

Township of South Hackensack  
Bergen County, New Jersey  
February 7, 2013 7:30 P.M.  
*Worksession Meeting*  
MINUTES

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

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

*Call of Meeting to Order*

Mayor Cagas called the Regular Meeting to order at 7:35 p.m. The Clerk advised that pursuant to the Open Public Meetings Act Annual Notice of the meeting had been provided to *The Record, the Herald and News* and by posting the Annual Notice on the bulletin board in the clerk's office where notices are customarily posted. Mayor Cagas led the flag salute. The Municipal Clerk called the roll. All members are present. Mr. Regan arrived at 8:35 PM.

*Correspondence*

Lawrence Paladino- January 16, 2013- 24" Chain saw quotes- after a long discussion regarding two brands of chain saws. (Echo & Stihl) Gary Brugger made a motion to purchase 2 Stihl Chainsaws, seconded by Frank Cagas; all were in favor to approve the purchase of the Stihl brand chainsaws at a higher price.

Lawrence Paladino- January 28, 2013- Mechanic Request- On a motion made by Gary Brugger and seconded by Walter Eckel all were in favor of accepting this correspondence and moving it to moving it to New Business.

Chief Michael Frew- February 1, 2013- Approved Towing List for 2013- - On a motion made by Gary Brugger and seconded by Walter Eckel all were in favor of accepting this correspondence & placing it on file.

Chief Michael Frew- February 1, 2013- Fire Zone Recommendations- On a motion made by Gary Brugger and seconded by Walter Eckel all were favor of accepting this correspondence and moving this item to New Business as the ordinance will need to be amended.

Crown Castle- January 28, 2013- T-Mobile Site #NJ05791D- On motion made by Gary Brugger and seconded by Walter Eckel all were favor of accepting this correspondence and authorizing the Mayor sign this confirmation of lease site; as per the recommendation of the Township Attorney.

### Old Business

Shade Tree Ordinance- proposed changes- Township Attorney, David Nasta explains the proposed changes to the shade tree ordinance such as limiting pruning to 20% with a permit. Joseph Morella would be sent out for an inspection. Also, the amount for escrow would be increased and this ordinance will be referred to the Shade Tree Committee. The next meeting should be March 16, 2013. ***On the question, Gary Brugger asks if we have any control over public service cutting the tops of the trees off and will they replace them if they are ruined?***

Township E-mail & Back-up ( Microsoft 365 Upgrade)- David Nasta, Esquire reports that he is proceeding cautiously as the township needs to ensure emails will be safely archived for retrieval for future use. Option 2 looks the best. On motion made by Gary Brugger and seconded by Walter Eckel all were favor of tabling this item until next week.

Municipal Treasurer Position- Discussion- Vincent Stefano recues himself from this discussion. Walter Eckel expresses his concerns with this position as it was not re-advertised & we are in dire straits in the finance office. A discussion ensues regarding changing the position from Treasurer to Assistant to the CFO & payroll clerk. Walter Eckel states the position will take more than 25 hours a week to be efficient. But believes what the CFO is recommending is too high to start. Gary Brugger asks Frank Cagas if the salary structure will be upset in the office and this been addressed with the administrative staff? David Nasta, Esquire explains full time and part time hours & the recommendation of the CFO for a possible 34 hour a week position. Frank Cagas states the CFO is recommending a salary of up to \$48,000.00. Gary Brugger suggests that Loretta D' Ambrosio's hourly rate be increased by \$5.00 an hour; she has continued to help in the office in this time of transition.

COAH Housing Trust Fund- Planner Authorization ( Kauker & Kauker)- This item is on the agenda for discussion by the Township Committee as Kauker & Kauker has exceeded his \$4,000 limit and the balance of the funds would come out of the COAH trust fund. The committee is considering a balance due to the planner Kauker & Kauker of over \$6,000.00. David Nasta explains the importance of moving on this matter as the Supreme Court heard arguments in the Fair Share Housing lawsuit that put a freeze on the governors attempts to seize the funds. The township Committee agrees with David Nasta that a meeting has to take place as soon as

possible with the planner. Gary Brugger says less money will go to residents if more money has to be paid out to the planner. David Nasta refers to his( Kauker ) contract agreement.

Fire Zones- a discussion ensues regarding fire zones, which will lead to less street parking if the ordinance is amended. Chief Frew recommends three locations- Kinzley Street, Fourth Street & the corner of Louis Street & Louis Court. The committee agrees to review the diagrams.

DPW Mechanic Request- Larry Paladino, DPW Superintendent explains the need for a mechanic and how he resubmitted his request from 2008. Chief Frew agrees there is a need and how if we do not have a mechanic we have to use different places and people for repairs and routine maintenance. Gary Brugger asks if the request is in the budget? Vincent Stefano asks if there is a checklist for our township vehicles as he has for aircraft. This is a way of keeping track of oil changes and maintenance. All township vehicles need to be ready for use. Vinny suggests taking Mike Nasta's advice on a township vehicle checklist, primarily for the police department. The township committee discusses the past when they had a full time mechanic on staff in the DPW.

