that he was under the impression that was going to be the case. Mayor Hipp asked that he put that as part of his motion.

Councilman Genovesi made a second but had one last comment; there's a lot of experience in handling those types of events and there is a lot of ways to make it successful and they had to get the event off the ground because it was going to take place, they had it advertised. He said maybe if in the next week they could use their experience and help the process along, everyone in town would be extremely grateful to them; if they try to work together and get it off the ground.

Councilman DeSalvo made a motion to close the street from 12:00 to 6:00 on May 16<sup>th</sup> for the Multicultural Festival from The Terrace Avenue down to Ames Avenue intersection subject to the approval from the Fire Dept. and Police Dept. and subject to the agreement that the Borough be compensated for all overtime, expenses for the Multicultural Festival.

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

Mayor Hipp asked that between then and next week they work out any logistical issues so the event could take place. Councilman Genovesi announced that the rain-date is Sunday.

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Paul Dansbach gave the following overview of the upgrades to the communication system and computer system. He said they need to relocate the existing computer server to a secure climate controlled location as of then it existed in the Building Dept. The original server which was purchased many years ago was intended to serve the Building Dept and everyone else started latching on and that became the hub. Previous administrations have avoided spending the money to move all of the servers and associated cabling to a secured location. It is important as it has to be climate controlled and it had to go into to a proper rack. There are two or three servers there and there are no ground traps so static electricity has in the past created a problem as the static creates an issue. Bobby Souza once in a while hits it with the vacuum and it knocks it out and off the internet. The existing servers are similar in capacity, they shed users, if they are on the internet they get knocked off, the exchange server was crashed within the last couple of years and a new server was just put into that location. Software upgrades are necessary, some computers are still using Windows 98 as an operating platform and new programs that are added can not run on Windows 98 so they are looking long-term at developing a plan to ensure when the software upgrade is out it could be applied evenly across the board to all the computers. One of the goals was to separate finance from other departments, take tax assessments, tax collections, purchasing, payroll and put them on a separate server. That is not to say someone couldn't hack into the server, it

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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just provides an additional layer of safe guarding from servers being attacked by a virus from a user that doesn't belong there. They will start to shed some usage and make the servers more efficient, the ones that exist. It was not a wholesale replacement, a lot of it is alterations, using existing equipment and adding some new equipment to the system. The Building Dept and tax collection are on the same server; the Bldg. Dept software requires a sequel server and now there was a conflict with some of the software. The same software provider, two different software applications and because of the conflict between the two software programs it crashes the server. The operating includes off-site connections, there was wire plans that were approved a few years ago, they have fiber optic wire and cooper that run to many of the Borough owned property's so their goal was to connect the public works department computers to the server along with the three fire houses. That becomes the foundation for the project including the Borough phone system.

Councilman Genovesi said that Mr. Dansbach brought that up two years ago, and asked if those jacks or hookups ever got put in. Mr. Dansbach responded yes, they are using a lot of that wire currently for the municipal fire alarm system.

Mr. Dansbach continued they are going to take existing cooper and use pair-gains and turn basically into a G1 line with multiple visual signals, they will use the boards fiber optic where possible running to the West End, the Mortimer Avenue firehouse where possible. So the computer upgrades become the platform for other upgrades. Connections to server remote locations, foundations for additional wireless internet functions, there had been discussion for some time about security cameras. For instance in the Park or if they wanted to put a camera at the rear of Dunkin Donuts, they will have a PC at Ames Avenue a wireless camera that will transmit to that PC which will transmit to the server which could in turn be feed out to the patrol car. So it becomes a foundation for a lot of other applications, it is not included at the project at that time it was there to give an idea of what the potentials are once they get the foundation.

Mayor Hipp said the idea there was that the PC on Ames Avenue, but what they don't have are the wireless cameras but they will have everything else beside the wireless cameras and the software but they will have the hardware. Mr. Dansbach stated that was correct and they would have the means to connect it back and retransmit it out to the field. He said the Public Works and three firehouses are currently not on the server, they have access to the exchange server for the email and that is the only way they are connected to the system, they connect using a phone line which is leased. They want to become a little more paperless to the limit that laws and regulations allow and connecting Public Works up to the server that would be located in Borough Hall and that will go one step further in making them somewhat paperless. Right now Public Works doesn't have the means to automatically back up, the Borough server will be backed up automatically on a daily basis so therefore their files will become part of the server and not sitting on stand alone PC.

The Borough Administrator asked if it was going to be backed up at the police desk too. Mr. Dansbach responded their records would be stored on the server with the backup to each other's servers.

