

Township of South Hackensack
Bergen County, New Jersey
July 14, 2011 7:30 P.M.
Regular Meeting
AGENDA

Walter Eckel Jr., Mayor
James Anzevino
Gary Brugger
Frank Cagas
Vincent Stefano

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

Call of Meeting to Order

Correspondence & Reports

- General Correspondence – June 2011
- Monthly Department Reports – June 2011
- June 9, 2011, Noreen Best, Acting Director, CDBG Bergen County Re: Notify CDBG of intent to be included or excluded from the CDBG Program for 2012-2015
- June 22, 2011, Noreen Best, Acting Director, CDBG Bergen County Re: CDBG Applications Due no later than October 7, 2011 by 4:30 p.m.
- June 6, 2011, John Driscoll, Jr., Freeholder Chairman Re: Flood Advisory Council for Bergen County – Recommend panel members
- June 15, 2011, William DeFabiis, Ed.D., Chief School Administrator Re: No longer be able to mow the field behind Memorial School
- June 28, 2011, Lawrence J. Paladino, Jr., CPWM, Supt. Re: 12 Hegner Court (Loose Driveway Apron Slab)
- June 17, 2011, Lawrence J. Paladino, Jr., CPWM, Supt. (LJP) Re: Raised Sidewalk 413 Chestnut Avenue
- June 14, 2011, LJP Re: 11 Garfield Place, 28 Sievers Lane, 464 Taylor Avenue (Dead trees that need to be removed)
- Candido Encarnacion, 15 Hegner Court Re: Extend driveway, increase curb cut
- July 11, 2011, Dolly Montenegro, President Senior Citizens' Club Re: Floor and bathroom cleaning
- June 14, 2011, Alfred W. Kotchi, Jr., P.E., Parsons Brinckerhoff Re: Rte 46 Main Street to Frederick Street – Utility Lighting Modifications and Recommendations

Old Business

- BCUA – Rain Derived inflow and Infiltration Agreement – Review & Discuss

- Resurface Various Roads – Construction Code Estimates – Review & Discuss

New Business

- Liquor License Renewal Applications for 2011-2012 term for:
 - 0259-33-011-005 – GF 46 LLC, t/a Athena Restaurant
 - 0259-33-003-007 – MAS Partners, LLP, t/a Caribe

Ordinances

- Introduction of and set date for second reading, public hearing and adoption

ORDINANCE NO. 2011-07

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

Resolutions

- Consent Resolution 2011-07

Committee Reports

Public Comments

Closed Session

- Personnel – Michael D. Frew, Police Chief

Adjournment

Consent Resolution 2011-07

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 Closed Session – July 14, 2011

Resolution No. 2011-122 Authorizing Inclusion in the Bergen County Community Development Program

Resolution No. 2011-123 Licenses – June 2011

Resolution No. 2011-124 Accepting the Re-Write of the Plan Document for the Employee Health Benefits Program Administered by the Bergen Municipal Employee Benefits Fund

Resolution No. 2011-125 Issuance of Duplicate Tax Sale Certificate #05-04

Resolution No. 2011-126 Approve Minutes

Resolution No. 2011-127 Audit 2010

Offered:

Second:

Roll Call Vote:

Date: July 14, 2011

Resolution No. 2011-122 Authorizing Inclusion in the Bergen County Community Development Program

WHEREAS certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Act of 1990, as amended; and

WHEREAS the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS by July 8, 2011, each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS it is in the best interest of the Township of South Hackensack and its residents to participate in said programs,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and the HOME Investment Partnership Act Program for the Program Years 2012, 2013, 2014 (July 1, 2012 – June 30, 2015); and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than July 8, 2011.

Consent Agenda Resolution No. 2011-07

Date: July 14, 2011

Resolution No. 201-123 Licenses – June 2011
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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>
06/02/2011	Zito	3963	\$ 5	Garage Sale
06/03/2011	Tunstall	3964	\$ 5	Garage Sale
06/08/2011	Battaglia	3965	\$ 5	Garage Sale
06/10/2011	Plaza 46 Diner	3966	\$ 150	Diner, Gum/Novelty

TOTAL : \$ 165

FIRE PERMITS

<u>Received</u>	<u>Business</u>	<u>License #</u>	<u>Fee</u>
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TOTAL FIRE: \$ 0

GRAND TOTAL ALL LICENSES/PERMITS: \$ 165

Consent Agenda Resolution No. 2012-07

Date: July 14, 2011

Resolution No. 2011-124 Accepting the Re-Write of the Plan Document for the Employee Health Benefits Program Administered by the Bergen Municipal Employee Benefits Fund

WHEREAS, the Township of South Hackensack, hereinafter the Township, provides an Employee Benefits Program consisting of medical, prescription and dental benefits for eligible employees, dependents and retirees; and

WHEREAS, said Benefit Program is administered through the Bergen Municipal Employee Benefits Fund (hereinafter, the BMED); a public entity consisting of municipalities and school boards that partially self-insures employee benefit programs; and

