

Township of South Hackensack
Bergen County, New Jersey
February 2, 2012 7:30 P.M.
Worksession Meeting
AGENDA

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

Linda LoPiccolo, Municipal Clerk
David V. Nasta, Esq., Municipal Attorney

Call of Meeting to Order

Correspondence & Reports

- November 28, 2011, David N. Grubb, Executive Director Re: 2011-2012 Employment Practices Liability (EPL) Program
- January 11, 2012, Michael Montenegro, Deputy Chief Re: Request to use confiscated funds – police car purchase
- January 17, 2012, Frank Covelli, Manger-Public Entities Dept., Re: Suggested all professionals submit a Certificate of Insurance, including Professional Liability, for 2012 with a minimum limit of liability of \$1,000,000 each claim
- January 17, 2012, William DeFabiis, CSA Re: School Related Issues
- January 25, 2012, Lawrence J. Paladino, Jr., DPWM, Superintendent Re: generators, pumps and sewer blower
- January 25, 2012, Michael Nasta, Fire Chief re: 2012 LOSAP (2011 service)
- January 30, 2012, Lydia Heinzelman, PB/ZB Secretary Re: Request to increase escrow for “all other applications”

Old Business

- 68 Franklin Street – Requesting Reimbursement for street side of sewer repair

New Business

- (P.L. 2012, c.202) Moving School Elections to the November General Election – adopted and signed into law January 17, 2012
- NJMC CO-op Pothole Filler Program

Ordinances

DRAFT ORDINANCE – For review

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “FEES” (ESCROW FEES)

DRAFT ORDINANCE – For review
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 208 OF THE
CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “ZONING”

SHADE TREE ORDINANCE REVISIONS

Resolutions

- Resolution Authorizing Closed Executive Session
 - Litigation – Tax Appeal
 - 490 Huyler Street, LLC v. Township of South Hackensack
 - Forsgate Ventures v. Township of South Hackensack (premises located at 45 E. Wesley Street and 400 Huyler Street)
 - Litigation – Frew v. Township of South Hackensack

Committee Reports

Public Comments

Closed Session

Adjournment

Resolution Authorizing Executive Session – February 2, 2012

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.

 X (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.

- Litigation – Tax Appeal

- 490 Huyler Street, LLC v. Township of South Hackensack
- Forsgate Ventures v. Township of South Hackensack (premises located at 45 E. Wesley Street and 400 Huyler Street)
- Litigation – Frew v. Township of South Hackensack

(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.

(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 2, 2012.

Linda LoPiccolo
Municipal Clerk