

Township of South Hackensack
Bergen County, New Jersey
December 19, 2013 7:00PM
Special Meeting
MINUTES

Frank Cagas, Mayor.....*Not Present*
Gary Brugger*Present*
Walter Eckel, Jr.*Present*
William Regan*Present*
Vincent Stefano.....*Not Present*

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

Call of Meeting to Order

Deputy Mayor Regan called the Worksession Meeting to order at 7:02 p.m. The Clerk advised that this is a Special 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. Deputy Mayor Regan led the flag salute. The Municipal Clerk called the roll. Mayor Frank Cagas and Vincent Stefano are not present.

Ordinances

□ **ORDINANCE NO. 2013-10 -** *Second Reading- Public Hearing & Adoption-*

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN, BY AND FOR THE TOWNSHIP OF SOUTH HACKENSACK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,010,000 TO PAY THE COST THEREOF AND TO AUTHORIZE THE ISSUANCE OF \$1,010,000 OF BONDS OR NOTES TO FINANCE SUCH APPROPRIATION.

Walter Eckel motioned and Gary Brugger seconded to table Ordinance 2013-10 and public hearing to December 30th, 2013 at 5:30 p.m. Roll Call Vote: Brugger, Eckel, and Regan – all members were in favor.

□ ORDINANCE NO. 2013-11 - Second Reading- Public Hearing & Adoption-

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF SOUTH HACKENSACK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$164,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Gary Brugger motioned Walter Eckel seconded to table Ordinance 2013-11 and public hearing to December 30th, 2013 at 5:30 p.m. Roll Call Vote: Brugger, Eckel, and Regan – all members were in favor.

Resolutions

Resolution No. 2013-195- Emergency Appropriation for Insurance Settlements- *On a motion made by Gary Brugger and Seconded by Walter all members were in favor to table Resolution No. 2013-195 to December 30th, 2013 at 5:30PM.*

Resolution No. 2013-196- Emergency Appropriation for Sewer Charges - *On a motion made by Gary Brugger and Seconded by Walter all members were in favor to table Resolution No. 2013-196 to December 30th, 2013 at 5:30PM.*

Resolution No. 2013-198- Appoint Alternate Crossing Guard- *On a motion made by Gary Brugger and Seconded by Walter all members were in favor by Roll Call Vote to approve Resolution No. 2013-198.*

Public Comments- There were no public comments.

Adjournment

On a motion made by Gary Brugger and seconded by Walter Eckel all were in favor to adjourn the meeting at 7:10PM.

Respectfully submitted to The Township Committee by Donna L. Gambutti, Municipal Clerk, Township of South Hackensack.

Donna L. Gambutti

**TOWNSHIP OF SOUTH HACKENSACK
COUNTY OF BERGEN
Ordinance No. 2013-10**

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN, BY AND FOR THE TOWNSHIP OF SOUTH HACKENSACK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,010,000 TO PAY THE COST THEREOF AND TO AUTHORIZE THE ISSUANCE OF \$1,010,000 OF BONDS OR NOTES TO FINANCE SUCH APPROPRIATION.

WHEREAS, the Township of South Hackensack, in the County of Bergen, New Jersey, as a result of cases brought before the Tax Court of New Jersey as set forth in a schedule on file with the Tax Collector (the "Schedule"), incorporated herein by this reference as if fully set forth herein, presently owes the sum of \$909,856 to the various property owners in said Township for taxes levied by the Township for the years 2009 to 2012, inclusive, as set forth in the Schedule; and

WHEREAS, the Township Committee of said Township has determined that it is in the best interest of the Township to finance the cost of said tax refunds, pursuant to the provisions of N.J.S. 40A:2-51, by the adoption of a refunding bond ordinance providing for payment thereof, including expenses, appropriating the sum of \$1,010,000 to pay the cost thereof and authorizing the issuance of \$1,010,000 of bonds or notes of said Township to finance said appropriation; NOW, THEREFORE,

BE IT ORDAINED by the Township Committee of the Township of South Hackensack, in the County of Bergen, New Jersey, as follows:

Section 1. The Township of South Hackensack, in the County of Bergen, New Jersey (the "Township") is hereby authorized to refund the aggregate amount of \$909,856

resulting from cases brought before the Tax Court of New Jersey presently owing by the Township to the owners of the various properties for taxes levied by the Township for the years 2009 to 2012, inclusive, as more particularly described and set forth on the schedule hereby incorporated by this reference as if fully set forth herein (the "Schedule"), and presently on file in the office of the Tax Collector and available for inspection during normal business hours.

Section 2. The Township Committee of the Township hereby determines that the Township is authorized by Section 51(a) of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law") to issue its refunding bonds or notes as hereinafter provided to pay or fund the sum set forth in Section 1 hereof.

Section 3. The sum of \$1,010,000 is hereby appropriated to (a) pay or fund the amount of \$909,856 set forth in Section 1 of this ordinance, and (b) pay an amount not exceeding \$100,144, being the cost of the issuance of refunding bonds or notes and expenses in connection with the tax appeals, including printing, advertising, accounting and financial and legal expenses therefor permitted by Section 51(b) of the Local Bond Law (collectively, hereinafter referred to as "purpose").

