

**MINUTES OF THE EAST RUTHERFORD
MAYOR & COUNCIL
WORK MEETING HELD ON
JUNE 16, 2015**

WORK MEETING WAS CALLED TO ORDER BY MAYOR CASSELLA AT 5:34PM. FLAG SALUTE WAS HELD AND THE FOLLOWING OPEN PUBLIC MEETING STATEMENT WAS READ:

This meeting is a Work Meeting of the Mayor and Council of the Borough of East Rutherford and is called pursuant to the provisions of the Open Public Meetings Law. This meeting was transmitted to the three newspapers listed below on January 5, 2015, posted on the bulletin board at the Municipal Building and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The Herald News

The Record

The Bergenite

ROLL CALL:

Councilmember	Present	Absent
Brizzi	X	
Homaychak	X	
Lahullier	X	
Perry	X	
Stallone	X	
Ravettine	X	

Also present were Borough Clerk Danielle Lorenc, Attorney Richard Allen and Engineer Glenn Beckmeyer

*Councilman Stallone entered the meeting at 5:41PM

Mayor Cassella stated that the 2015 Municipal Budget hearing was scheduled for 5:30PM. He asked for a motion to open the public hearing on the budget:

Moved: Councilman Lahullier

Second: Councilman Brizzi

Roll Call: All Ayes

Mayor Cassella asked if any citizen wished to be heard on the 2015 Municipal Budget.

No Response

Mayor Cassella asked for a motion to close the public hearing on the 2015 Municipal Budget:

Moved: Councilman Lahullier
Second: Councilman Ravettine
Roll Call: All Ayes

Anthony Bianchi, CFO, was present for any questions. Mayor Cassella stated that the Local Finance Board ordered the borough to amend certain portions of the budget. Mr. Bianchi explained the amendments that were required in the sewer utility portion. Mayor Cassella stated that he would like to have a special meeting on June 30th to possibly adopt the budget.

Councilman Stallone entered the meeting at 5:41PM.

Mayor Cassella submitted Resolution #91 for approval:

**Borough of East Rutherford
Resolution #91 - 2015**

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR A COAH TRUST FUND REQUIRED BY PL 1985c. 222 and NJAC 5:92-181 et seq.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is subject to reasonably accurate estimates in advance; and

WHEREAS, PL 1985c. 222 and NJAC 5:92-181 et seq. provides for receipt of funds by a budget appropriation to provide for the operating costs to administer this act; and

WHEREAS, NJAC 40A:4-39 provides the dedicated revenues anticipated from the COAH Trust Fund are hereby anticipated as a revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of East Rutherford, County of Bergen, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the COAH Trust Fund required by PL 1985c. 222 and NJAC 5:92-181 et seq.

2. The Clerk of the Borough of East Rutherford, County of Bergen is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.
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Councilman Ravettine asked if the resolution should be adopted during the regular meeting. Mayor Cassella stated that the budget hearing was scheduled for 5:30 but it was up to the Council. The motion was then continued to vote on Resolution #91:

Moved: Councilman Homyachak

Second: Councilman Brizzi

Roll Call: Ayes – Homyachak, Brizzi, Perry, Ravettine

No – Lahullier

Abstain - Stallone

Mayor Cassella submitted the 2015 Budget amendment:

BOROUGH OF EAST RUTHERFORD
RESOLUTION #92-2015 TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2015 was approved on the 17th day of March, 2015.
 WHEREAS, the public hearing on said budget was held as advertised, and
 WHEREAS, it is desired to amend said approved budget, now
 THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of East Rutherford, County of Bergen,
 the following amendments to the approved budget of 2015 be made:

Recorded Vote	Ayes:	Nays:	Abstained:
	Brizzi	Lahullier	Stallone
	Homaychak		Absent:
	Perry		None
	Ravettine		
		FROM	TO
		Introduced/Approved Budget	Budget Amendment #1
<u>ANTICIPATED REVENUES:</u>			
Surplus Anticipated		\$ 1,000,000.00	\$ 1,246,400.00
Miscellaneous Revenues - Section B: State Aid without Offsetting Appropriations			
Hackensack Meadowlands Adjustment - Tax Sharing (N.J.S. 13:17-60 et. seq.)		142,645.00	132,482.00
Total Section B: State Aid without Offsetting Appropriations		1,632,634.00	1,622,471.00
Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenues Offset with Appropriations			
Clean Communities Grant		-	18,265.17
Emergency Management Agency Assistance		-	5,000.00
The Williams Foundation Fire Grant		-	1,250.00
Police "Click It or Ticket" Grant		-	4,000.00
Total Section F: Public and Private Revenues Offset with Appropriations		99,402.87	127,918.04
Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Other Special Items			
BCIA Police Station Construction Fund Revenue		-	713,275.00
Total Section G: Other Special Items		549,571.01	1,262,846.01
Total Miscellaneous Revenue		11,920,554.70	12,652,181.87
Subtotal General Revenues		13,363,054.70	14,341,081.87
Amount to be Raised by Taxes for Support of Municipal Budget:			
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes		10,090,316.37	10,090,119.37
Total Amount to be Raised by Taxes for Support of Municipal Budget		10,810,213.59	10,810,016.59
Total General Revenue		24,173,268.29	25,151,098.46
<u>GENERAL APPROPRIATIONS:</u>			
Operations within "CAPS"			
Net Group Insurance Plan for Employees		2,397,000.00	2,297,000.00
Police - Salaries & Wages		5,445,000.00	5,345,000.00
Total Operations within "CAPS"		15,582,020.00	15,382,020.00
Deferred Charges and Statutory Expenditures - Municipal within "CAPS"			
Deferred Charges:			
Utility Deficit		-	436,040.00
Total Deferred Charges and Statutory Expenditures - Municipal within "CAPS"		2,132,448.41	2,568,488.41

Total General Appropriations for Municipal Purposes within "CAPS"	17,716,468.41	17,952,508.41
Operations Excluded from "CAPS"		
Public and Private Programs Offset by Revenues		
Clean Communities Grant	-	18,265.17
Emergency Management Agency Assistance	-	5,000.00
The Williams Foundation Fire Grant	-	1,250.00
Police "Click It or Ticket" Grant	-	4,000.00
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Total Public and Private Programs Offset by Revenues	114,402.87	142,918.04
Total Operations Excluded from "CAPS"	1,034,300.09	1,062,815.26
Municipal Debt Service - Excluded from "CAPS"		
Bergen County Improvement Auth. - Interest	-	713,275.00
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Total Municipal Debt Service - Excluded from "CAPS"	4,827,499.79	5,540,774.79
Total General Appropriations for Municipal Purposes Excluded from "CAPS"	5,981,799.88	6,723,590.05
Total General Appropriations	\$ 24,173,268.29	\$ 25,151,098.46
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DEDICATED SEWER UTILITY BUDGET

Revenues:

Users Charges and Fees	\$ 1,650,200.00	\$ 1,320,160.00
Delinquent Users Charge	530,000.00	424,000.00
Deficit (General Budget)	-	436,040.00
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Total Sewer Utility Revenues	\$ 2,400,700.00	\$ 2,400,700.00
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Appropriations:

Total Sewer Utility Appropriations	\$ 2,400,700.00	\$ 2,400,700.00
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BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for their certification of the municipal budget so amended.

The budget amendment will be published in the Herald and News in the issue of June 22, 2015.

A hearing on the budget amendment will be held at the Municipal Building on June 30, 2015 at 5:30 o'clock P.M. at which time and place objections to said Budget Amendment may be presented by taxpayers or other interested persons.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Governing Body on the 16th day of June, 2015.

Certified by me
June 16, 2015


Borough Clerk

Moved: Councilman Homaychak
Second: Councilman Brizzi
Roll Call: Ayes – Homaychak, Brizzi, Perry, Ravettine
No – Lahullier
Abstain - Stallone

Rick Arango and Lizz Wilson from Remington, Vernick and Arango were present to give the monthly report:

1. Currently setting up a pre-construction meeting for the Carlton Avenue Fire House generator
2. Stated that the 2 Carlton Avenue numbers have been updated and turned over to Attorney Allen for review

Mayor Cassella submitted a request from Paul DeRosa to close the lower portion of Herman Street at the corner of Grove Street on Saturday, June 20th for a party he is having at his home:

Moved: Councilman Stallone
Second: Councilman Brizzi
Roll Call: All Ayes

Mayor Cassella asked for Committee Reports:

ENGINEER'S REPORT – GLENN BECKMEYER

Engineer Beckmeyer reported on the following:

1. 2013 Road Program is continuing
2. He is waiting on the concrete cap for Riggin Field. The gate and arch are complete and awaiting installation. The wall will be painted once the cap is done.
3. DPW exhaust fan project will start in 2-3 weeks
4. He has been contacted by property owners on DuBois Street regarding flooding. He turned an old contract from the 1950's over to Attorney Allen for review to determine the easements and if the borough is responsible for the cleaning.
5. Engineer Beckmeyer has a meeting with PSE&G tomorrow regarding the repaving of streets

RECREATION – COUNCILMAN STALLONE

Councilman Stallone submitted the following requisitions for approval:

LaGuardia & Assoc	\$11,000.00
Lanni	\$ 750.00
ER Little League Equip	\$ 6,775.80

Moved: Councilman Stallone
Second: Councilman Lahullier
Roll Call: All Ayes

COURT – COUNCILMAN RAVETTINE

Councilman Ravettine questioned trailers being used for outdoor storage in the area of C&C Tire. The Clerk will sent a letter to the building department to look further into this.

