

Township of South Hackensack
County of Bergen, New Jersey
August 10, 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

1. General Correspondence – July 2006
2. Michael Moran, 4 Maple Street – Thank you
3. Fred Green, 34 Agar Place (July 30, 2006) – Thanks you Officer Agar
4. Marie Goodman, Municipal Court Administrator (August 3, 2006) – Retirement effective January 1, 2007
5. Michael D. Ward, OEM Coordinator (August 7, 2006) – Request to purchase computer
6. Department Reports – July 2006

Old Business
New Business
Ordinances

Adoption of

ORDINANCE 2006-05
ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK CALENDAR YEAR 2006
(N.J.S.A. 40A: 4-45.14)

Withdrawal of

ORDINANCE NO. 2006-13
AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 208 OF THE
CODE OF THE TOWNSHIP OF SOUTH
HACKENSACK ENTITLED “ZONING”

Second Reading, Public Hearing and Adoption of

ORDINANCE 2006-15

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 104 OF THE CODE
OF THE TOWNSHIP OF SOUTH HACKENSACK
ENTITLED "ENTERTAINMENT"**

Second Reading, Public Hearing and Adoption of

ORDINANCE NO. 2006-16

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 158 OF THE CODE
OF THE TOWNSHIP OF SOUTH HACKENSACK
ENTITLED "PEACE AND GOOD ORDER"**

Introduction of and set the date for public hearing

ORDINANCE NO. 2006-17

**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

ORDINANCE NO. 2006-18

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

Resolutions

Consent Agenda Resolution No. 2006-08

Committee Reports

Public Comments

Closed Session

Adjournment

Consent Resolution No. 2006-08

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. 2006-125 Adoption of Approved Municipal Budget

Resolution No. 2006-128 Bills \$1,524,015.59

Resolution No. 2006-129 Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Uniform Fire Safety Act Penalty Moneys pursuant to NJS 52:27D-192 et seq.

Resolution No. 2006-130 Renew Membership in the Bergen Municipal Employee Benefits Fund

Resolution No. 2006-131 Authorize 9-1-1 COMMUNICATIONS Agreement

Resolution No. 2006-132 Licenses –August 2006

Resolution No. 2006-133 Approve Minutes

Resolution No. 2006-134 Closed Session – Personnel (Domenick Brando)

Offered:

Second:

Roll Call Vote:

Date: August 10, 2006

Resolution No. 2006-129 Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Uniform Fire Safety Act Penalty Moneys pursuant to NJS 52:27D-192 et seq.

WHEREAS permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS NJS 52:27D-192 et seq. allows municipalities to receive amounts for costs incurred for Uniform Fire Safety Act Penalty Moneys, and

WHEREAS NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey as follows:

1. The Township Committee hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Uniform Fire Safety Act Penalty Moneys as per N.J.S.A. 40::4-39
2. The municipal clerk of the Township of South Hackensack is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Resolution No. 2006-130 Renew Membership in the Bergen Municipal Employee Benefits Fund
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WHEREAS, a number of public entities in the State of New Jersey have joined together to form the Bergen Municipal Employee Benefits Fund, hereafter referred to as the "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A: 10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the Township of South Hackensack, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type(s) of coverage(s):
 - a) Health Insurance as defined pursuant to N.J.S.A, 17B: 17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute and Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon;

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Consent Agenda Resolution No. 2006-08

Date: August 10, 2006

Resolution No. 2006-131 Authorize 9-1-1 COMMUNICATIONS Agreement

WHEREAS the current structure of providing 9-1-1 Public Safety Access Points (PSAP) has resulted in a system in which increasing costs are being imposed upon municipalities; and

WHEREAS the cost per resident for said services varies throughout the County; and

WHEREAS the costs and inequities of the current system have resulted in public safety organizations looking to participate in a unified and consolidated system; and

WHEREAS for the densely populated metropolitan areas of Bergen County, this consolidation and shared infrastructure will result in savings passed on to municipalities while maintaining the performance and service levels on behalf of the operating entities; and

WHEREAS sharing resources and reducing costs is a driving principle behind consolidation and consolidation will eliminate duplicate purchasing costs, reduce staffing costs and reduce comprehensive training costs; and

WHEREAS consolidating communications operations still enables the operating entities to continue to carry out their duties with no perceived change in their normal operations; and

WHEREAS Bergen County Communications, operated by the Bergen County Police Department, has the capability to provide the 9-1-1 communications to the Township of at a cost savings of \$0.75 cents per resident; and

WHEREAS the Township is desirous of consolidating its 9-1-1 communications with the County Communications.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the Township be and is hereby authorized to enter into an Agreement with the County of Bergen to receive 9-1-1 communications services at the cost of \$0.75 cents per resident; and

BE IT FURTHER RESOLVED, the Mayor be and is hereby authorized to execute the necessary Agreement with the County of Bergen, in a form to be approved by the Township Attorney.

Consent Agenda Resolution 2006-08

Date: August 10, 2006

Resolution No. 2006-132 Licenses –August 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.

Fire
Licenses:

7/11/06	B. Puntasecca	2219	\$35.00
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Consent Agenda Resolution No. 2006-08

Date: August 10, 2006

Resolution No. 2006-133 Approve Minutes
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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 1, 2006
June 8, 2006
July 6, 2006
August 3, 2006

Consent Resolution No. 2006-08

Date: August 10, 2006

Resolution No. 2006-134 Authorizing Executive Session
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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 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 August 10, 2006.

Linda LoPiccolo
Township Clerk