

Township of South Hackensack
Bergen County, New Jersey
March 7, 2013 7:30 P.M.
Worksession 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~

This is a Worksession Meeting of the Township Committee of South Hackensack. The date, time and location of this meeting has been advertised in the official Newspapers of the Township, filed with the Township Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled.

Flag Salute~

Roll Call~

Correspondence & Reports~

- ❑ Assemblywoman Connie Wagner- February 13, 2013- Officer Robert Licamara- Letter of accommodation.
- ❑ Carol Perone- February 25, 2013- Leave of absence request (February 1- May 1, 2013).
- ❑ Lydia Heinzelman- February 22, 2013- Arbor Day Celebration- Dr. DeFabiis Proclamation and Tree Donation.
- ❑ Chief Michael D. Frew- February 21, 2013- Elimination of Designated Parking Spot.
- ❑ Lawrence Paladino- February 14, 2013- Broken Fence Park Street.
- ❑ Lydia Heinzelman – February 22, 2013- Shade Tree Ordinance Language.
- ❑ Bruce E. Chase, Esquire- February 25, 2013- Wine & Liquor Depot, LLC.
- ❑ Chief Michael D. Frew- March 5, 2013- Alternate crossing guard recommendation.
- ❑ Passaic Valley Sewerage Commission- March 4, 2013- Continued Program for Debris Removal Information.
- ❑ Elizabeth (Lisa) Donnarumma- March 5, 2013- Unpaid Vacation Request.
- ❑ Francesco A. Maceri- February 15, 2013- Fire Zone Recommendation.
- ❑ Anthony Condemi- Condemi Motor Company- March 5, 2013- Boswell Engineering Meeting Request.

- Clean All Cleaners- March 5, 2013- Appeal Sewer Usage Charge 2013- 289 Huyler Street. Block 39 Lot 16.

Old Business~

- COAH Housing Trust Fund- Planner Authorization (Kauker & Kauker)
- Receipt of Bid- Co-Location Huyler Street Cellular Monopole-
BIDDER: New York SMSA Limited Partnership D/B/A-Verizon Wireless
BID DATE: February 28, 2013 10:00
- Fire Zones
- CDBG Handicapped Improvements to the Senior Center- Accept or Reject Project.
- NJ Meadowlands Tax Sharing- Discussion.

New Business~

- Department of Public Works Proficiency and Evaluation- Discussion
- Accept Vehicle Checklist for Police Department
- DEP 31- Discussion
- Local Mayors/Municipal Representatives Trip to Washington DC regarding FEMA Mitigation for Marcellus Street Bridge.
- Above ground storage tanks- action item- Discussion.
- Police Department Satellite Office in Memorial School- Discussion.
- Safety Issue- End of Dyer Avenue- Discussion.

Ordinances~

Introduction of and set the date for public hearing: Adoption: April 4, 2013.

- **Ordinance No. 2013-01**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 182 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "SHADE TREES".

Introduction of and set the date for public hearing: Adoption: April 4, 2013.

- **Ordinance No. 2013-02**

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "OFFICERS AND EMPLOYEES",

Resolutions~

- Closed Executive Session
- Resolution No. 2013-076- Appoint Alternate Crossing Guard- Jennifer Ali.
- Resolution No. 2013- 077- Marcellus Street Bridge recommendation.

Committee Reports~

Public Comments~

Closed Session~

Adjournment~

Resolution Authorizing Executive Session- March 7, 2013
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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.

 XX (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.

Police Contract Negotiations

(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.

 XX (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.

Chief Michael D. Frew
Litigation- Montenegro, Kaiser & Riotto Vs TSH,
Frew V. South Hackensack
Evans V. South Hackensack
Schmidt vs South Hackensack Tax Appeal- 143 Leuning Street
Mejor Donmor vs South Hackensack Tax Appeal- 240 South Main Street
NJDEP V. Occidental Chemical

 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.

Personnel Judge Sicari
Chief Michael D. Frew

 (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 **March 7, 2013***

Resolution No. 2013-076- Appoint Alternate Crossing Guard

WHEREAS Chief Michael Frew has submitted his recommendation for Alternate Crossing Guard Jennifer Ali and;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that following be and are hereby appoint Jennifer Ali as alternate crossing guard for the Township of South Hackensack for the year 2013.