Councilman Ravettine said there was a lot of water on Madison and Morton during the heavy rains. Paul DeRosa stated that the drains were just cleaned.

FINANCE/FIRE DEPT/SQUAD – COUNCILMAN LAHULLIER

Councilman Lahullier asked the project of the Sterling project. If it is not going to be built any time soon, he would like to get a cost to at least patch the large holes on Oak Street. A motion was made to have the DPW patch Oak Street:

Moved: Councilman Lahullier
Second: Councilman Ravettine
Roll Call: All Ayes

POLICE/BUILDING DEPT/RECYCLING/CIVIC – COUNCILMAN BRIZZI

Councilman Brizzi requested an Executive Session for personnel and contract negotiations.

Councilman Brizzi submitted the following requisitions for approval:

Atlantic Tactical	\$8,938.50
Palisade Sales	\$ 750.00
Homewood Suites	\$ 536.00

Moved: Councilman Brizzi
Second: Councilman Stallone
Roll Call: All Ayes

Councilman Brizzi read the request from Supercuts to revise the current borough ordinance regarding closing on Sundays. Attorney Allen will prepare an ordinance for the Council to consider.

Mayor Cassella submitted the following ordinance by title which would restrict the hours for retail establishments and restaurants. The exemptions would be those controlled by the ABC or convenience stores w/ gas stations along Route 17. He would like them to not be open past 12 midnight.

ORDINANCE 2015-12

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 214 OF THE CODE OF THE BOROUGH OF EAST RUTHERFORD, TO ADD A NEW ARTICLE TO THAT CHAPTER ENTITLED "HOURS OF OPERATION OF BUSINESSES AND COMMERCIAL ESTABLISHMENTS."

Moved: Councilman Ravettine
Second: Councilman Homaychak
Roll Call: All Ayes

DPW/TECHNOLOGY/BD OF ED – COUNCILMAN HOMAYCHAK

Councilman Homaychak said there was a letter in the packets from McKenzie School thanking the DPW for replacing the mulch at McKenzie Field.

Councilman Homaychak requested an Executive Session

BLDG & GROUNDS/VEHICLE MAINT – COUNCILMAN PERRY

No Report

ATTORNEY'S REPORT – RICHARD ALLEN

Attorney Allen requested an Executive Session for real estate, potential litigation, contract negotiations, tax appeals and litigation.

Attorney Allen discussed the Sun Chemical litigation. There were in violation for failing to get permits through the Building Department after there was an explosion back in 2012. Sun Chemical appealed to the County Board of Appeals and the board agreed with the borough but said that they do not have to pay the fines for the violations. After further appeal it was stated that Sun Chemical would accept one violation and the others would go back to the County for a hearing and to have the borough withdraw the violations. Attorney Allen needs approval from the Council to agree on the settlement so no further money needs to be spend on the case. Councilman Lahullier said he believes that fire equipment was ruined during that explosion and wanted to know if we were reimbursed for the damaged equipment before a settlement is agreed to.

Mayor Cassella asked for a motion to adjourn into Executive Session at 6:45PM:

EXECUTIVE SESSION RESOLUTION

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 at 6:45 p.m. on Tuesday, June 16, 2015 in Borough Hall to discuss the following matters:

1. Real Estate
2. Potential Litigation
3. Contract Negotiations
4. Tax Appeals
5. Litigation
6. Personnel

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of East Rutherford that the public be excluded from this portion of the meeting.

Moved: Councilman Lahullier

Second: Councilman Stallone

Roll Call: All Ayes

EXECUTIVE SESSION

Mayor Cassella asked for a motion to close the Executive Session and reopen the Work Meeting at 7:08PM:

Moved: Councilman Lahullier
Second: Councilman Stallone
Roll Call: All Ayes

Mayor Cassella asked for a motion to adjourn the Work Meeting at 7:08PM:

Moved: Councilman Brizzi
Second: Councilman Stallone
Roll Call: All Ayes



Danielle Lorenc, RMC