

**MINUTES OF A SPECIAL MEETING OF THE
MAYOR & COUNCIL
HELD TUESDAY, JULY 7, 2009**

The meeting was called to order by Mayor Hipp at 7:05 p.m. with the following Councilmembers present:

Councilwoman Keyes
Councilman Genovesi
Councilwoman Inguanti
Councilwoman Birdsall
Councilman DeSalvo

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Councilman Sasso-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 as posted on June 26, 2009.

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

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Councilman DeSalvo made a motion a resolution to renew the application for the renewal of a liquor license for Candles N' Scents, t/a Cava Wine Shop valid July 1 through June 30, 2010, seconded by Councilwoman Inguanti.

WHEREAS, the following Alcoholic Beverage License which expired June 30, 2009 filed the renewal application after the June 23, 2009 meeting; and

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WHEREAS, the License applied and obtained from the New Jersey Division of Alcoholic Beverage Control an Ad Interim Permit from July 1 to July 7, 2009 in order to continue operations within the Borough,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rutherford do hereby authorize that the following renewal be issued in compliance with all applicable filing regulations:

0256-44-003-009
Candles 'N Scents, Inc.
t/a Cava Wine Shop
19 Park Avenue

AND BE IT FURTHER RESOLVED that the Borough Clerk is authorized to sign the above license.

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

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

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, July 7, 2009 at 7:12 p.m. in the Committee of the Whole Room to discuss the following matter:

- NJDOT purchase of property
- Various personnel matters concerning the budget
- New matter concerning personnel

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

The meeting re-convened to open session 12:00 a.m.

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Councilman DeSalvo made a motion to approve the following Resolution, seconded by Councilwoman Inguanti:

WHEREAS, Block 9.01, Lots 2.04, 1.02, and part of Lot 1.03, are owned by the Borough of Rutherford, a portion of which is encumbered with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, in conjunction with the proposed land acquisition for the Route 3 Bridge Replacement, it is necessary to remove the Green Acres restrictions from a 0.039 acre portion of these lots; and

WHEREAS, the Borough of Rutherford wishes to apply for approval of land acquisition for the Route 3 Bridge Replacement as a major disposal or diversion of parkland under N.J.A.C. 7:36-26; and

WHEREAS, as required by N.J.A.C. 7:36-26.8, the Borough of Rutherford held a scoping hearing on March 3, 2009 to solicit public comment on the diversion/disposal of parkland from the Borough of Rutherford in connection with the land acquisition for the Route 3 Bridge Replacement; and

WHEREAS, the next step in the application process for approval of a major disposal or diversion of parkland is the filing of a pre-application a Resolution endorsing the application to divert or dispose of parkland.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Borough of Rutherford, in the County of Bergen, State of New Jersey as follows:

1. The Borough of Rutherford endorses the filing of a pre-application for the disposal/diversion of the aforementioned Borough of Rutherford-owned land pursuant to N.J.A.C. 7:36-26;
2. The Borough of Rutherford hereby finds that the disposal/diversion of the aforementioned Borough of Rutherford-owned land associated with the Route 3 Bridge Replacement would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1 (d) by mitigating a hazard to the public health, safety or welfare; and
3. The Borough of Rutherford acknowledges that in order to obtain the approval of the disposal/diversion of the aforementioned Borough of Rutherford-owned land, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including the compensation requirements at N.J.A.C. 7:36-26-10.

The Borough Clerk read the roll call: Councilwoman Keyes, Councilwoman Inguanti, Councilwoman Birdsall, Councilman DeSalvo voted aye; Councilman Genovesi abstained.

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Councilwoman Keyes made a motion to authorize the Borough Attorney to hire Special Counsel to conduct a confidential investigation, seconded by Councilwoman Inguanti with all members present voting aye.

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Councilwoman Birdsall moved to adjourn at 12:02 a.m., seconded by Councilman DeSalvo with all members present voting aye.

Borough Clerk