WHEREAS, the BMED's Executive Committee, recognizing that many plan documents had not be re-written in over fifteen (15) years, directed its Benefits Consultant to reform and re-write Plan Documents for all member entities to reflect changes in federal and state mandates, as well as ever emerging medical treatments that become accepted medical practice; and

WHEREAS, the Township's Health Benefits Consultant has reviewed the final draft of the re-written Plan Document and informed the Fund to make the necessary changes to ensure the intent and scope of the Plan Document remains consistent with the existing level of benefit, thereby ensuring compliance with the moral and contractual obligations of the Township to all contractual as well as non-contractual employees, covered dependents and retirees.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of South Hackensack, County of Bergen, State of New Jersey, the final draft of the re-write Plan Document presented by the BMED and reviewed by the Township's Benefits Consultant and annexed hereto, is hereby accepted by the Township and recognized as the current Plan Document, until such time as a successor document shall be named; and

BE IT FURTHER RESOLVED, the Mayor and Township Clerk are hereby authorized and directed to execute this document and file the original signature page(s) with the BMED, in accordance with the procedures set forth by the Fund and as directed by the Township's Health Benefits Consultant; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Township CFO, Township Auditor and PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Health Benefits Consultant to the Township.

Consent Agenda Resolution No. 2011-07
Date: July 14, 2011

Resolution No. 2011- 125 Issuance of Duplicate Tax Sale Certificate #05-04

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Wilco Realty LLC, which certificate is dated December 12, 2005 covering premises commonly known and referred to as Block 20.02 Lot 38, and also known as Chestnut Avenue; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of South Hackensack, County of Bergen, State of New Jersey, that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit to issue an appropriate duplicate tax sale certificate to the said purchaser in accordance with the requirements of Chapter 99 of Public Laws of 1997; and

BE IT FURTHER RESOLVED, that a copy of this resolution and the Loss Affidavit be attached to the duplicated certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

Consent Agenda Resolution 2011-07

Date: July 14, 2011

Resolution No. 2011-126 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.

June 2, 2011 (worksession)

June 9, 2011 (regular)

Consent Resolution No. 2011-07

Date: July 14, 2011

Resolution No. 2011-127 Audit 2010

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A: 5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local' Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, Failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 'A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of South Hackensack, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Consent Agenda Resolution 2011-07
Date: July 14, 2011

Township of South Hackensack
Bergen County, New Jersey
7/14/2011

RESOLUTION NO. 2011 - 128

BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, State of New Jersey, that the proper warrants be drawn and that attached bills, with the exception of those bills not approved by a majority of the Committee, be paid providing funds are available in the amount of 469,000.38

Offered By:

Seconded By:

Approval Date: 7/14/11

Approved:

Attest

Walter Eckel, Mayor

Linda LoPiccolo, Clerk

Developer's & Escrow

Check No 1649 600.00

Developer's & Escrow - Forsgate

Check No's 126 to 128 806.50

Dog License Account

Check No

Payroll Agency

Check No's 1330 to 1335 1,092.76

Wire Tracking No 11006 12,426.68

Sub Total 13,519.44

Payroll & Payroll Agency - Electronic Fund Transfers (EFT)

EFT No's 11057 to 11076 285,885.99

Captial

Check No's 0.00

Unemployment Trust

Check No. 0.00

Current Fund

Check No's 8596 to 8624 168,188.45

07/12/11
14:00:43

TOWNSHIP OF SOUTH HACKENSACK
Check Register By Check Date

Range of Checking Accts: First to Last Range of Check Dates: 06/09/11 to 07/12/11
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/void	Ref Number
DEV 1649	07/12/11	DEVELOPERS & ESCROW CASH NAS02 DAVID V NASTA	600.00		998

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	1	0	0.00	600.00
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	0.00	600.00

DEV FORS 126	06/29/11	DEV/ESCROW FORSGATE BOS01 BOSWELL ENGINEERING, INC.	415.00		975
127	06/29/11	SHD01 SOUTH HACKENSACK DEV & ESCROW	241.50		991
128	07/12/11	NAS02 DAVID V NASTA	150.00		999

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	3	0	0.00	806.50
Direct Deposit:	0	0	0.00	0.00
Total:	3	0	0.00	806.50

EFT ACTIVITY	EFT ACTIVITY TRACKING	Amount	Ref Number
11057	06/10/11 SHT01 SOUTH HACKENSACK TOWNSHIP	70,052.86	982
11058	06/10/11 SHP01 SO HACKENSACK PAYROLL AGENCY	5,328.92	982
11067	06/10/11 SHT01 SOUTH HACKENSACK TOWNSHIP	70,052.86	06/10/11 VOID 982
11068	06/10/11 SHP01 SO HACKENSACK PAYROLL AGENCY	5,328.92	06/10/11 VOID 982
11069	06/16/11 SHT01 SOUTH HACKENSACK TOWNSHIP	71,255.96	985
11070	06/16/11 SHP01 SO HACKENSACK PAYROLL AGENCY	5,420.66	985
11071	06/20/11 SHT01 SOUTH HACKENSACK TOWNSHIP	605.62	987
11072	06/22/11 SHT01 SOUTH HACKENSACK TOWNSHIP	73,576.66	988
11073	06/22/11 SHP01 SO HACKENSACK PAYROLL AGENCY	5,598.05	988
11074	06/29/11 SHT01 SOUTH HACKENSACK TOWNSHIP	50,002.77	992
11075	06/29/11 SHP01 SO HACKENSACK PAYROLL AGENCY	3,844.54	992
11076	07/11/11 SHT01 SOUTH HACKENSACK TOWNSHIP	199.95	996