Mr. Dansbach said with the phone system, the project started to provide phone service to the new Public Works garage that was how long ago that has been hanging out

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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there. They discovered there was some significant limitations to the existing analog system, it made expansion of the existing phone system in the Municipal Building, Police Headquarters and a couple of off-site extensions around the Borough. They had one price of \$150,000 which was outrageous, to try to add onto the system. Currently Public Works is using a loaner phone system that has some significant limitations. Overall limitations to the phone system, replacement parts aren't there and they've had repairs made and had to use used parts when they can find them. The system can't be expanded, they are at the max and in a number of devices that can be used on the system, that was why Public Works wasn't a simple fix to add them in. They are paying a monthly maintenance agreement of \$900 per month and not getting a whole lot for that. The Administrator added plus the costs for the parts. Mr. Dansbach confirmed yes adding that the parts may or may not be available. There is no caller ID incoming in the Police Dept. and they all have better technology at home, that excludes 911 he was talking about someone who dials 939-6000. 911 has the enhanced screen and printout and they get all the information. Specific limitations to the DPW phone system, there's no indicator for voice mail messages, there's no stacking if someone is on the phone there is likelihood that the second phone call is going right to voicemail to which there is no indicators saying that they had a voice mail. There are a limited number of extensions resulting in a use of a common voice box. There are no voice mailboxes for individual supervisors or secretaries which in the business world of today is pretty important, it is something that all the other departments have. There is no ability to page to the mechanic shop or in the garage, if they take a call in the office they need to go search for one another which isn't a very efficient use of personnel to going hunting for people who may or may not even be in the building so the inability to page is a limitation.

What they were looking to do or improve is in the Police headquarters and Borough Hall there will be a device for replacement and there are additional benefits or features within the phone set and that would be extent of the improvement in the those areas with Caller ID for the Police Dept. Public Works phone system incorporated all the features and improvements necessary to suit the department's needs, paging, intercom, and a restriction on out-going calls people can't just pick up a phone a call whoever they want. The EMS building and three firehouses are included in the system; currently there is one stand alone extension four digit dialing to the EMS Building which they pay a leased line on to communicate. It was basically like an old Centrex off-site extension. The benefits and cost avoidance; Police Headquarters, Municipal Bldg., Public Works, EMS and the three firehouses are going to be a common system, there will be all four featured dialing; the system will be expandable for future connections to other Borough buildings and those could include Tamblyn Field House, Monona Avenue Field House. It would eliminate many existing phone lines and they are going to eliminate the individual phone numbers to the firehouses so everyone would go through a central phone system. They will be using their own cable, using the existing infrastructure and right now the cable goes down and as an example during Tropical Storm Floyd they had residents wait 3-4 days for phone and electric service and they could have a block that had ½ dozen trees down, they are going to use their own personnel to help put that wire back and lay that wire on the ground until the trees are cleared and bring the communications back up. Whereas for Verizon their phone system may not be a priority, but for them it's their priority. Based upon the analysis the new phone system will pay for itself in approximately three years through cost avoidance. Currently in the firehouses the monthly phone bill for five phone lines within the three firehouses, so they are paying individually approximately \$100/month for

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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business lines, they are paying individually for those phone lines; those phone numbers will go away. They could do four digit dialing to the Public Works, 3040 but they are using Verizon's wire to get that call down there so that is another cost, same with the Ambulance, but they are going to use their own wire again by making the cooper a T1 line. There will be substantial savings, they were also going to be able to achieve additional savings through the conversion of radio tie lines to their own system. A radio tie line is a solid cable run between the West End Firehouse and Police Headquarters and from the Meadowlands Office Complex to Police Headquarters for remote radio receivers and transmitters for Police, Fire or EMS. One of the limitations to the wiring plan is that they don't have cable to the boat club on Riverside Ave or the Monona Field house they could not do away with all the reoccurring costs for regular lines. If they were to expend the money to go from Union School to Monona Field House and from Lincoln School down to the boat club then they would be able to get away from the radio tie lines and put it on their own cable. Those are cable runs that they don't have at the current time. They also have the equipment and materials they have to complete the cable run from Highland Cross and Veteran's Blvd. into Meadows Office Complex from a pole, underground and then up the mechanical pent house 13 stories up to get to the radio equipment. They have permission from the Office Complex to use an empty phone conduit that exists on the property and they had permission to run a conduit up through the telecommunications room and they will be doing it with Borough personnel. They did experience a problem a year ago at the Meadows Office Complex where currently they use radio tie lines, Verizon lines and they were doing demolition the contractor went in and demoed the fall room and took out police and fire radio receivers and transmitters. They feel very strongly about it being their cable, their own conduit spray painted red so that they recognize it is an essential cable.

Councilman Genovesi asked if there was a reason why it is mounted on the Meadows Building, could they run a cable up the existing one. Mr. Dansbach said they have equipment there. Councilman Genovesi said is that like a repeat, he didn't understand what was going on. Mr. Dansbach said it was the receiving point for the repeater same as the West End; a typical 5 watt portable is not going to get up and over Ridge Road. If they are at Memorial Field, they aren't going to hit the power there; so it's received at the West End Firehouse and transmitted into the radio and retransmitted through the repeater so if it is a 5 watt portable, it makes it a 100 watt base station. Mr. Dansbach said it was selected for its height and location because it is close to the highways. Councilman Genovesi asked if they could mount it on their DPW garage and Mr. Dansbach said it wasn't high enough and it doesn't cost them anything to be there, they have an agreement that is no cost to the Borough to be in that building and in order to do it at Public Works they would need a monopole or antenna.

Mr. Dansbach said the next step is that they will have a committee meeting to answer additional questions and to make sure the upgrades meet the needs of various departments. He asked anyone who had questions to email him so they could get the answers.

Mr. Dansbach said they received quotes for the phone system just under \$65,000 and they are still getting estimates on the computer server upgrades, they had prices that are a year old, they might get better prices. He said they also need to look at the equipment to see if any of the equipment was upgraded because what they buy tomorrow

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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is going to be outdated in three months and he didn't want to buy equipment that they selected a year ago and they should be buying something that's a little better providing it is at a reasonable cost certainly if it is double the cost they would have to take that into consideration. Mayor Hipp said he doesn't see that happening in the industry, if anything they are stabilizing them and trying to get lower. Mr. Dansbach said by an approval of the resolution to authorize capital improvement money, equipment, materials and installation they are proceeding as follows: Computer server upgrade needs to be first, could it be done in concert with the phone system yes to some extent; computer equipment is going to be purchased from State contract vendor by the municipality they are going to buy the equipment themselves and work with the vendor who is going to install it on what they need to buy and then contract with the State contract vendor who has an hourly rate for installation and servicing of computer equipment who will begin installation of the new equipment, and the relocation of the existing equipment. Mr. Dansbach said the phone system; contract with a State contract vendor, purchase and installation it was a one shot deal, Les has a vendor who is under State contract for Toshiba equipment and installation and the benefit of doing that way is they are staying within the State's purchasing guidelines, State contract purchasing procedures they could move the project a long a little bit faster and avoid the fees associated with a bid while going with State contract approved vendors. He said they may have questions that night but if they had any in the next couple of days and he asked the Clerk to email the information to the Council.

Councilman DeSalvo asked as for the equipment; did they look at leasing instead of buying. Mr. Dansbach replied no they did not, they were looking at buying it but it was something they could explore; Dell is under State contract. Councilman DeSalvo said the reason he asked was because he said it was going to be outdated in so many years, if they are on a lease program it might work out. Mr. Dansbach said the servers seem to last longer than the PCs, if they are going to look at leasing they should really look at the desk tops because they are old. Councilman DeSalvo asked if they were in the package and Mr. Dansbach said leasing was not, there are some in fact the Health Dept. was approved with two computers because the nurse's are on Windows 98. Mayor Hipp said the difficulty with leasing is that when they lease computer hardware it is probably in most cases more expensive to lease than to purchase and they are not saving equipment. The Mayor said they are actually ways to lease desk tops but at the end of the time they are actually spending more money and they are going to upgrading anyway. Councilman DeSalvo said the only reason he asked because if they talk about it being outdated in five years and the lease is 3-4 agreement. Mr. Dansbach said it would be great but the budget implication is that it has to be done on an operating end. Mayor Hipp said the point he is making is if they purchase it now as opposed to leasing it at the end of five years the actual cost leasing doesn't save money.

