

**MINUTES OF A SPECIAL MEETING HELD TUESDAY, JULY 6, 2004**  
**MINUTES OF A SPECIAL MEETING OF THE**  
**MAYOR AND COUNCIL**  
**HELD TUESDAY, JULY 6, 2004**

The meeting was called to order by Mayor McPherson at 6:10 p.m. with the following Councilmembers present:

Councilmember Frazier  
Councilmember Fecanin  
Councilmember Bartlett  
Councilmember Arnold  
Councilmember Keyes  
Councilmember Matthews was absent

Councilmember Fecanin asked those present to join him in a salute to the flag followed by a moment of silent prayer.

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Councilmember Fecanin read the provisions of the Open Public Meetings Law.

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Councilmember Fecanin opened the hearing of citizens.

As no citizen wished to speak, Councilmember Fecanin closed the hearing of citizens.

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For **FINANCE**, and under the consent agenda, Councilmember Keyes moved the following resolution, seconded by Councilmember Arnold with all members present voting aye:

**RESOLVED:** Current Fund in the amount of \$983,289.17 all as detailed on the attached sheets be passed for payment, warrants drawn charged in the proper accounts. A complete list of these bills is on file with the Borough Clerk.

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

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

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1. In the amount of \$30. payable to Cheryl Dubenezic as Recreation refund..
2. In the amount of \$1,200. payable to Brian Gaccione for Basketball Officials.
3. In the amount of \$10. payable to Lynn Stanton for Recreation refund.
4. In the amount of \$25. payable to Josh Eng as recreation refund.
5. In the amount of \$40. payable to Annie Kressaty as recreation refund.
6. In the amount of \$25 payable to Fern Ottravio as recreation refund.
7. In the amount of \$70. payable to Nicole Boyce as recreation refund.
8. In the amount of \$18. payable to Michelle Marsico for recreation refund.
9. In the amount of \$330. payable to Sun Mi Jeong Kim for recreation refund.
10. In the amount of \$50. payable to William Gramlich for recreation refund.
11. In the amount of \$400. payable to Violet Posner for recreation refund.
12. In the amount of \$10. payable to Vanessa Jenkins for recreation refund.
13. In the amount of \$12. payable to John Tanella for recreation refund.
14. In the amount of \$375. payable to Jacqueline Skowronski for Travel Soccer Refs

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Councilmember Keyes asked the Borough Administrator to speak regarding his recommendation for CFO to replace Edward Cortright.

Timothy F. Stafford said that he has met several times with Margaret S. Cherone and she is what he has labeled as a Super Star. He said that when he wrote the advertisement to replace Mr. Cortright, he took great pains to make sure that he included as much information as he could simply because Mr. Cortright has been with the Borough for over 25 years and provided significant service to this government and to the residents and he is someone who has truly invented the wheel with respect to being the CFO in Rutherford. He said that he as well as anyone he spoke with knew it was going

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to be a very hard task to replace him because of all the job responsibilities that he performs for the town day in and day out.

Mr. Stafford said they received Marge's resume from a contact at the State and currently she serves in the position of Director of Finance for the city of Paterson. He said she serves as the CFO , reports directly to the Mayor and is responsible for all functions within the divisions of finance, comptroller, treasury assessments, revenue collection, licensing and other internal audits, has had significant experience beyond the city of Paterson although she has served there from 2002 to the present and previously 1987 to 1989. He said that Ms. Cherone had a hiatus at the city of Paterson during which she served as an accountant to the Comptroller and Finance Director for the Paterson public schools, she has also performed significant consultant work while she was not with the City. Mr. Stafford said that Ms. Cherone has a wealth of other private industry experience as well, she was a partner in the late 80's and early 90's in the firm of Driscoll and Cherone, CPA. She prepared individual , corporate and partnership tax returns, planned and supervised audit engagements for local governments and non-profit entities—in short, he said frankly this was an absolute find for the Borough of Rutherford.

