

Township of South Hackensack
Bergen County, New Jersey
January 10, 2013 7:30 P.M.
Regular Meeting
AGENDA

Frank Cagas, Mayor
Gary C. Brugger
Walter Eckel, Jr.
William Regan
Vincent Stefano

Donna L. Gambutti, Municipal Clerk
David V. Nasta, Esq., Municipal Attorney

Call of Meeting to Order~

Correspondence & Reports~

- ❑ General Correspondence & Reports – December 2012
- ❑ Mark C. Eckel- December 27, 2012- Letter of Resignation
- ❑ Boswell Engineering- December 7, 2012- Assessment Existing Generator for Municipal Complex and Senior Center. (Hold over correspondence from 12/13/2012)
- ❑ Boswell Engineering- December 7, 2012- Professional Engineering Design -New Emergency Generator for Municipal Complex and Senior Center. (Hold over correspondence from 12/13/2012)
- ❑ Ptl. Robert Chinchar#46- January 7, 2013- Police Contract Negotiations
- ❑ County of Bergen- December 13, 2012- Employee Assistance Program

Old Business~

- ❑ New Incident Form For South Hackensack Fire Department- *Discussion*
- ❑ Transfer of Lease- T-Mobile Northeast, LLC to T-Mobile USA Tower, LLC
- ❑ Possible Revised Shade Tree Ordinance
- ❑ Upgrade to Microsoft 365 online service for Township E-mail Account- governmental pricing.
- ❑ Fire Zones

New Business~

- ❑ Hiring of Municipal Treasurer
- ❑ Discussion by David V. Nasta, 2013 Township of South Hackensack Personnel Policies and Procedures Manual.
- ❑ Opt-Out for Natural Gas Supply Service Agreement 2013
- ❑ Announce public meeting date of January 23, 2013 at 7:00 PM- BCUA & Boswell Engineering regarding rain derived infiltration system information.

- ❑ Pitney Bowes lease (same machine) for Township Offices.
- ❑ Estimate to repair Township Offices Voicemail System.

Ordinances~

Resolutions~

- ❑ Closed Executive Session
- ❑ Consent Agenda 2013-01A
- ❑ Resolution No. 2013-057- Extend contract for recycling with FORWI
- ❑ Resolution No. 2013-059- Appointment of David Lafferty, Esquire- Special Council in matters of Frew v Township of South Hackensack & Evans v Township of South Hackensack

Committee Reports~

Public Comments~

Closed Session~

Adjournment~

Consent Resolution 2013-01A January 10, 2013

WHEREAS, the Township Committee of the Township of South Hackensack, has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Township Committee of the Township of South Hackensack is not desirous of removing a resolution from the consent agenda,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following resolutions on the Consent Agenda are hereby approved and adopted: **Resolution No. 2013-052- Cancellation of 2012 Sewer User Charges Balances**

Resolution No. 2013-053- Cancellation of 2012 Tax Balances

Resolution No. 2013-054 Approval of Township Minutes

Resolution No. 2013-055- Extend the employment of Loretta D' Ambrosio

Resolution No. 2013-056- Appoint Board of Adjustment member Kevin Kubat

Resolution No. 2013-058- Confirm endorsement of Community Development project at Grove Garden- Emergency Generator

Resolution No. 2013-060- Bill List 12/28/2012-12/31/2012

Resolution No. 2013-061- Extend the employment Durene Ayer

Resolution No. 2013-062- License Report for December 2012

Motion:

Second:
Roll Call Vote:
Approval Date: January 10, 2013

Resolution No. 2013 – 052 Cancellation of 2012 Sewer User Charges Balances

WHEREAS certain sewer user balances exist at year-end,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following balances and overpayments be cancelled:

<u>Balance Adjustment</u>		<u>Overpayments</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
16520550-0	6.32	16520850-0	.58
16521675-0	.12	16529950-0	2.29
16522500-0	8.05	41006900-0	.02
16522955-0	4.57	41012000-0	.14
16529700-0	.83	41012200-0	.06
41002500-2	.74	42505800-0	.10
41003800-0	.10	46127800-2	3.80
41004600-0	.50	46128050-0	.35
41004600-7	1.89	46128300-0	.30
41004700-0	2.57	49501500-2	8.65
41005700-0	.52		
41010500-0	.21		
41012600-0	.07		
41015800-0	1.95		
42501400-0	1.86		
42501600-0	.22		
42501600-2	.15		
42501600-3	.59		
42501600-4	.38		
42503000-0	.10		
42503100-0	1.11		
42506400-0	.29		
46127600-0	.47		
46127600-1	.54		
46127600-2	.36		
46127900-0	.45		
48228150-0	.91		

Consent Agenda Resolution 2013-01(a)
Date: January 10, 2013

Resolution No. 2013 – 053 Cancellation of 2012 Tax Balances

WHEREAS N.J.S.A 54:4-91.1 requires that the Tax Collector file with the Township Committee, a list of delinquent taxes for 20121 which she believes are not collectible, and

WHEREAS, the Township Committee of the Township of South Hackensack on being satisfied that the taxes listed below are not collectible, shall by resolution release the Tax Collector from the collection thereof and order the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following balances and overpayments be cancelled pursuant to N.J.S.A. 54:4-91-1.

<u>Overpayments</u>			<u>Balance Adjustment</u>		
<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
1.03	1	5.92	1.05	1	9.32
2.01	8.03	.97	2.01	8.04	5.68
5.01	10	7.38	2.01	13.04	.50
7.01	23	.30	5.01	1.03	.58
7.03	6	.05	5.01	16	.55
7.05	25.07	1.80	7.02	2.01	2.01
10	31	.10	7.03	4	.50
13.03	3.04	9.90	7.05	29	5.58
13.03	3.05	.71	8	17	4.88
14	2	.31	10	27	.11
15	43	6.28	13.04	1.10	.30
29	1	.08	15	29	.50
37	1	.04	41	11	.20
37	11	.24	47	2	5.79
44	4	.38	48	15	1.00
48	21	.13	101	1.01	6.04
52	2.01	2.96	102	8	.07
52	5	.14	102	62	.47
58	18	.60	105	2.01	.77
59	1.07	1.42			
59	1.08	.91			
100	2	4.79			
100	4	1.54			
102	40	1.30			

Consent Agenda Resolution 2013-01(A)

Dated: January 10, 2013

Resolution No. 2013 – 054 Approve Minutes

BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the following minutes be and are hereby approved as submitted.

October 4, 2012 – Worksession
October 11, 2012 – Regular
October 16, 2012 – Special
October 23, 2012 - Special
November 20, 2012 - Special

Consent Resolution No. 2013-01(a)
Date: January 10, 2013

**RESOLUTION NO. 2013- 055 APPOINTING LORETTA D’AMBROSIO AS
CLERK/TYPIST(Extension of Employment)**

WHEREAS, their exists within the Township administration the need for general clerical services; and

WHEREAS, Loretta D’ Ambrosio is familiar with the tasks and functions of the office and has indicated a willingness to provide general clerical services and assistance.

NOW THEREFORE BE IT RESOLVED, that Loretta D’ Ambrosio be and is hereby appointed as a clerk/typist for the period effective January 1, 2013 and not to extend beyond February 1, 2013.

BE IT FURTHER RESOLVED, that she shall be considered a part time temporary employee, her hours shall be set by the Township Committee and she shall be compensated at the sum of \$20.00 per hour.