Appointment of subcommittee for the evaluation & efficiency of the DPW- Frank Cagas and Walter Eckel are appointed to do research.

### *New Business*

Extension to Maintenance and Support Agreement with Livescan for South Hackensack Police Department. February 1, 2013-January 31, 2014- On a motion made by Gary Brugger and seconded by Walter Eckel all were favor of approving this agreement.

Discussion of Appointment of Salvatore Zito- Recreation Commissioner- 4 Year Term- On a motion made by Gary Brugger and seconded by Walter Eckel all were favor of approving this appointment.

Discussion of Appointment of Donna L. Gambutti as Fund Commissioner for 2013- On a motion made by Gary Brugger and seconded by Walter Eckel all were favor of approving this appointment.

Discussion of increase in hourly rate for snowplowing- On a motion made by Gary Brugger and seconded by Walter Eckel all were favor of approving the hourly rate is increased to \$20.00 an hour.

*Ordinances-* *no ordinances to introduce or adopt at this time.*

### *Resolutions*

Closed Executive Session – On a motion made by Gary Brugger and seconded by Walter Eckel all were favor.

Consent Agenda 2013-02- On a motion made by Gary Brugger and seconded by Walter Eckel all were favor of approving consent agenda 2013-02 with a change to Resolution Number 2013-063. ( change to \$25.00 an hour for Loretta D' Ambrosio).

### Committee Reports

Walter Eckel- Comments the snow and confirms that the DPW needs to ask for help regarding drivers for plowing in snow storms. He confirms that the drivers are only making \$10.00 an hour and he would like to see it raised to \$15.00-\$20.00 an hour if possible. Walter Eckel and Frank Cagas both agree with Chief Frew that the cars have to be ticketed that do not move off the street for the snow plow. Larry Paladino agrees that the hourly rate for snow plowing has to be increased. He reminds the township that he only has 3 guys and he needs everyone of them in a storm. Walter Eckel also reports on the Grove Street generator project as he has been in communication with the Bergen County Housing Authority.

Gary Brugger- Announces the ambulance Corps wants to do a car wash in the town hall parking lot on May 18<sup>th</sup>; he asks Chief Frew for his approval on this date. Gary Brugger reports on the Meadowlands Tax Sharing update. There are six other payer towns and everyone has been increased over the last 8 years. He reports he went to a meeting last night and the group of payer towns may have to hire consultants who are the best of the best- not a political move but an independent group of professionals to review the situation. Vincent Stefano asks if we can hold back payment to the NJMC? Gary says that has not work in the past but we could still try.

Vincent Stefano- Announces that Dr. Defabis will be retiring this year. He reports that the 8<sup>th</sup> grade had their beefsteak fundraiser & Adult night will be on March 1rst- it is a 7<sup>th</sup> grade fundraiser. Vinny Stefano updates the committee on the progress of the townships Face book page but advises that protocols have to be followed regarding the posting of messages and comments. Discussion ensues on who should be posting and have the password. Bill Regan suggests it should be the clerk and Vinny Stefano.

Bill Regan- Does not have a lot to report but would like a list compiled by next week for volunteers who could shovel snow for senior citizens.

Frank Cagas- is happy to recognize all the volunteers who helped during the storm. He states he would like to see residents trained for the CERT Team so we have as many hands as we can get in the time of an emergency.

### Public Comments –

Dolly Montenegro- 57 Phillips Avenue- Comments she is disappointed that the Township Committee has not honored the teenage volunteers who helped out at the Fire Department during Hurricane Sandy. She stated she thought it should have been done at the Reorganization Meeting

last month. Mayor Frank Cagas advises her that he will request the names of the children from Fire Chief Leo Rossi; so they can be recognized for their service. Dolly announces the fundraising date of March 3<sup>rd</sup> for a bus ride the Sands Casino. This is a fundraiser for the Fire Department and there are still some tickets left. She also reports on the senior center bathrooms and would not like to use the grant money for the ADA improvements as one of the toilets would be lost in the woman's room. She reports that Angelo Sortino looked at the work that needs to be done to the tiles and it should only cost around \$3500.00 for materials. (she comments on how important it is to not loose a stall in the woman's room). Gary Brugger suggests that Mary Terraccino research options for this grant money.

Loni Bidel- 51 Grove Street- Agrees with Walter Eckel about the hiring of the Treasurer and how there is a great work force in the office. Advises that it would be a slap in the face (to the administrative staff) if the salary was too high. Loni reports on the recent Freeholder meeting & the NJMC last meeting in Secaucus. He agrees that the police need to ticket & tow cars that are parked on the street during a snow storm. Loni praises the DPW for what a good job they do in snowstorms.