Mayor McPherson said the recommendation came from Judy Cappoti who is the professional in charge of the criteria for extraordinary aid who made the recommendation to Commissioner Levin along with recommendations from two Congressmen. The Mayor said that Ms. Cherone has worked with some of our professionals in the past.

Mr. Stafford said her start date would be the 1<sup>st</sup> Monday in August. Mr. Stafford said that Mr. Cortright has committed that he will give the Borough as much as he is able, his last day is the last day in July.

Councilmember Keyes said that she has met with Ms. Cherone on three different occasions and thought she was fabulous and can bring a lot to the table.

Mayor McPherson appointed Margaret Cherone to the position of CFO effective August 2, 2004 at the salary of \$79,894. Confirmation moved by Councilmember Keyes, seconded by Councilmember Frazier with all members present voting aye.

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For **PRESIDENT OF THE COUNCIL** Councilmember Fecanin asked the Borough Attorney to speak re: Bid for sale of existing DPW garage.

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Borough Attorney Rizzuto said that we received one bid as a result of the bidding process for the DPW site and the bidder has bid \$1,295,000.00, approximately \$100,000 over what our minimum bid was. She said the corporate entity is known as PMP Enterprises, LLC and they put down a \$120,000 check payable to the Borough of Rutherford as per the bid document. Ms. Rizzuto said that the bid PMP Enterprises made is on behalf of three other corporate entities, all small corporate shareholders one of whom is Jose Aponte who was referred through one of the Borough departments. She said they conducted an on site evaluation with Tom Verdino, brought in their architect, their attorney and their engineers to review the site. She said they have bigger plans than just the Borough DPW site but that is not for us to contemplate. Ms. Rizzuto said the bid documents appear to be in order, there was one small missing section just in entitling of the document but she considered that to be inconsequential. She said that she had no qualms about awarding this bid.

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

Sale of Public Property  
DPW Garage Location owned by Borough  
Known as 10 and 12 Agnew Place and 28 Union Avenue  
Block 77, Lots 6, 15, 16 and part of 18  
Rutherford, New Jersey

WHEREAS, the Mayor and Council of the Borough of Rutherford did previously resolve to sell property owned by it through the process public bidding, said property being known as the DPW Garage located at Block 77, Lots 6, 15, 16 and part of 18, or as reflected on the Tax Maps of the Borough of Rutherford.

WHEREAS, the bid and contents were duly advertised;

WHEREAS, one bid package was received by the Borough Clerk's office by the due date of Tuesday, July 6, 2004;

WHEREAS, the sole bid was submitted by PMP Enterprises, LLC, bidding the sum of \$1,295,000.00 for purchase of the property;

WHEREAS, the bid package has been reviewed by the Borough Attorney and appears to be complete and in compliance with the bid documents;

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

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1. The bid of PMP Enterprises, LLC, for the proposed purchase of the property is accepted without any exceptions, for the purchase amount of \$1,295,000.00;

2. PMP Enterprises, LLC be and is hereby directed to comply with and meet all applicable requirements as set forth in the bid documents and in applicable rules, regulations, ordinances, and statutes, to effect the transfer of title on the time schedule set forth in the bid documents;

3. The Borough Attorney is directed to draft all documents necessary to effect this Resolution, including authorization to negotiate the final terms of the bid; and is directed to proceed to closing of title in accordance with the bid documents, within sixty days of the date hereof, such date only to be extended upon further Resolution of the Mayor and Council.

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Councilmember Frazier moved to accept the letter of resignation of David Tancredi from the Board of Adjustment, seconded by Councilmember Keyes with all members present voting aye.

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Councilmember Fecanin moved the following resolution, seconded by Councilmember Bartlett 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 Section 7B;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council will hold a closed meeting on July 6, 2004 at 6:35 p.m. in Borough Hall Committee of the Whole Room to discuss potential litigation, personnel matters and acquisition of property; and

BE IT FURTHER RESOLVED, that the outcome of this discussion will be disclosed to the public when there is no further need for confidentiality.

