

Township of South Hackensack
Bergen County, New Jersey
March 14, 2013 7:30 P.M.
Regular Meeting
MINUTES

Frank Cagas, Mayor.....*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
Connie Wagner, Assemblywoman District 36* *Special Guest*

Call of Meeting to Order

Mayor Cagas called the Regular Meeting to order at 7:35 p.m. The Clerk advised that this is a regular scheduled 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. Mayor Cagas led the flag salute. The Municipal Clerk called the roll. Vincent Stefano is not present.

Special Presentations

- ❑ *Sgt. Licamara-* Commendations from Township Committee and Special Guest Assemblywoman Connie Wagner- Sgt. Licamara receives special recognition from Assemblywoman Wagner for helping a Paramus resident. She presents him with a certificate from her office and thanks him for giving this resident a second chance at life. Mayor Frank Cagas honors Sgt. Licamara on behalf of the Township Committee.
- ❑ *2013 Police Academy Graduates* – Justin Zanca, James Donatello, Gary Yannetti & Brian Kropp- Police Chief, Michael Frew and Mayor Cagas congratulate the new officers on their recent graduation from the police academy.
- ❑ *South Hackensack Volunteer Fire Department-* Presentation of funds raised by The South Hackensack Senior Center- Dolly Montenegro presents Fire Chief Leo Rossi and Fred Hum with a check from the recent fund raiser (bus trip to Sands Casino) by the South Hackensack Senior Center. Dolly thanks the Fire Department again for their help delivering meals to shut in residents during Hurricane Sandy & commends the SHVAC for their excellent service as well.

□ 2012-2013 - 7th & 8th Grade Cheerleading Squad- State Championship Winners

8th Grade:
Natalie Alpizar
Isabella Cutri
Kiana DelVillar
Eileen Matias
Elaine Morilo
Kassidy Orzechowski
Helen Solis

7th Grade:
Arlene Grullon
Jeya Lacap
Marisa Pelikan
Alexa Regan
Ashley Rincon
Keysha Santiago

Bill Regan, Deputy Mayor presents the 7th & 8th Grade Girls each with a certificate of achievement from the Township Committee- He notes that he likes to see a good turnout of people to honor Sgt. Licamara, The South Hackensack Volunteer Fire Department & The Memorial School Cheerleading Squad. He thanks everyone for attending this meeting. The Cheerleading Squad perform a cheer for The Township Committee.

Closed Session- *Mayor Cagas announces we will be entering into Closed Executive Session at this time as attorneys are present to discuss litigation listed on the Executive Session Agenda.*

On a motion made by Frank Cagas and seconded by Walter Eckel, all were in favor of entering into closed executive session at 8:15 PM. Minutes of closed session were recorded and will be made available to the public 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 at 9:15PM.

Correspondence & Reports

General Correspondence- February 2013- On a motion made by Gary Brugger and Seconded by Walter Eckel; all were in favor of accepting and filing the correspondence for February 2013.

Monthly Reports -February 2013- On a motion made by Walter Eckel and Seconded by Gary Brugger; all were in favor of accepting and filing the reports for February 2013.

Francesco A. Maceri- March 8, 2013- Fire Prevention Parking Spot- On a motion made by Bill Regan and Seconded by Gary Brugger all were in favor of accepting this correspondence and approving the use for another senior parking spot. Discussion between the Township Committee and Dolly Montengero ensues regarding adding extra parking spots by ordinance. David Nasta, Township Attorney explains that the township parking spots are created and dissolved by ordinance only.

Old Business

Department of Public Works Proficiency and Evaluation- Discussion- No update on this matter.

Willow Tree Quote for the dedication to Dr. Defabis- On a motion made by Gary Brugger and Seconded by Frank Cagas all were in favor of approving the purchase at Victoria's Nursery for \$ 165.00 delivered.

New Business

Potential/Sale Agreement of Lease (s)- Cellular Monopole- On a motion made by Gary Brugger and Seconded by Frank Cagas all were in favor of authorizing the Township Attorney to prepare bid specs regarding the lease of the monopole on Huyler Street. David Nasta explains again that the township will collect rent from this lease option.

Gateway BMED Fund- Out of Network Schedule Option- The Clerk explains no action is required at this time.

Blue Light Permit- Fire Department- Kevin Kubat- On a motion made by Gary Brugger and Seconded by Frank Cagas all were in favor of approving this request.