### Closed Session

On a motion made by Vincent Stefano and Seconded by Walter Eckel all were in favor of entering into closed executive session at 9:30PM.

The minutes of the closed session will be released when authorized by the governing body and permitted by law.

On a motion made by Gary Brugger and seconded by Walter Eckel; all were in favor to returning to open session.

### Adjournment

On a motion made by Gary Brugger and seconded by Bill Regan all were in favor to adjourn at 10:25PM.

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

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*Donna L. Gambutti*

<b>Consent Resolution 2013-02</b>
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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. 2013-063- Extend the employment of Loretta D’Ambrosio**

**Resolution No. 2013-064- Authorize the advertisement and solicitation of Bids for the lease of public lands commonly known as Block 33.02 Lot 12.04 – Huyler Street.**

**Resolution No. 2013-065- License Report for January 2013**

Motion: Brugger

Second: Eckel

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

Date: February 7, 2013

<b>RESOLUTION NO. 2013- 063 APPOINTING LORETTA D’AMBROSIO AS CLERK/TYPIST (Extension of Employment)</b>
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**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 February 1, 2013 and not to extend beyond March 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 \$25.00 per hour.

Consent Agenda Resolution No. 2013-02

Date: February 7, 2013

<b>RESOLUTION NO. 2013- 064</b>
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<b>AUTHORIZING THE ADVERTISEMENT AND SOLICATION OF BIDS FOR THE LEASE OF PUBLIC LANDS COMMONLY KNOWN AS BLOCK 33.02 LOT 12.04 – HUYLER STREET</b>
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**WHEREAS**, the Township currently owns and leases a portion of land owned by it commonly known and designated on the tax assessment map of the Township of South Hackensack as Block 33.02 Lot 12.04; and

**WHEREAS**, the Township leases said land to T-Mobile for the purposes of operating a cellular monopole and associated equipment ; and

**WHEREAS**, the aforementioned monopole provides sufficient space for the co-location of an additional user and the aforementioned lease permits said co-location; and

**WHEREAS**, the Township Committee has determined that it would be in the best interest of the Township to receive bids for the co-location of an additional user on the aforementioned monopole; and

**WHEREAS**, the Township wishes to ensure that sufficient land is available for a potential co-locator to install the necessary equipment associated with the co-location on the monopole and as a result has designated a portion of its lands (as set forth on the attached sketch) and designated as Block 33.02 Lot 12.04 available for lease to accommodate said equipment.; and

**WHEREAS**, the Local Lands and Buildings Law N.J.S.A. 40A:12-1 et seq. requires that the Township prepare specifications and advertise for bids at least two times for the lease of said land; and

**WHEREAS**, the Township Committee has heretofore authorized the preparation of said specifications (which are attached hereto) and the advertisement as required by law

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of South Hackensack that the Township Clerk is hereby directed to advertise as required by law for the solicitation of bids for the lease of municipal lands commonly known as Block 33.02 Lot 12.04 and in accordance with specifications prepared and approved by the municipal attorney and that any and all acts in compliance with said legal requirements be and the same are hereby ratified.

**ATTEST**

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**Donna L. Gambutti, Township Clerk**

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**Frank Cagas, Mayor**

Consent Agenda Resolution No. 2013-02  
Date: February 7, 2013

**Resolution No. 2013 – 065 Licenses – January 2013**

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>
01/04/13	AT&T	4103	\$ 1,000	Communications
01/10/13	H&M	4104	25	Clothing Bin
01/31/13	Balouch Catering	4105	160	Mobile Vendor

TOTAL: \$ 1,185

FIRE PERMITS

<u>Received</u>	<u>Business</u>	<u>License #</u>	<u>Fee</u>
01/14/13	HQRW Corp	Type I-Torch	\$ 42

TOTAL FIRE: \$ 42

GRAND TOTAL ALL LICENSES/PERMITS: \$ 1,227

Consent Agenda Resolution No. 2013-02

Date: February 7, 2013

**Resolution Authorizing Executive Session- February 7, 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.

  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.

**Tax Appeals- Alsan Realty Company, LP v TSH  
Tax Appeals- Mt. Laurel, LLC v TSH  
( 378 Route 46- Block 1.02 Lot 1.02 & 330 Main Street- Block 1.04 Lot 1 )**

**New Litigation- Montenegro, Kaiser & Riotto Vs TSH, Michael Frew & Steven Furbacher**

  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.

**Chief Michael D. Frew  
Lawrence Paladino, Jr  
Thomas Yannetti**

**Joseph Marrella  
Angelo Sortino**

(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 **February 7, 2013.***