

Township of South Hackensack
County of Bergen, New Jersey
June 8, 2006 7:30 P.M.
Regular Meeting
AGENDA

Robyn Scholz, Mayor
Lucindo A. LoPiccolo, Jr., Deputy Mayor
James Anzevino
Gary Brugger
Walter Eckel, Jr.

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

Call of Meeting to Order
Correspondence

- June 8, 2006, Loretta D'Ambrosio, Treasurer – Certificate of the Township Treasurer Showing Gross Borrowing Power of the Township of South Hackensack with Respect to Tax Anticipation Notes of 2006 of the Township of South Hackensack, In the County of Bergen
- May 17, 2006, Reverend Dr. Robert L. Curry to Michael D. Frew, Chief of Police – Thank you for assistance during funeral on May 10, 2006.
- May 25, 2006, Daryl Marsden – Request for full time position as crossing guard. (Currently employed as part time)
- General Correspondence – May 2006
- Monthly Department Reports – May 2006

Old Business

- Teterboro Flooding
- 2005 NJDOT Local Aid Project, Green Street – Need approval from governing body for Boswell Engineer's \$6,000 design fee and \$9,000 construction fee proposal dated May 3, 2005.

New Business

Ordinances

Second Reading, Public Hearing and Continuation to July 13, 2006

ORDINANCE NO. 2006 – 04(a)
AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 113 OF THE CODE
OF THE TOWNSHIP OF SOUTH HACKENSACK
ENTITLED “FLOOD DAMAGE PREVENTION”

Introduction of and set the date for public hearing and adoption (July 13, 2006)

ORDINANCE NO. 2006-11

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 14 OF THE CODE OF
THE TOWNSHIP OF SOUTH HACKENSACK
ENTITLED "FIRE DEPARTMENT"**

Introduction of and set the date for public hearing on Ordinance 2006-12

ORDINANCE NO. 2006-12

**AN ORDINANCE TO FIX THE SALARIES,
RETAINERS, AND CONTRACTUAL SERVICE
CHARGES OF CERTAIN OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF SOUTH
HACKENSACK FOR 2006**

Introduction of and set the date for public hearing on Ordinance 2006-13

TOWNSHIP OF SOUTH HACKENSACK

ORDINANCE NO. 2006-13

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

Introduction of and set the date for public hearing on Ordinance 2006-14

TOWNSHIP OF SOUTH HACKENSACK

ORDINANCE NO. 2006-14

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

Resolutions

- Consent Agenda Resolution No. 2006-06

Committee Reports

Public Comments

Closed Session

Adjournment

Consent Resolution No. 2006-06

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/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. 2006-099 Approve Minutes

Resolution No. 2006-100 Licenses – June 2006

Resolution No. 2006-101 Snow Plow Agreement 2006-07

Resolution No. 2006-102 Click It or Ticket Mobilization of May 22 – June 4, 2006

Resolution No. 2006-103 Liquor License Renewal 2006-07

Resolution No. 2006-104 2007 State Aid Application/Vreeland Avenue

Resolution No. 2006-105 Approve and Award Scholarship

Resolution No. 2006-106 Authorizing The Issuance Of \$1,500,000 Tax Anticipation Notes Of 2006 Of The Township Of South Hackensack, In The County Of Bergen, New Jersey And Providing For Other Matters In Connection Therewith.

Resolution No. 2006-107 Temporary Budget Amendment

Resolution No. 2006-108 Authorizing Executive Session

Resolution No. 2006-109 Authorizing the Execution of a Developer's Agreement by and Between the Township of South Hackensack and Forsgate Ventures Ix, LLC for Certain Property Known as Block 33.01 Lot 8 on the Tax Assessment Map of the Township of South Hackensack or More Commonly Known as 45 East Wesley Street

Resolution No. 2006-110 Bills \$950,329.22

Offered:

Second:

Roll Call Vote:

Date: June 8, 2006

Resolution No. 2006-099 Approve Minutes

BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the following minutes be and are hereby approved as submitted.

April 6, 13, 2006

May 11, 2006

Consent Resolution No. 2006-03

Date: June 8, 2006

Resolution No. 2006-100 Licenses – June 2006

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:

05/11/06	Tabco Auto Body & Truck Repair	3503	\$175.00
05/11/06	Teggiano Restaurant	3504	\$125.00
05/11/06	Saddle Towing & Repair	3505	\$175.00
025/15/06	Genty's Auto Sales	3506	\$360.00
05/24/06	The Smart Shopper Solution Inc.	3507	\$360.00
05/31/06	Bagel Basket & Deli	3508	\$125.00
05/31/06	Tension Envelope	3509	\$150.00

Fire Licenses:

05/15/06	Modern Fence and Construction	2216	\$138.00
05/15/06	Homestead Roofing Co. Inc.	2217	\$35.00
06/24/06	ArtCast Company Inc.	2218	\$176.00

Consent Agenda Resolution No. 2006-06

Date: June 8, 2006

Resolution No. 2006-101 – Snow Plow Agreement 2006-07

WHEREAS, the County of Bergen is desirous to employ the services of the Township of South Hackensack for snow plow operations on County roads located within the Township of South Hackensack, and

WHEREAS, the Township Committee of the Township of South Hackensack is desirous of entering into an Agreement with the County of Bergen as an employee of the County of Bergen to provide these services,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the Mayor and Clerk are hereby authorized and directed to enter into an agreement with the County of Bergen to provide snow plowing services pursuant to the Municipal Snow Plow Agreement attached hereto and made a part hereof.

Consent Agenda Resolution 2006-06

Date: June 8, 2006

Resolution No. 2006-102 Click It or Ticket Mobilization of May 22 – June 4, 2006

Whereas there were 757 motor vehicle fatalities in New Jersey in 2005; and

Whereas a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

Whereas, use of safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt use nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in the nationwide Click or Ticket safety belt mobilization from May 22 – June 4, 2006 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 86% to 88%; and

Whereas, a further increase in safety belt usage in New Jersey will save lives on our roadways;

Therefore, be it resolved that the Township Committee of the Township of South Hackensack declares its support for the **Click It or Ticket** safety belt mobilization both locally and nationally from May 22 – June 4, 2006 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

Consent Agenda Resolution No 2006-06

Date: June 9, 2006

Resolution No. 2006-103 Liquor License Renewal 2006-07

WHEREAS, the licenses listed below have made application to the Township Committee of the Township of South Hackensack, in the County of Bergen, for the renewal of their 2006-07 Retail licenses; and

WHEREAS, all requirements applicable to the case of the original application have been complied with; and

WHEREAS, no objections have been filed with the Township Clerk

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey, that the retail licenses as listed below are renewed for the year 2006-07 effective July 1, 2006, and under special conditions as noted:

License Number	License Name	Trade Name	Paid	
0259-44-006-002	Cromwell Liquors, Inc.	Home Liquors	\$260	
0259-33-009-005	Teggiano Restaurant, Inc.	Teggiano Restaurant	\$1,488	
0259-33-010-001	Pleasure Lounge, Inc.	Pleasure Lounge	\$1,488	
0259-33-003-007	Inoue Corp.	Sakura 46	\$1,488	
0259-33-008-004	Car Wash Liquors, Inc.	Car Wash Liquors	\$1,488	
0259-44-005-004	Toffi, Inc.	Pompei Little Market	\$260	
0259-33-002-004	Twins Plus Lounge, Inc.	Twins Plus Lounge	\$1,488	
0259-33-001-005	G. Money Enterprises, Inc.	Tony G's	\$1,488	
0259-33-004-001	Caled Corporation	Club Flamingo	\$1,488	
0259-33-007-012	Silver Cup Enterprises, LLC	Plaza 46	\$1,488	
0259-33-012-003	Club 213, Inc.	Players Sports & Entertainment	\$1,488	

Consent Agenda Resolution No. 2006-06
Dated: June 8, 2006

Resolution No. 2006-104 2007 State Aid Application/Vreeland Avenue

BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that application be made to the Commissioner of Transportation for an allotment of aid for the improvement of Vreeland Avenue in the Township of South Hackensack, Bergen County, New Jersey; and

BE IT FURTHER RESOLVED that the document described as New Jersey Department of Transportation Resolution, Application, and Agreement for State Aid to Counties and Municipalities attached hereto and made a part hereof, be and is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute and attest the Resolution, Application and Agreement.