Consent Agenda Resolution No. 2013-01A
Date: January 10, 2013

Resolution No. 2013-056 Board of Adjustment Member – Kevin Kubat

BE IT RESOLVED by the Mayor of the Township of South Hackensack that the following be and are hereby appointed to the South Hackensack Planning Board:

Kevin Kubat Alternate No. 21 yr. term/expire 12-31-2013

Consent Agenda Resolution No. 2013-01A

Date: January 10, 2013

RESOLUTION NO. 2013- 057
AUTHORIZING THE EXECUTION OF AN EXTENSION OF CONTRACT WITH FIRST
OCCUPATIONAL CENTER OF NEW JERSEY

WHEREAS, the Township of South Hackensack (Township) and the First Occupational Center of New Jersey (FORWI) heretofore entered into a contract whereby FORWI is to collect and dispose of certain Class A recyclables generated within the township through December, 31, 2012; and

WHEREAS, the Township prepared specifications, advertised for and received bids for the collection and disposal of certain Class A recyclables for a period beginning January 1, 2013; and

WHEREAS, the Township received multiple bids for said service on October 26, 2012 and reviewed and discussed the same at it general public meetings on December 6 and December 13, 2012; and

WHEREAS, the Township Committee determined that the said bids did not meet the financial parameters and service needs of the community and it concluded and directed that said bids be rejected. Upon further analysis and discussion at it December 13, 2012 meeting the Township Committee concluded that it would be in the best interest of the Township to withhold a re-bid of recycling service and extend the current contract with FORWI through September 30, 2013.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the Mayor and Township Clerk are hereby authorized to enter into an extension of the existing contract with FORWI in a form and substance approved by the Township Attorney and the Township Clerk is directed to provide written notice to FORWI that said service is to be continued under the same terms and conditions of the present contract until September 30, 2013.

ATTEST

Frank Cagas, Mayor

Donna L. Gambutti, Municipal Clerk

Motion:

Second:

Roll Call Vote:

Resolution No. 2013 – 058 Municipality to Confirm Endorsement of Community Development Projects – Generator for Grove Gardens

WHEREAS, a Bergen County Community Development grant of \$97,250 has been proposed by the Housing Development Corporation for Grove Gardens in the Township of South Hackensack, New Jersey, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of South Hackensack, and

WHEREAS, this resolution does not obligate the financial resources of the Municipality and is intended solely to expedite expenditure of the aforesaid CD funds,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of South Hackensack hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Consent Agenda Resolution No. 2013-01(a)

Date: January 10, 2013

**RESOLUTION NO. 2013-059
APPOINTING DAVID S. LAFFERTY, ESQ. AS SPECIAL COUNSEL IN THE
MATTERS OF FREW V. TOWNSHIP OF SOUTH HACKENSACK AND EVANS V.
TOWNSHIP OF SOUTH HACKENSACK**

WHEREAS, there exists two matters of litigation filed in the Superior Court of New Jersey, Bergen County entitled Frew v. Township of South Hackensack et. al, Docket No. BER-L-945-12 and Evans v. Township of South Hackensack et.al, Docket No. BER-L-84444-12 (hereinafter “ the Litigation”); and

WHEREAS, John J. D’Anton, Esq. (hereinafter “D’Anton) has been named as a party defendant in the Frew matter and David V. Nasta, Esq.(hereinafter “Nasta”) has been named as a party defendant in the Evans matter; and

WHEREAS, both D'Anton and Nasta were named as defendants as a result of service rendered in their capacity as Special Counsel and Township Attorney for the Township of South Hackensack respectively; and

WHEREAS, the allegations against D'Anton and Nasta are not in the nature of professional malpractice but instead allege causes of action under other civil law relating to their actions in the capacity as officers and/or agents of the Township; and

WHEREAS, D'Anton and Nasta have requested pursuant to Chapter 40 Article III of the Township Ordinances indemnification and defense relative to the Litigation and the Township Committee did consider at its December 13, 2012 meeting said request and determined that it is in the best interest of the Township that D'Anton and Nasta be indemnified and held harmless and that each be provided with a defense with a limit of \$10,000 of defense cost for each individual; and

WHEREAS, the Township requested from its insurance carrier and did receive a list of approved attorneys for selection by D'Anton and Nasta and provided the same to them; and

WHEREAS, D'Anton and Nasta selected David S. Lafferty, Esq. of the law firm of Kelly, Kelly, Marotta & Lafferty, LLC., 25 East Spring Valley Avenue, Suite 320, Maywood, New Jersey 07607 to represent them in the Litigation.

NOW THEREFORE BE IT RESOLVED, that David S. Lafferty be and is hereby appointed as Special Counsel to represent D'Anton and Nasta in the Litigation; and

BE IT FURTHER RESOLVED, that he shall compensated at the rate of \$150.00 hour to a maximum of \$20,000.00 funds permitting and that David S. Lafferty, Esq. be immediately provided with a copy of this resolution of appointment.

ATTEST;

Donna L. Gambutti, Township Clerk

Frank Cagas, Mayor

Resolution No. 2013-060- Payment of Bill List 12/28/2012-12-31/2012- See Attached

Consent Agenda Resolution No. 2013-01A
Date: January 10, 2013

**RESOLUTION NO. 2013-061
EXTEND THE EMPLOYMENT of DURENE AYER AS TEMPORARY CLERK TYPIST**

WHEREAS, the Township is in need of an individual to perform its payroll duties; and

WHEREAS, Durene Ayer previously performed said function as the Township's CFO and Treasurer until her resignation from said positions effective September 27, 2012 but has agreed to continue to perform the payroll service until such time that a permanent replacement for said function is appointed.

NOW THEREFORE BE IT RESOLVED, that be and is hereby appointed as the Township's Clerk/Typist for the period effective upon passage of this resolution but not to extend beyond February 28, 2013 and that she be provided a copy of this said resolution which shall be kept on file with Township Clerk. She shall be compensated in accordance with the terms of the Township salary ordinance at a rate of \$65.00/hr. for the performance of all payroll duties..

Consent Agenda Resolution No. 2013-01A

Date: January 10, 2013

Resolution No. 2013 –062 Licenses – December 2012
--

WHEREAS, the following have made applications and paid a fee for various licenses, and WHEREAS, the Township Committee has no exception to the issuance of these licenses, NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the following licenses by and are hereby approved unless noted and with conditions as noted.

GENERAL LICENSES

<u>Received</u>	<u>Business</u>	<u>License #</u>	<u>Fee</u>	<u>Type</u>
12/12/12	G. Money	4101	\$ 300	Place of Entertainment
12/18/12	Pleasure Lounge	4102	\$ 300	Place of Entertainment

TOTAL: \$ 600

FIRE PERMITS

<u>Received</u>	<u>Business</u>	<u>License #</u>	<u>Fee</u>	<u>Type</u>
-----------------	-----------------	------------------	------------	-------------

TOTAL FIRE: \$ 0

GRAND TOTAL ALL LICENSES/PERMITS: \$ 600

Resolution Authorizing Executive Session- January 10, 2013

A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

Whereas, the Township Committee of the Township of South Hackensack is subject to certain requirements of the *Open Public Meetings Act, N.J.S.A. 10:4-6*, et seq., and

Whereas, the *Open Public Meetings Act, N.J.S.A. 10:4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

Whereas, it is necessary for the Township Committee of the Township of South Hackensack to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

____(1) *Matters Required by Law to be Confidential*: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

____(2) *Matters Where the Release of Information Would Impair the Right to Receive Funds*: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

____(3) *Matters Involving Individual Privacy*: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

____(4) *Matters Relating to Collective Bargaining Agreements*: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

____(5) *Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds*: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

____(6) *Matters Relating to Public Safety and Property*: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

____(7) *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

XX____(8) *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public

officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

Thomas Yannetti – DPW Grievance B40110

(9) Matters relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

Now, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack assembled in public session on this date, that an Executive Session closed to the public shall be held in the South Hackensack Township Municipal Complex, 227 Phillips Avenue, South Hackensack, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

*The foregoing resolution was duly adopted by the Township Committee of the Township of South Hackensack at a public meeting held on **January 10, 2013.***