Ordinances

*Introduction of and set the date for public hearing: * Not Introduced at this Meeting**

Ordinance No. 2013-03

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 208 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "ZONING"

This ordinance was not introduced at this meeting as the Township Attorney advises the Township Committee of changes that need to be made; Ray De Riso, Zoning Official agrees and comments on C-Zones. A discussion ensues between the Township Committee, Larry Paladino and Chief Frew regarding fences on commercial property. Walter Eckel comments that he does not want to create an isolated environment.

*Introduction of and set the date for public hearing: * Not Introduced at this Meeting**

Ordinance No. 2013-04-

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 155 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "PARKING"

This ordinance was not introduced at this meeting as the Township Attorney advises the Township Committee that changes need to be made regarding the amount of parking spots designated for senior center parking.

Resolutions

- Closed Executive Session - On a motion made by Frank Cagas and seconded by Walter Eckel, all were in favor of approving this resolution.

- Consent Resolution No. 2012-03- On a motion made by Gary Brugger and seconded by Walter Eckel; all were favor. No members of the Township Committee wanted any resolutions removed.
- Resolution 2013-089-Consent Decree for Settlement in the action- NJDEP V Occidental Chemical Corp. On a motion made by Gary Brugger and seconded by Frank Cagas all were in favor to approve this resolution by roll call vote.

Committee Reports

Bill Regan- Announces the spring show on March 22nd. This will include Mad Science and the Easter Bunny is expected to attend. (At Memorial School).

Walter Eckel- Congratulates everyone that was included today in all the special presentations; he thanks all the volunteers who help out the town and reminds residents to be safe during snow storms.

Gary Brugger- No report.

Frank Cagas- Wants to thank the new police academy graduates & all that were involved in the special presentations. He reports that today he attended a Mayors meeting in Lodi with all the local Mayors that towns border on the Saddle River. The meeting was a discussion of the raising of the Marcellus Bridge. He adds that PSE&G should be involved in the process as well regarding the substation. He announces the proposed FEMA flood maps; they are available at town hall but they are only preliminary. He comments on the fact that the Boswell sump pump inspections appear to be going well.

Public Comments

Police Chief Michael Frew- Thanks the Township Council for attending the Police Academy graduation the other night and announces that he is proud of the new graduates too. He updates the Committee on the school satellite program.

Dolly Montenegro, 57 Phillips Avenue- Dolly asks Larry Paladino about the heat in the senior center and ambulance corps. She states that at bingo it was freezing and she would like Larry to look into the matter.

Mr. Nasta, Jr- 45 Kinzley Street- Asks the Township Committee if they can call Senator Sarlo's office regarding all the street lights that are out. States that there is one out right by his house. Requests the whole list from the clerk, if possible.

On a motion made by Walter Eckel and seconded by Gary Brugger all were in favor of entering into closed executive session again at 9:45PM. Minutes of closed session were recorded and will be made available to the public when authorized by the governing body and permitted by law.

Adjournment

On a motion made by Walter Eckel and seconded by Gary Brugger all were in favor to adjourn the meeting at 10:45 PM.

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

Donna L. Gambutti

Consent Resolution 2013-03

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. 2013-078- Redemption of Tax Sale Certificate- 60 Romanelli Avenue

Resolution No. 2013-079- Redemption of Tax Sale Certificate- 202 West Street

Resolution No. 2013-080- Sewer Appeal- 289 Huyler Street

Resolution No. 2013-081- Payment of Bills- March 2013

Resolution No. 2013-082-- Resolution authorizing the offering of Health Benefit Coverage to Eligible Dependents to age 31, as promulgated by State Statute

Resolution No. 2013-083- License Report for February 2013

Resolution No. 084- Authorizing the award of contract for Monopole

Resolution No-085- Authorizing Tax Appeal for Schmidt V Township of South Hackensack – 143 Leuning Street

Resolution No- 086- Authorizing Tax Appeal for Meior Donmor v Township of South Hackensack – 240 South Main Street

Resolution No- 087- Authorizing Appointment Award for Professional Services Contract – Robinson & Cole LLP – Meadowlands Tax Sharing Attorney

Resolution No. 2013-088 – Approval of Minutes

Motion:

Second:

Roll Call Vote:

Date: March 14, 2013

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Resolution Authorizing Executive Session- March 14, 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.

Chief Michael D. Frew
Litigation- Montenegro, Kaiser & Riotto Vs TSH,
Frew V. South Hackensack
Evans V. South Hackensack

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.

Jamie Januzzi
Lydia Heinzelman

(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 14, 2013

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