

**MINUTES OF THE BOROUGH OF EAST RUTHERFORD
MAYOR & COUNCIL
WORK MEETING HELD ON
FEBRUARY 16, 2016**

WORK MEETING WAS CALLED TO ORDER BY MAYOR CASSELLA AT 5:35PM. 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 4, 2016, 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

Mayor Cassella asked for a motion to adjourn into Executive Session at 5:36PM:

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 5:36 p.m. on Tuesday, February 16, 2016, in Borough Hall to discuss the following matters:

1. Personnel
2. Contract Negotiations
3. Litigation
4. Legal Rights & Obligations (Affordable Housing)

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 Brizzi

Second: Councilman Homaychak

Roll Call: All Ayes

EXECUTIVE SESSION

Mayor Cassella asked for a motion to adjourn the Executive Session at 6:49PM and reopen the work meeting:

Moved: Councilman Perry

Second: Councilman Lahullier

Roll Call: All Ayes

COMMITTEE REPORTS

FIRE DEPARTMENT/SQUAD – COUNCILMAN LAHULLIER

Councilman Lahullier submitted payment request #3 for ACI in the amount of \$9,585.88 for the Carlton Avenue Fire House Emergency Generator Project:

Moved: Councilman Lahullier

Second: Councilman Brizzi

Roll Call: All Ayes

Councilman Lahullier discussed and submitted for approval the January 18, 2016 proposal from Remington & Vernick in the amount of \$7,220.00 for the engineering services and asbestos abatement management services for the property at 116 Uhland Street:

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

Councilman Lahullier read a request letter from the Fire Department for canning at the Lowes entry road. The Council cannot grant approval since it is private property however the Clerk will try to keep track of those groups that are going to be there so there is no overlap.

Mayor Cassella stated that a letter was received requesting the installation of a bus shelter in the area of Paterson Plank Road and Murray Hill Parkway (in front of the hotel). The Council agreed to the installation and the request will now be forwarded to NJ Transit.

Councilman Lahullier stated that last month the Council approved hiring a company come in to check the integrity of the air/heating units for the Council Chambers. After inspection, we would need 2 new ten ton units, electrical work, belts, etc. in order to get the heating/air condition working in the upstairs areas only. The quote was \$34,900.00 which also includes one year warranty for parts and labor. Mayor Cassella stated that we will need to get additional quotes or bids. A motion was made to have Engineer Beckmeyer prepare either a scope of work to get additional quotes or if necessary prepare a bid package:

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

POLICE/BLDG & GROUNDS/BLDG DEPT/RECYCLING – COUNCILMAN BRIZZI

Councilman Brizzi submitted the following requisition for approval:

Panorama Tours	\$725.00
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Moved: Councilman Brizzi
Second: Councilman Homaychak
Roll Call: All Ayes

Councilman Brizzi requested authorization to getting a sign for the Civic Center similar to the Welcome to East Rutherford signs, which would be paid for by a local business. There were no objections.

Councilman Brizzi discussed having the Brownie Troup making improvements at the park at the end of Everett Place for their project.

FINANCE/DPW/TECHNOLOGY/BD OF ED – COUNCILMAN HOMAYCHAK
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Councilman Homaychak stated the Paul DeRosa is in the process of setting up a Clean Communities Committee. He is also looking into an ordinance for food waste for the businesses.

VEHICLE MAINTENANCE – COUNCILMAN PERRY
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No Report

ENGINEER’S REPORT – GLENN BECKMEYER

Engineer Beckmeyer submitted Application #3 from Smith Soudy for the 2013 Road Program in the amount of \$188,769.42:

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

Engineer Beckmeyer submitted Application #7 from Envirocon for the DPW Exhaust System in the amount of \$15,092.00:

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

Engineer Beckmeyer stated that the County has finally agreed to have the borough handle all aspects of the Carlton Avenue repaving project and they will reimburse us.

Engineer Beckmeyer met with the County Mosquito Control and they are will to work with the borough to get the draining ditch along Rt 17 cleaned as discussed last month. He will contact the property owners as well as the DOT.

ATTORNEY’S REPORT – RICHARD ALLEN

Attorney Allen requested an additional Executive Session.

Attorney Allen explained the resolution below and asked for its approval:

RESOLUTION NO. 48 - 2016

**RESOLUTION AUTHORIZING THE BOROUGH TO ENTER INTO AN AGREEMENT
WITH ECONSULT FOR EXPERT WITNESS SERVICES IN THE AFFORDABLE
HOUSING DECLARATORY JUDGMENT ACTION**

WHEREAS, the Borough of East Rutherford entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained to prepare an expert report (the “Burchell Report”); and

WHEREAS, the Borough contributed \$2,000 to become a member of a consortium of municipalities (hereinafter “Municipal Group”) so that the Municipal Group could enter into an agreement with Rutgers University (hereinafter “Research Agreement”) for the purpose of having Dr. Burchell prepare a fair share report (hereinafter “Burchell Report”); and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA required modification to allow the Municipal Group to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) was prepared to effectuate the modification, and said Amendment was entered into by the Borough which authorized the execution of an agreement with Econsult Solution, Inc. (“ESI”) to replace Dr. Burchell and Rutgers, and to prepare its own revised report; and

WHEREAS, ESI prepared a revised report entitled “New Jersey Affordable Housing Need and Obligations”, dated December 30, 2015 (the “Solutions Report”), for the Municipal Group; and

WHEREAS, the MSSDA as amended, entitled Members of the Municipal Group to retain ESI to testify about the Solutions Report and for related issues; and

WHEREAS, the Borough, as a Member of the Municipal Group, has the option to retain ESI (i) individually, (ii) as part of a local consortium consisting of other municipalities under the vicinage of any particular judge presiding over Mount Laurel matters or (iii) both individually and as part of a local consortium; and

WHEREAS, the purpose of this resolution is to retain ESI individually; and

WHEREAS, the proposed individual agreement, attached hereto, envisions that ESI will split its work if it prepares a report that benefits multiple municipalities; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council, as follows:

1. The Mayor and Council hereby authorizes the Mayor and Borough Clerk to sign the retainer agreement with ESI in the form attached hereto, subject to ESI's compliance with all lawful purchasing requirements.
2. This Resolution shall take effect immediately.

Moved: Councilman Brizzi

Second: Councilman Perry

Roll Call: All Ayes

Mayor Cassella asked for a motion to adjourn the Work Meeting at 7:11PM:

Moved: Councilman Brizzi

Second: Councilman Lahullier

Roll Call: All Ayes

A handwritten signature in blue ink, appearing to read "Danielle Lorenc". The signature is fluid and cursive, with a large initial "D" and "L".

Danielle Lorenc, RMC