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	10	2	75,381.78	285,885.99
Direct Deposit:	0	0	0.00	0.00
Total:	10	2	75,381.78	285,885.99

GENERAL ACCOUNT 8596	06/10/11	LOP01 LINDA LOPICCOLO	119.00		984
8597	07/01/11	PRU01 Prudential Retirement	176.63		994
8598	07/12/11	ACT10 ACTION DATA SERVICES	264.12		997
8599	07/12/11	BCU02 BC UTILITIES AUTHORITY	132.46		997
8600	07/12/11	CAB01 CABLEVISION 019	100.36		997
8601	07/12/11	CON02 ONE COMMUNICATIONS	777.82		997

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Number
8602	07/12/11	FIR01 THE FIRST OCCUPATIONAL CENTER	1,407.00	997
8603	07/12/11	FUT02 Future Sanitation, Inc.	8,910.00	997
8604	07/12/11	HES01 HESS CORPORATION	2,694.83	997
8605	07/12/11	IDM01 IDM MEDICAL SUPPLY	93.00	997
8606	07/12/11	MUN05 MUNICIPAL CAPITAL CORP	205.00	997
8607	07/12/11	NAS02 DAVID V NASTA	7,633.33	997
8608	07/12/11	NJA01 N J DIV OF ALCOHOLIC BEVERAGE	36.00	997
8609	07/12/11	NJT01 TREASURER, ST NJ DEPT CHILD/FAM	150.00	997
8610	07/12/11	PIN01 PINNACLE WIRELESS	190.00	997
8611	07/12/11	POL04 POLAND SPRING DIRECT	4.18	997
8612	07/12/11	PSE01 P S E & G	4,129.80	997
8613	07/12/11	PVS01 PASSAIC VALLEY SEWERAGE COMM	1,981.42	997
8614	07/12/11	SCH05 MICHAEL I. SCHNECK, TRUSTEE	55,840.90	997
8615	07/12/11	TDB01 TD BANK, N.A.	74,803.29	997
8616	07/12/11	TMO02 T-Mobile 120	185.62	997
8617	07/12/11	TMO01 T-MOBILE 345	198.97	997
8618	07/12/11	UNI01 UNITED WATER NEW JERSEY	3,353.01	997
8619	07/12/11	USA01 USA MOBILITY	8.96	997
8620	07/12/11	VER05 Verizon V06	92.46	997
8621	07/12/11	VER06 Verizon 8965	199.22	997
8622	07/12/11	VER07 Verizon 0648	132.74	997
8623	07/12/11	VER09 Verizon Wireless 1644	160.02	997
8624	07/12/11	WHO11 WHOLESAL AUTO SUPPLY CO.	4,208.31	997

Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	29	0	0.00	168,188.45
Direct Deposit:	0	0	0.00	0.00
Total:	29	0	0.00	168,188.45

ROLL AGENCY	PR AGENCY	TB BANK	Amount Paid	Ref Number
1330	06/10/11	TEA01 Teamsters Local 11	144.00	983
1331	06/10/11	NJF03 NEW JERSEY FAMILY SUPPORT	165.00	983
1332	06/16/11	NJF03 NEW JERSEY FAMILY SUPPORT	165.00	986
1333	06/22/11	NJF03 NEW JERSEY FAMILY SUPPORT	165.00	989
1334	06/29/11	NJF03 NEW JERSEY FAMILY SUPPORT	165.00	993
1335	07/01/11	PRU01 Prudential Retirement	288.76	995

Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	6	0	0.00	1,092.76
Direct Deposit:	0	0	0.00	0.00
Total:	6	0	0.00	1,092.76

RE TRACKING	WIRE TRANSACTIONS	Amount Paid	Ref Number
L1006	06/28/11 PRE02 PREMIUM COLLECTION	12,426.68	990

Account Totals	Paid	Void	Amount Void	Amount Paid
Checks:	1	0	0.00	12,426.68
Direct Deposit:	0	0	0.00	0.00

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
Total:		1	0	0.00	12,426.68
Report Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Void</u>	<u>Amount Paid</u>
Checks:		50	2	75,381.78	469,000.38
Direct Deposit:		0	0	0.00	0.00
Total:		<u>50</u>	<u>2</u>	<u>75,381.78</u>	<u>469,000.38</u>

Resolution Authorizing Executive Session – July 14, 2011

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.

____(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.

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. **Personnel – Michael D. Frew, Police Chief**

(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 July 14, 2011.

Linda LoPiccolo
Municipal Clerk