Consent Agenda Resolution 2006-06
Date: June 8, 2006

Resolution No. 2006-105 Approve and Award Scholarship

WHEREAS the Township of South Hackensack received a \$50,000 distribution in accordance with a Consent Order of the Superior Court dated December 19, 2004, in

settlement of South Hackensack Fire Company No. 2 v. Township of South Hackensack, et al, for the purpose of establishing a scholarship fund; and

WHEREAS the Township Committee of the Township of South Hackensack established a scholarship fund to be administered by an appointed scholarship committee consisting of 2 township residents, 1 member from Co. No. 1, 1 former member of Co. 2, and the principal of Memorial School; and

WHEREAS the scholarship committee appointed by the Township Committee prepared an outline for an annual scholarship award that included conditions and qualifications for award, dates, manner and method of payment, administration, and financial; and

WHEREAS applications were mailed to all eligible applicants; and

WHEREAS three applications were received by the application deadline of June 1, 2006; and

WHEREAS all three applicants met the minimum requirements for award, and

WHEREAS the scholarship committee recommended awarding a scholarship of \$1,000 to all three applicants, and

WHEREAS the Township Committee discussed the matter at their meeting that was held on June 8, 2006; and

WHEREAS it is desirable to award a \$1,000 to all three applicants,

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the following eligible applicants be and are hereby awarded a \$1,000 post secondary education scholarship award:

Stephanie Terraccino, 1 Maple Street
Michael Moran, 4 Maple Street
Tatiana Sims, 56 Michael Street

BE IT FURTHER RESOLVED that payment will be made upon submission of satisfactory evidence to the Township of South Hackensack of payment of tuition and proof (transcript) of completion of coursework covered by tuition.

Consent Agenda Resolution 2006-06

Date: June 8, 2006

Resolution No. 2006-106 Authorizing The Issuance Of \$1,500,000 Tax Anticipation Notes Of 2006 Of The Township Of South Hackensack, In The County Of Bergen, New Jersey And Providing For Other Matters In Connection Therewith.

BE IT RESOLVED by the Township Committee of the Township of South Hackensack, in the County of Bergen (the "Township"), as follows:

Section 1. The Township Committee of the Township has ascertained and hereby determines and declares that the Township Treasurer has, by direction of the Township Committee, made and filed in the office of the Township Clerk a certificate reading as follows:

"CERTIFICATE OF THE TOWNSHIP TREASURER SHOWING GROSS BORROWING POWER OF THE TOWNSHIP WITH RESPECT TO TAX ANTICIPATION NOTES OF 2006 OF THE TOWNSHIP OF SOUTH HACKENSACK, IN THE COUNTY OF BERGEN, NEW JERSEY.

The undersigned Township Treasurer of the Township of South Hackensack, in the County of Bergen, hereby certifies pursuant to the provisions of Section 66 of the Local Budget Law as follows:

(a)The gross borrowing power of the Township in respect to tax anticipation notes of the fiscal year beginning January 1, 2006, being 30% of the tax levy of the next preceding fiscal year, which ended December 31, 2005, for all purposes, plus 30% of the amount of miscellaneous revenues realized by the Township in cash during such next preceding fiscal year, is \$3,637,110.22

(b)The amount of notes of the Township outstanding in anticipation of the collection of taxes of such fiscal year beginning January 1, 2006, except such notes as will be renewed by or paid from the proceeds of the notes to be issued, is \$-0-.

(c)The net borrowing power of the Township, being the excess of the first over the second of the two above amounts is, \$3,637,110.22.

IN WITNESS WHEREOF, I have hereunto set my hand as Township Treasurer of the Township, this ____day of 200_.

*Township Treasurer
Township of South Hackensack
County of Bergen
State of New Jersey.*

Section 2. Pursuant to the Local Budget Law, the Township shall borrow the sum of \$1,500,000 in anticipation of the collection of taxes levied or to be levied in and for the fiscal year beginning January 1, 2006, and in anticipation of other revenues for such fiscal year, and, for the purpose of borrowing said sum there shall be issued Tax Anticipation Notes of 2006 of said Township, and any renewals thereof, of the aggregate principal amount of \$1,500,000.

Section 3. The notes issued pursuant to this resolution shall be negotiable notes payable to bearer, and shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and such interest shall be payable at the maturity

of such notes. The notes shall be dated on or about the date of their issuance and any renewals of said notes, if any, shall mature and be payable within 120 days after the beginning of the succeeding fiscal year. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Township.

Section 4. The Mayor and the Township Treasurer are hereby authorized to execute said notes, and the Township Clerk is hereby authorized to affix the seal of the Township to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

Section 5. The Township Treasurer is hereby authorized to sell said notes from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefor.

Section 6. All sums borrowed by the issuance of said notes shall be applied only to the purposes provided for in the budget adopted by the Township for the fiscal year beginning January 1, 2006, or to purposes for which taxes are levied or are to be levied for such fiscal year.

Section 7. The Township Committee hereby designates the Tax Anticipation Notes of 2006 as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). It is hereby determined and stated that the Tax Anticipation Notes of 2006 (1) are not "private activity bonds" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of tax-exempt obligations (other than private activity bonds) during the calendar year 2006. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Township does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 8. This resolution shall take effect immediately upon its adoption.

Consent Agenda Resolution 2006-06

Date: June 8, 2006

Resolution No. 2006-107 Temporary Budget Amendment

WHEREAS, an emergent Condition has arisen with respect to current fund appropriations (see list below) and

WHEREAS, no adequate provision has been made in the 2006 temporary budget for the

aforesaid purpose, and NJSA 40A: 4-20, provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2006 pursuant to the provision of Chapter 96, P.S. 1951 (N.J.S.A.40A: 4-20) including this resolution total \$2,436,057.55

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provision of N.J.S.A.40A: 4-20:

1. An emergency temporary appropriation be and the same is hereby made for Operations included in "CAPS"

Municipal Clerk S&W	10,000.00
Municipal Clerk Other Expenses	10,000.00
Finance Other Expenses	3,500.00
Planning Board Other Expenses	250.00
Police Salaries & Wages	80,000.00
Solid Waste Recycling Other Expenses	6,000.00
Water	1450.00
Total	111,200.00

2. That one certified copy of this resolution be filed with the Director of Local Government Services

Consent Agenda Resolution 2006-06
Date: June 8, 2006

Resolution No. 2006-108 Authorizing Executive Session

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.

X (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 required in order for the attorney to exercise his ethical duties as a lawyer.

X (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 June 8, 2006.

Linda LoPiccolo
Township Clerk

Resolution No. 2006-109 Authorizing the Execution of a Developer's Agreement by and Between the Township of South Hackensack and Forsgate Ventures IX, LLC for Certain Property Known as Block 33.01 Lot 8 on the Tax Assessment Map of the Township of South Hackensack or More Commonly Known as 45 East Wesley Street

WHEREAS, Forsgate Ventures IX, LLC, as the owner of Block 33.01 Lot 8 more commonly known as 45 East Wesley Street, South Hackensack, New Jersey made application to the South Hackensack Planning Board for major site plan approval with variances; and

WHEREAS, the South Hackensack Planning Board held various public hearings wherein they reviewed documentation and testimony in favor of said application as well as various reports prepared by the township's professionals; and

WHEREAS, the South Hackensack Planning Board by resolution dated December 5, 2005 granted preliminary and final site plan approval with variances for the aforementioned property all in accordance with the plans submitted and approved by the board; and

WHEREAS, as a condition of said approvals the applicant is required to enter into a developer's agreement in a form and substance approved by the township; and

WHEREAS, counsel for the South Hackensack Planning Board prepared and submitted to the developer a proposed agreement which was approved and executed by the developer; and

WHEREAS, said agreement and approving resolution has been submitted to, reviewed and approved by the township attorney

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the mayor and municipal clerk are hereby authorized to enter into a developer's agreement, as approved by the township attorney, with Forsgate Ventures IX, LLC all as more particularly described herein.

Date: June 8, 2006
Consent Agenda Resolution No. 2006-06