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The meeting resumed at 7:35 p.m.

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For **POLICE** Councilmember Bartlett, moved to accept the agreement with the PBA negotiated by the labor counsel, details to be provided during the course of the agreement being written up, presented and reviewed by the Administrator and subject to funds certified by CFO, seconded by Councilmember Frazier with all members present voting aye.

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Councilmember Fecanin asked the Borough Engineer Justin Lizza to address Station Square change orders. Mr. Lizza said that we received a fax from Flanagans which outlines some of the costs (which Mr. Lizza went over at the June meeting). He said that some of the potential change orders - irrigation and sod which was already discussed with Flanagan, the others: Crosswalk flashers which Mr. Lizza is waiting for an answer from the police as far as their feelings on it, we have the incandescent crosswalk lights which are activated by push button and there are triangular orange pedestrian crossing signs on poles. He said it was suggested by the Police that maybe a yellow flasher needs to be installed on those poles above and below the pedestrian crossing sign as an additional warning. The cost Flanagan gave them was roughly \$37,400.

Mayor McPherson said that this design was reviewed to death by everyone and there are other towns where we know these crosswalk lights have been installed and if we need to do it sometime later on then we will do it but she and the Council didn't feel it needed to be done right now.

Mr. Lizza said another change order is for the lighting for the flag pole and he thought that at a previous meeting they had agreed to put the light in which is about \$2,800. The Mayor and Council said they could probably do this at a later time as there is already electrical service in place.

Mr. Lizza spoke regarding the placement of steel bollards which is also something that could be done later on.

Mr. Lizza said that they want to mill on the 12<sup>th</sup>, miscellaneous on 13<sup>th</sup> and on the 14<sup>th</sup> pave and be done but the police feel that it would be better to do half on the 14<sup>th</sup> come back on the 15<sup>th</sup> open the other side up instead of shutting it completely. He said that Flanagan said there would be a remobilization fee for two days of \$9500. Mr. Lizza said that he would rather get them in and out but unless they get out there early they may have a hard time paving in one day to begin with.

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Borough Attorney Rizzuto asked if the police were reluctant to close the whole area because of safety and traffic concerns. Mr. Lizza said the police would rather they do it two days so they can keep half of the intersection open at all times. The Mayor and Council agreed that this has to be done and if it means closing down for a day then it should be done if they can guarantee they could do it in one day. Mr. Lizza said that they should be done by the end of the month.

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Borough Engineer Justin Lizza said that he would like to get authorization to go out to bid for July 20<sup>th</sup> for the 911 memorial. The preliminary estimates are coming in over the bidding threshold of \$25,000.

Councilmember Frazier moved to authorize the Engineer to finalize the plans for the 911 Memorial and to determine the cost analysis based upon the final plans and to go for either a request for proposals or a public bid depending upon the cost analysis and to prepare for ability to award the project on July 20<sup>th</sup>, seconded by Councilmember Arnold with all members present voting aye.

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Borough Attorney said that in accordance with the discussion in closed session this evening the Mayor and Council would like there to be an initial investigation conducted to determine the feasibility and affordability of leasing or purchasing or leasing with a purchase option of property for a recycling center.

Councilmember Frazier moved to authorize the Borough Attorney, Borough Engineer and Borough Administrator to conduct an initial investigation and negotiation to determine the ability of the Borough to lease and/or purchase property for a recycling center and to investigate the environmental concerns for the center not only with respect to the property known as Titan Battery but possibly other sites as well, seconded by Councilmember Arnold with all members present voting aye.

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Borough Engineer Lizza said to update the Council on changes at Tryon Field and some of the costs associated with that. He said the first change which was approved several months ago was for the grandstands - the grandstands and the bleachers can be colorized, backboards would be blue (bright neon type blue, the factory color) and the change order to get a navy blue more in keeping with the Borough colors will be \$4,000. He said the track color can match the bleachers which is \$18,000 more. He said the bleachers were approved several months ago.