Mr. Dansbach said the radio improper ability issue is that they have improper ability with the County, the Fire Dept. does and certainly the Police; there are three county mutual aid channels that they have on their radios that do not go through Police Headquarters, they go straight to another mobile unit or to the County. He said the County is building a dispatch 911 center he thinks the grand plan is to dispatch for the entire County as Burlington County does and it is efficient. Councilman Genovesi asked if he was talking about SPEN in the police vehicles. Mr. Dansbach said SPEN is in the vehicles and it gives them radio interoperability, they could talk to another police agency as everyone is supposed to have SPEN. He said in Bergen County all the Fire Depts. are

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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supposed to have County mutual aid frequency which was a high band frequency and what the police did was move to an ultra high mutual radio and there is still a debate on how effective mutual aid radios are going to be. He said they use the radios differently from the Police Dept., they use the repeater constantly upon every communications, when the Fire Dept. is on scene they go off the repeater because there limitations to it. Mr. Dansbach said if they are in a basement, that 5 watt radio is not going to hit the repeater but the incident command officer standing outside would hear that radio and they don't need to be blasting off the fire operations to half the County so they bring it down to a 5 watt portable to lessen the impact on the adjoining communities. He said if someone was to drop a fire apparatus radio and jam it up nobody would be able to talk but with a 5 watt portable they are less likely to have that occur. Mr. Dansbach said it is not a radio project, it impacts the radios because they are taking the phone lines they currently pay and the lease from Verizon and putting them on their own cooper that they maintain the cost of what is there is the monthly reoccurring fee for those wires.

Councilman DeSalvo asked with the cooper they have, could they make it work for voice and data. Mr. Dansbach replied yes. Councilman DeSalvo asked if the lines have to be tested for voice and data. Mr. Dansbach said they had tested with the existing phone vendor they put a phone on a wire there and down at the public works garage they didn't leave it up because there was no lightening protection on it but the wire is new and it is not a huge run. Councilman DeSalvo said the Gainwell system that is using it now so they had tested it. Mr. Dansbach said yes the runs are short, they do have 25 pair, they are pretty confident that the amount of voice and data they send over them is small, not huge computer file and if they do get to the point they could put an additional pair-gain and use a specific pair of wires for that purpose. Councilman DeSalvo said the Board of Ed has fiber on the poles; can they do a system that uses the fiber, a hybrid system where they use both? Mr. Dansbach said when they run to Union School, their plan would be to use fiber, they have to make the splice at the school and drop it to the Union Avenue Firehouse and it is not such an issue with the fiber to Mortimer Avenue because the cooper is such a short run. He said to the DPW straight down Highland Cross so they are not talking about miles of cable where they are going to start to diminish the signal and the amount of activity they don't need to go that way. Mr. Dansbach said it would be great and they looked at doing fiber all around. Councilman DeSalvo said yes because most of it is in place already for the schools. Mr. Dansbach said they could in the future look at that but by the time they get to that point they will be all wireless.

Councilwoman Inguanti asked if they were ready to move on that. Mr. Dansbach said he thinks they will be after they have the committee meetings and if the Council is satisfied and all the questions are answered. Mayor Hipp said to shoot for June. Mr. Dansbach said they are having the committee meetings next week. Mayor Hipp said set it for the regular meeting at the end of May. Mr. Dansbach said it requires an ordinance to appropriate the money. Mayor Hipp said no it requires a resolution that is all and there is an amending ordinance that will allow that to happen.

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Councilwoman Inguanti said in regards to the Joint Meeting between East Rutherford and Rutherford, the next meeting will take place on May 12. She said they are irritated with Rutherford because they haven't paid into their portion in 2007 or 2008 and they owe

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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approximately \$17,000 according to them. Councilwoman Inguanti said it is a mysterious Meadowlands thing and she just wanted the Council's permission to ask the Attorney to call Walter Slomieski, Attorney for the Joint Meeting and talk to them and find out what they are supposed to do. She said at the May 12 meeting they were talking about dissolving it and she thinks they want the Borough's money and she wasn't sure what they owed, who or why but she asked if Mr. Smith could reach out to them.

Mayor Hipp said to summarize basically the Joint Meeting was the Joint Sewer Commission that was entered into between Rutherford, East Rutherford and Carlstadt back in the 1930s and when they moved to the BCUA, Rutherford by the way donated the land and under the agreement in 1936 once it was no longer being used for the purposes of Sewer Commission, Rutherford would have the right to get it back by paying \$36,000. The Mayor said there has been an on-going dispute since the late 90s as to whether or not they should still be members because the sewer lines don't connect with theirs and the money used to run the operation is to pay Slomieski and his secretary and every once and a while when East Rutherford's sewer line needs repair because it is under Route 17 they want Rutherford to contribute money to repair East Rutherford sewer line. Mayor Hipp said previous administration and this administration has basically said they are done with you in the 80s so contact the lawyer and they do want to end it but they want Rutherford's money.