Resolution No. 2013-076

Date: March 7, 2013

Motion:

Second:

Roll Call:

ATTEST:

Frank Cagas, Mayor

Donna L Gambutti, Municipal Clerk

**RESOLUTION NO. 2013-077
MARCELLUS STREET BRIDGE IMPROVEMENT BY THE COUNTY OF BERGEN**

WHEREAS, The Saddle River flows through eight communities in Bergen County (Fair Lawn, Paramus, Rochelle Park, Saddle Brook, Lodi, Garfield, Wallington and South Hackensack), and

WHEREAS, during catastrophic weather events such as Hurricane Irene and most recently Super Storm Sandy these events cause significant destruction to South Hackensack's infrastructure and to the property of our residents, and

WHEREAS, because of the lack of Federal, State and county governments and the Passaic Valley Sewer Authority assistance in maintaining a free flowing path for the current of the Saddle River, and

WHEREAS, because these four Government bodies failed to dredge, clear the banks of the river of fallen trees of floating vegetation and other foreign objects that caused these objects to collect at the bridges that straddle Saddle River and the Marcellus Street in particular, and

WHEREAS, all responsible government studies agree that the Marcellus Street Bridge is a major impediment to the free flow of the river. The County Government must provide the necessary funds to correct this problem at once, and

WHEREAS, it is incumbent upon the aforesaid agencies to eliminate all debris from the river and to the best of their abilities correct this horrendous condition. The eight communities deserve nothing less.

NOW, THEREFORE, BE IT RESOLVED, that the Federal, State and County governments and the Passaic Valley Sewer Authority take all steps necessary to eliminate this continuing hazard and:

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to our Federal, State and County elected officials.

Resolution No. 2013-077

Date: March 7, 2013

Motion:

Second:

Roll Call:

ATTEST:

Frank Cagas, Mayor

Donna L Gambutti, Municipal Clerk

ORDNANCE NO. 2013-01

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 182 OF
THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED
“SHADE TREES”**

Be it Enacted and Ordained, by the Township Committee of the Township of South Hackensack that Chapter 182 entitled “Shade Trees” is amended and supplemented as follows:

SECTION I.

182-2 Definitions:

Diameter at the Point of Measurement is amended as follows:

Circumference at the Point of Measurement: or CPM means the circumference of a tree measured at a point on the tree six (6) inches from ground level on the downhill side.

Regulated Tree- Any tree which has attained at least 30 feet in height or a CPM of at least eight inches prior to any limb removal or other such activity.

Removal- Any activity which results in the cutting down completely or substantially eliminates a living regulated tree from the Township's tree stock. For purposes of this chapter substantially eliminates shall mean the pruning or removal of more than twenty percent (20%) of the tree including diseased and live branches. Said determination shall be made by the Shade Tree Commission or its representative in their sole and absolute discretion.

Removal Period A period of time beginning on the date of a decision rendered under this chapter requiring action and ending upon a date eight (8) months thereafter.

Replacement Plan- A plan developed in accordance with and conforming to the provisions of this chapter which has been approved by the Shade Tree Commission.

182-3 Cutting or Removal Restricted

With the exception of the exemptions set forth in this chapter no person shall cut, prune or remove or cause to be cut, pruned or removed any regulated tree upon the lands within the Township of South Hackensack unless said cutting, pruning or removal is performed in strict accordance with the provisions of this chapter.

182-5 Project permit application process

A. Project permit application submission: A tree removal project permit application shall be submitted to the Shade Tree Commission.

C. The Shade Tree Commission shall review the application to determine whether such project complies with this chapter and shall provide written notice to the applicant indicating one of the following determinations:

(1) The project permit is granted; or

(2) The project permit is granted subject to the prescribed conditions attached to such notice.

(3) The project permit is denied, in which event the written notice shall state the reasons for said denial and shall advise the applicant of its right to appeal to the Township Committee within twenty (20) days of said denial. Failure to file an appeal within said time frame shall be deemed a waiver of such right.

D. The Shade Tree Commission shall make the foregoing determination and prepare and furnish the foregoing notices within sixty (60) days following the submission of a complete application.

E. Failure of the Shade Tree Commission to make such determination within the said sixty (60) day period and any extension granted by the applicant shall be deemed an approval of the project.

F. Any proposed change in the approved project shall be submitted to the Shade Tree Commission for approval in the same manner as the original application for approval of the project.

182-6 Tree Replacement Plans (For All New Construction, Additions or Alterations)

E. Any new residential construction shall include a plan for the planting of at least two shade trees approved as to location, type and size by the Shade Tree Commission and shall avoid placement under utility wires and in areas which would be prone to root disturbance of sidewalks or curbs. Any alteration or addition to a residential structure that exceeds five hundred (500) square feet shall include a plan for the planting of at least one shade tree approved as to location, type and size by the Shade Tree Commission.