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The Mayor said these colors should have been included in the original but was told that the Borough blue is a custom color. She said that \$18,000 was not put in the Capital Budget.

Mr. Lizza said that he would look into another source of funding for this change order.

Borough Engineer Lizza said there was a \$4400. change order for a one inch copper line (500'). This line ran to the existing water fountain which is closer to the main entrance, the existing line ran right underneath where the grandstand footings were to go so it had to be relocated. No one knew they were underneath and it was done without anyone knowing. The line is already installed.

Borough Engineer Lizza reported that the inlaid white hash marks are still being debated but the contractor is saying it is an extra \$6500. because the plans call for those lines to be painted. He said that our specifications call for everything to be inlaid including hash marks so potentially there is a \$6500 extra but he needs to talk to Sanzari regarding the original specs.

Borough Engineer Lizza said there is a junction box that needs to be relocated and this is for the field lights. He said that one of the junction boxes wound up being in the track area and needs to be moved as well as the conduit that fed that box was across the field was installed only about 8" below grade and so that had to be taken out and lowered. He said that with the wiring, junction box and the conduit it is \$10,182. He said the conduit has been done but the junction box has not yet been moved. He said that we could hire our own Electrician but the risk is if there is a problem then we have to differentiate whose problem.

Borough Engineer Lizza said there were 4 other electrical items also for Tryon Field - Conduit (2) to the football scoreboard which goes from press box to the score board which needs to be installed - Electrical from the press box to the ticket booths for power at the booths - Perimeter site lighting which was a mis-communication with Sanzari , we gave them a conceptual plan and they went ahead with several hundred feet of conduit in the ground . Total for these items is \$12,844.00

Councilmember Keyes said that we are up to \$45,426. not counting the \$6,500 for the hash lines which we should not have to pay that. The governing body will review the memorandum from the Contractor and have some discussion - key items are the color of the track and the junction box.

Engineer Lizza said there is one more electrical issue which he didn't have an answer to which they found out when the electrical inspector was out there and that is the main electrical service that comes off the pole and supplies the power to the entire

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field where the meter is - is only a temporary service. He said the inspector is not approving anything until the proper service is put in.

The Mayor said there is some money in the Capital Budget appropriated for Tryon Field, for change orders and what she is being advised is that the most we can do tonight would be authorize the change orders but they would not be able to take effect tonight, not until 21 days after the passage of a Bond Ordinance. She said they could approve it subject to the passage of the Bond Ordinance. She said that if they were to take that action the contractor who has been working very nicely along with us (not making a profit on the changes) is certainly aware of the laws with respect to Bond Issuances they would work.

Councilmember Fecanin moved the Borough Engineer be authorized to make negotiation with contractor regarding the hash lines which the contractor should have priced out as it was in the specs, seconded by Councilmember Arnold with all members present voting aye.

Councilmember Fecanin moved to approve change orders for the color of the track - \$18,000, the copper line for the water fountain - \$4,400, junction box and other electrical that has to be deeper than eight inches - \$10,180 and the additional electrical items - \$12,800 not including the main permanent service as we have no pricing yet, subject to 21 days after the passage of a Bond Ordinance seconded by Councilmember Arnold with all members present voting aye.

Councilmember Fecanin said there is a sign being donated to the field by the Rutherford Booster Club to be placed as you enter Tryon Field. He said it is the same color as the entering blue of Rutherford. All donated and also there will be a plaque commemorating Eddie Tryon.

Councilmember Fecanin moved to accept the sign, the location for placement and design of the area, seconded by Councilmember Bartlett with all members present voting aye.

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As there was no further business, Councilmember Bartlett moved to adjourn, seconded by Councilmember Arnold with all members present voting aye. The meeting adjourned at 8:50 p.m.

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Borough Clerk