Councilwoman Inguanti said there was a letter from January, but the last communication received from them said they approve the March bills but they didn't have enough money to pay them and Rutherford still owes \$17,000. Councilman Genovesi said consent on that and they should ask Joe Doria and Bob Ceberio to pay the bill for them. Mayor Hipp said that property was reacquired by Rutherford and then conveyed over to Highland Cross and thus the property that Highland Cross wants to develop. Councilman Genovesi said then Highland Cross will pay the bill. Mayor Hipp said under the developer's agreement that the town signed with Highland Cross that is the property that the Borough can buy back.

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Councilwoman Inguanti wanted to ask the Council if they wanted to refer the sandwich board sign ordinance to the Planning Board since it would be better suited for that Board since ultimately there are zoning changes involved. Mayor Hipp asked why would the sign ordinance or café ordinance that the Planning Board would have a say just because it is part of a zoning code. The Borough Attorney said they are changing the zoning theoretically and under the statute it is that the Planning Board has to receive a copy and comment, they can't pass a new zoning ordinance without the Planning Board having a period of time to comment. The Mayor said okay, he'll talk to him about that later because they are not changing a zone sign within a zone. The Borough Attorney said they are changing what is permitted within a zone so under normal circumstances it would be considered a change in the zoning ordinance. Mayor Hipp said okay. The Borough Attorney said normally it is done after they introduce an ordinance but on occasion if they want input from the Planning Board before they go through introducing it. Mayor Hipp said if that is the wish of the Council that they wanted the Planning Board input first. Councilman DeSalvo said he would like Counsel because every time they bring it up there

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

is a lot of going back and forth. The Borough Attorney said another potential option is to submit it to the Borough Planner for his input but that is going to cost money perhaps and they could have the RDP pay for that or they could send it to the Planning Board.

Councilwoman Inguanti said her problem with the ordinance is that to her it should be two ordinances; it contemplates a sign board with the Business Improvement District although she thinks it would apply to any shopping districts in town and it also contemplates using the sidewalk as retail space and there are a lot of ordinances that control the Business District to which are very strict. Councilman DeSalvo said there are a lot of issues, what they are going to be putting out there, size of the flower boxes, everything else had size issues, there is an enforcement issue, whose enforcing; there are a lot of things Council brought up. Mayor Hipp said because they have a District Management Corp. why don't they schedule a meeting with them and get some feedback from them as well as the Planning Board. Councilman DeSalvo said even though it has been brought around for two years, there are still many issues that need to be addressed, they've heard their concerns numerous times and still they haven't changed it. Mayor Hipp said he didn't see an ordinance until basically the last six months ago so he didn't know what happened two years ago. Councilman DeSalvo said he was just saying since he was around they discussed it two-three times and there is so many things going on that nothing has changed in the ordinance. Councilman Genovesi said that Robin was going to come back with a new draft, that was what she said at the microphone. Councilwoman Inguanti said she thought that was going to be based on the Council's input so she had no problem with Council input but they need a meeting. Councilman DeSalvo said he would talk to the RDP. Mayor Hipp suggested they have a joint meeting to iron out the big issues. Councilman Genovesi said just as long as it is clearly defined that the Planning Board only has issues with zoning, why should they entertain comment from Planning Board Members on what the size of the box or type of pedestal, they need to ensure that authorities don't overlap. Mayor Hipp said the ultimate authority is the Mayor and Council. Councilwoman Inguanti suggested then the change should only be to the Business Improvement District ordinances and then they are not doing zoning changes Borough wide to allow retail on the sidewalks. Councilman DeSalvo said there are a lot of problems with the ordinance, a lot of holes and a lot of discussion is needed. Councilwoman Inguanti stated there are problems with the ordinance.

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Councilwoman Inguanti moved the following resolution for a closed session, seconded by Councilman DeSalvo with all members present voting aye:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Rutherford will hold a closed meeting on Tuesday, May 5, 2009 at 9:29 p.m. in the Committee of the Whole Room to discuss the following matter:

- Potential Litigation Strategy
- Worker's Compensation

## MINUTES OF SPECIAL MEETING HELD MAY 5, 2009

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The meeting re-convened to open session at 10:29 pm.

Mayor Hipp appointed John Bruno as Public Defender. Confirmation moved by Councilman Genovesi, seconded by Councilwoman Inguanti with all members present voting aye.

Mayor Hipp appointed Kenneth A. Porro, Esq., of Wells, Jaworski & Liebmann, LLP as Special Tax Counsel. Confirmation moved by Councilwoman Inguanti, seconded by Councilman DeSalvo with all members present voting aye except Councilman Genovesi who abstained.

There being no further business, Councilwoman Keyes moved to adjourn at 10:30 p.m., seconded by Councilman Inguanti with all members present voting aye.

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Borough Clerk