Section 4. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$1,010,000 are hereby authorized to be issued pursuant to the Local Bond Law (the "Refunding Bonds"). The Refunding Bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. The Refunding Bonds shall be direct and general obligations of said Township and said Township shall be obligated to levy ad valorem taxes upon all the taxable real property within said Township for the payment of the principal of the Refunding Bonds and the interest thereon without limitation as to rate or amount. The full faith and credit of said Township shall be and are hereby pledged for the punctual payment of the principal of and interest on the Refunding Bonds. Each Refunding Bond issued pursuant to this ordinance shall recite that it is issued pursuant to the Local Bond Law and shall also recite that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened and to have been

performed precedent to and in the issuance of said bond exist, have happened and have been performed, and that said bond, together with all other indebtedness of said Township, is within every debt and other limit prescribed by the Constitution or statutes of said State. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted, except that the Refunding Bonds shall mature at such time or times, not exceeding 40 years from their date, as may be approved by the Local Finance Board.

Section 5. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,010,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law and the Local Finance Board. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,010,000, but said \$1,010,000 shall be deducted from gross debt pursuant to Section 52 of the Local Bond Law, and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 8. It is hereby determined and stated that (A) a certified copy of this refunding bond ordinance as passed on first reading shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to the final adoption thereof, together with a complete statement in the form prescribed by said Director and signed by the chief financial officer of the Township as to the outstanding tax refund amount to be financed by the issuance of the Refunding Bonds or the notes and (B) no sum need be appropriated hereby as a down payment.

Section 9. This ordinance shall take effect twenty days after the first publication thereof after final passage, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

Motion: Brugger

Second: Regan

Roll Call Vote: Brugger, Cagas, Eckel, Regan & Stefano

Date of Introduction: October 10, 2013

Adoption:

Approved:

Attest:

Frank Cagas, Mayor

Donna L. Gambutti, Township Clerk

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ORDINANCE NO. 2013-11

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF SOUTH HACKENSACK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$164,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Committee of the Township of South Hackensack, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Township of South Hackensack, in the County of Bergen, State of New Jersey (the "Township") is hereby authorized to make various public improvements in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance.

It is anticipated that the following government grants shall be received by the Township: (A) \$43,230 from the Bergen County Community Development program, pursuant to the Federal Housing and Community Development Act, to finance the cost of the improvement of Franklin Street authorized in Section 4.A hereof; and (B) \$82,000 from the County of Bergen to finance the installation of ADA curb ramps authorized in Section 4.B hereof. Said grant funds shall be applied as set forth in Section 12 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each

such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Improvement of Franklin Street. It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 82,000
Down Payment Appropriated	\$ 4,000
Bonds and Notes Authorized	\$ 78,000
Period of Usefulness	10 years

B. Installation of ADA curb ramps at Huyler Street and Saddle River Avenue.

Appropriation and Estimated Cost	\$ 82,000
Down Payment Appropriated	\$ 4,000
Bonds and Notes Authorized	\$ 78,000
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$ 164,000
Aggregate Down Payment Appropriated	\$ 8,000
Aggregate Amount of Bonds and Notes Authorized	\$ 156,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$23,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$8,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$8,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$156,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$156,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk.

Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of ten years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$156,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their

agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Motion: Brugger

Second: Regan

Roll Call Vote: Brugger, Cagas, Eckel & Regan

Absent: Stefano

Date of Introduction: November 14, 2013

Approved:

Attest:

Frank Cagas, Mayor

Donna L. Gambutti, Township Clerk

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TOWNSHIP OF SOUTH HACKENSACK

BERGEN COUNTY, NEW JERSEY

RESOLUTION NO.-2013-195

Resolution Re: Emergency Appropriation – Liability Insurance – Insurance Settlements

WHEREAS, an emergency has arisen with respect to liability insurance – insurance settlements and, no adequate provision was made in the 2013 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created including the appropriation to be created by this resolution is \$ 55,472 and three (3) percent of the total operating appropriations in the budget for the year 2013 is \$221,524 and

WHEREAS, the foregoing appropriation does not exceed three (3) percent of the total operating appropriations in the budget for 2013.

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation is hereby made for liability insurance in the amount of \$55,472.
2. That said emergency appropriation shall be provided for in full in the 2014 budget and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1).
3. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.

Motion:

Second:

Roll Call Vote Affirmative:

December 19, 2013

ATTEST:

Township Clerk

Mayor

RESOLUTION NO. 2013-196

Resolution Re: Emergency Appropriation – Sewer Charges

WHEREAS, an emergency has arisen with respect to sewer charges and, no adequate provision was made in the 2013 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created including the appropriation to be created by this resolution is \$94,523 and three (3) percent of the total operating appropriations in the budget for the year 2013 is \$221,524 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2013.

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation is hereby made for sewer charges in the amount of \$39,051.
2. That said emergency appropriation shall be provided for in full in the 2014 budget and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1).
3. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.

Motion:

Second:

Roll Call Vote Affirmative:

December 19, 2013

ATTEST:

Township Clerk

Mayor

Resolution No. 2013-198- Appoint Alternate Crossing Guard

WHEREAS Captain Terraccino has submitted his recommendation for Alternate Crossing Guard William Heinzelman, Jr and;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that following be and are hereby appoint William Heinzelman, Jr as alternate crossing guard for the Township of South Hackensack for the year 2013 effective December 12, 2013.

Motion:
Second:
Absent:
Roll Call Vote:
December 19, 2013

APPROVED:

Frank Cagas, Mayor

ATTEST:

Donna L Gambutti, Municipal Clerk