F. Any plan for new construction or alteration of commercial or industrial building which exceeds five hundred (500) square feet shall include a plan, in addition to the tree replacement plans set forth herein, for the planting of one shade tree for each five hundred square feet of construction up to five thousand square feet and one tree for each one thousand square square feet of new construction or alteration thereafter. The location, type and size of the Shade Tree shall be approved by the Shade Tree Commission.

182-7 Tree replacement fund

In certain circumstances, the Shade Tree Commission may authorize a contribution to the Township's Shade Tree Commission Tree Fund in lieu of planting replacement trees on site where it determines that the purposes of this chapter would be furthered thereby. Such contribution shall bear a reasonable relationship to the cost of planting trees which would otherwise be required under section 182-6 of this chapter but in no case shall be less than \$300 per required tree.

182-10 Fees

B. An escrow shall be established in the minimum amount of \$300 per tree to be removed and replaced or planted in accordance with this chapter which shall be retained until such time that the tree replacement or planting plan is complete. In the event that the tree replacement or planting plan is not completed within eight (8) months of approval plus any extension granted by the Shade Tree Commission, the Township may use such escrow to complete the tree replacement or planting plan or in lieu thereof deposit said escrow in the Shade Tree Fund.

SECTION II. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION III. Repealer:

Any ordinance or portion thereof which is inconsistent with this ordinance is hereby repealed to the extent of said inconsistency.

SECTION IV. Effective date:

This Ordinance shall take effect upon passage and publication as required by law.

Introduction: March 7, 2013

Roll Call Vote:

ATTEST

Donna L. Gambutti, Township Clerk

Frank Cagas, Mayor

ORDINANCE NO. 2013-02

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “OFFICERS AND EMPLOYEES”,

BE IT ENACTED AND ORDAINED, by the Township Committee of the Township of South Hackensack that the following Chapter of the Municipal Code be amended and supplemented as follows:

Section I: Chapter 40 Article, Chapter 6 “Treasurer and Deputy Treasurer” is hereby amended as follows:

ARTICLE VI
FINANCIAL DEPARTMENT

Section 40-17 (Treasurer) and 40-18 (Deputy Treasurer) be and the same are hereby deleted and replaced as follows

Section 40-17- Creation of Offices and Compensation- The Financial Department of the Township of South Hackensack shall consist of a Chief Financial Officer, Accounts Payable Clerk, Payroll Clerk and Assistant to the Chief Financial Officer. Said positions shall be considered part time positions for the purpose of pension and medical benefit laws except in such case where all of the aforementioned titles are filled by one individual in which case at the option of the Township Committee said individual may be hired as a full time employee. Said employees need not be residents of the Township of South Hackensack and no preference shall be given to Township residents for said positions. They shall be compensated at salaries as set forth in the Township salary ordinance and paid in accordance with the terms of the Township's regular payroll with appropriate deductions funds permitting.

Section 40-18- Appointment and terms- All employees shall be hired in accordance with the terms of the Township's Personnel Policies and Procedures manual and subject to any applicable state laws regarding tenure, licensing (if required) or other regulations.

Section 40-19 Functions of office-

N. The Accounts Payable Clerk under the supervision of the Chief Financial Officer said employee shall be responsible for the review of all requests for payment of municipal funds, preparation and/or review of vouchers and supporting documentation related to payment requests, preparation of the bill list for review and approval by the governing body, banking transactions associated with said payments and the proper maintenance of books and records related to all transactions.

O. The Assistant to the Chief Financial Officer shall perform such duties as from time to time shall be assigned by the Chief Financial Officer. They shall include but not be limited to preparing documentation as directed by the Chief Financial Officer and undertaking such tasks necessary to ensure that the Chief Financial Officer properly administers the financial affairs of the Township.

P. The Payroll clerk shall be responsible for the providing proper information to any private payroll agency retained by the Township to ensure proper payment of all employee wages and proper deductions therefrom. The payroll clerk shall ensure that all books and records are kept in accordance with law and all wages are properly delivered. The payroll clerk may be designated by the Township Committee to prepare payroll in the event that the Township Committee does not retain or employ an independent entity for purposes of the same.

ATTEST

Donna L. Gambutti, Township Clerk

Frank Cagas, Mayor

Introduced: March 7, 2013

Roll Call Vote:

