

**MINUTES OF A SPECIAL MEETING OF THE
MAYOR & COUNCIL
HELD WEDNESDAY, JUNE 3, 2009**

The meeting was called to order by Mayor Hipp at 8:00 p.m. with the following Councilmembers present:

Councilwoman Keyes
Councilwoman Inguanti
Councilman DeSalvo

Councilman Sasso – 8:05 pm
Councilwoman Birdsall – 8:45 pm

Councilman Genovesi - 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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Mayor Hipp opened the hearing of citizens; as no citizens wished to be heard the hearing was closed.

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Daphne Williams-Fox spoke in regards to hosting a Poetry Festival in Rutherford. The Mayor and Council supported the application for Rutherford to be host site.

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Maria Johnson spoke regarding the kickoff of the West End Committee and the possibility of a West End Celebration to be held October 3.

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Councilman DeSalvo moved the following Resolution for a closed session, seconded by Councilwoman Inguanti:

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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 Wednesday, June 3, 2009 at 8:25 p.m. in the Committee of the Whole Room to discuss the following matters:

- Discussion with Tax Special Counsel regarding pending litigation
- Discussion with Risk Manager regarding health benefits savings
- Discussion regarding lease agreements with non-profits
- Discussion of personnel including Civil Service regulations & budget plan from Borough Administrator

Councilwoman Keyes stated that she felt there was an issue with the fourth item because it might lead itself to potential problems and she wanted it deferred to the Borough Attorney. The Borough Attorney stated that they couldn't discuss individuals or individual positions without Rice Notices; he had spoken with the Administrator earlier and his intentions were to discuss the process.

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

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Councilwoman Birdsall moved to re-convene to open session at 12:00 am, seconded by Councilwoman Inguanti with all members present voting aye.

Mayor Hipp introduced the Resolution to authorize the Assessor, Tax Appeal Counsel to correct errors in the tax assessment signed stipulation to correct said errors and file municipal tax appeals on behalf of the Borough of Rutherford.

Councilwoman Inguanti made a motion to approve the following Resolution, seconded by Councilman DeSalvo. The Borough Clerk read the roll call: Councilwoman Keyes, Councilwoman Inguanti, Councilman Sasso and Councilman DeSalvo voted aye; Councilwoman Birdsall abstained:

WHEREAS, the Tax Assessor for the Borough of Rutherford will from time to time detect errors or omissions made in computing the tax assessments covering certain properties located within the Borough of Rutherford; and

WHEREAS, notice of errors can also be discovered through property owner's municipal tax appeals process at the County and State level; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Rutherford to authorize the Tax Assessor and the Tax Appeal Counsel to correct said errors and file appropriate documents as to the same; and

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WHEREAS, the Bergen County Board of Taxation and the Tax Court of the State of New Jersey further require Mayor and Council's authorization for its tax Appeal Counsel with consent of the Tax Assessor to settle pending matters; and

WHEREAS, it is in the best interest of all parties involved to amicably resolve municipal tax appeal matters within the guidelines established by the New Jersey Constitution and existing case law; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford, NJ that the Borough of Rutherford Tax Appeal Counsel with consent of the Tax Assessor is hereby authorized to settle pending matters as follows:

1. The Tax Assessor and the Tax Appeal Counsel for the Borough of Rutherford are hereby authorized to file corrective appeals with the Bergen County Board of Taxation and State tax Court as well as signing Stipulations to correct any errors or omissions related to the Borough of Rutherford.
2. The Tax Assessor and the Tax Appeal Counsel are further hereby authorized to settle any and all pending municipal tax appeals, so long as said municipal tax appeals do not result in a municipal tax refund or no more than \$7,500 tax refunds for the tax year in questions.

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Mayor Hipp introduced the plan to implement a transfer of the health benefits from United Healthcare to Aetna with the condition that the employees be given an opportunity if they so wished to pay into the extra cost to continue with United Healthcare.

Councilwoman Inguanti made a motion to approve the plan, seconded by Councilwoman Keyes, with all members present voting aye.

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Mayor Hipp introduced the plan to authorize the Administrator to issue a letter to Civil Service concerning the temporary layoffs to commence June 26 happening every other Friday until November 6th where the Borough, with the exception of the Police Dept. will be closed. Mayor Hipp said with respect to the Police Dept. they will have staggered layoffs assuming that same are authorized by the Courts, commence with the Police Dept. on July 15 and extend through August 30, 2009 all of which is subject to the determination by Civil Service. There was a question as to Rice Notices and if they are required, the motion will be pending their issuance. It was noted that this did not include Library employees.

Councilwoman Birdsall made a motion for approve this plan, seconded by Councilman DeSalvo. The Borough Clerk read the roll call: Councilwoman Inguanti, Councilman Sasso, Councilwoman Birdsall, Councilman DeSalvo voted aye; Councilwoman Keyes voted nay.

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Councilman DeSalvo moved to adjourn at 12:06 p.m., seconded by Councilman Inguanti with all members present voting aye.

Borough Clerk