

Township of South Hackensack  
Bergen County, New Jersey  
January 28, 2010 7:30 P.M.  
Special Meeting  
MINUTES

James Anzevino, Mayor.....Present  
Walter Eckel, Jr., Deputy Mayor .....Present  
Gary Brugger .....Present  
Frank Cagas .....Present  
Gregorio Maceri.....Present

Also present:  
David V. Nasta, Esq., Municipal Attorney  
Linda LoPiccolo, Municipal Clerk

Call of Meeting to Order

Mayor Anzevino called the Regular Meeting to order at 7:30 p.m. He advised that pursuant to the Open Public Meetings Act adequate notice of the meeting had been provided to *The Record*, *The Herald and News* and by posting the meeting notice on the bulletin board in the clerk's office where notices are customarily posted. Everyone saluted the flag. The municipal clerk called the roll.

Ordinances

Introduction of Ordinance (as amended) 2010-01 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 52 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "POLICE DEPARTMENT"

Anzevino motioned; Eckel seconded to Introduce Ordinance 2010-01 (as amended) and set the date for public hearing to be held on Thursday, February 11, 2010 at 7:30 p.m.  
Ayes: Anzevino, Brugger, Cagas, Eckel Nays: Maceri

Resolutions

Consent Resolution No. 2010-01(b)  
Offered: Anzevino Second: Brugger  
Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Eckel, Maceri

Resolution No. 2010-050 Upholding Department Of Public Works Grievance No. 40117  
Dated December 18, 2009  
Offered: Brugger Second: Eckel  
Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Eckel Nays: Maceri

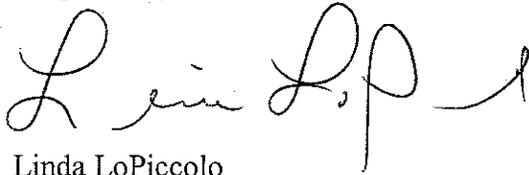
## Public Comments

There were no public comments offered. There were 2 members of the public present:  
Lonnie Bedell, 51 Grove Street and Raymond DeRiso, Williams Avenue

## Adjournment

Anzevino motioned; Maceri seconded to adjourn the meeting at 7:34 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda LoPiccolo". The signature is written in black ink and is positioned above the typed name.

Linda LoPiccolo  
Municipal Clerk

**ORDINANCE NO. 2010-01 (as amended)**

**AN ORDINANCE AMENDING AND  
SUPPLEMENTING CHAPTER 52 OF THE CODE OF  
THE TOWNSHIP OF SOUTH HACKENSACK  
ENTITLED "POLICE DEPARTMENT"**

WHEREAS, the governing body is charged with the responsibility of determining an appropriate organizational structure for the township's police force; and

WHEREAS, certain changes to the organizational structure of the department were made in December 2008 by the then township committee without a written analysis or reasoning by the Chief of Police or an independent report or analysis of need or cost; and

WHEREAS, the township committee is of the opinion that the changes in organizational structure made in December 2008 should have been proceeded by a full analysis of cost impact and impact upon the department by the Chief and/or a qualified independent party; and

WHEREAS, the township committee is aware of the current economic climate, lack of state and local aid, increasing labor costs and impending impact of property revaluation and has determined that in the absence of aforementioned analysis of need that the cost of additional superior officers occasioned by the December 2008 organizational change is not outweighed by the need for the same; and

WHEREAS, as a result of the aforementioned issues not being addressed in December of 2008 and most importantly the unnecessary costs the organizational structure should be restored to the state prior to December 2008;

NOW THEREFORE BE IT ENACTED AND ORDAINED, by the Township Committee of the Township of South Hackensack that Chapter 52 Section 1 – Police Department- "Establishment, composition, appointments; chain of command." be amended and supplemented as follows:

Section I: Chapter 52-1 shall be amended and supplemented as follows:

- A. – No Change.
- B. The Police Department shall consist of a Chief of Police, Captain of Police, two Lieutenants, five Sergeants and such other patrolpersons as the Township Committee may deem necessary and special police officers as provided by this chapter.
- C. No Change.
- D. No Change.

E. A patrolperson shall rank below a Sergeant; a Sergeant shall rank below a Lieutenant; a Lieutenant shall rank below a Captain; the Captain shall rank below the Chief. In the event of a vacancy in the office of Chief of Police, the Captain shall assume the duties of Chief and the command of the department until that vacancy is filled. Any officer inferior to another officer shall obey and perform any and all orders and directions of any officer superior to him or her.

Section II: All ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of said inconsistency.

Section III: If any portion of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction the remainder of this ordinance shall remain in full force and effect.

Section IV: This ordinance shall take effect upon passage and publication as required by law.

**Consent Resolution 2010-01(b)**

WHEREAS the listed resolutions were adopted at meetings that were not properly noticed in accordance with the Open Public Meetings Act, and

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. 2009-049 Denying Department Of Public Works Grievance No. 40116  
Dated December 28, 2009

Resolution No. 2010-051 Transfer Appropriations

Resolution 2009 Authorizing Executive Session January 14, 2010

Resolution 2009 Authorizing Executive Session January 21, 2010

Resolution No. 2010-051(a) Township Of South Hackensack Shared Services with Bergen County

Resolution No. 2010-052 Cancellation of 2009 Sewer User Charge Balances

Resolution No. 2010-053 Cancellation of 2009 Tax Balances

Resolution No. 2010-054 Refund Added Assessment Block 7.05 Lot 27.03

Resolution No. 2010-055 Authorizing Settlement of Tax Appeal, 125 Phillips Avenue, Block 13.02 Lot 8

Resolution No. 2009-056 Denying Department Of Public Works Grievance No. 40113  
Dated January 8, 2010



Superintendent acts to resolve the matter. It appears that the 2009 DPW Commissioner did not act within that time frame which, by Agreement, is a denial of the Grievance; and

WHEREAS, the Procedure thereafter requires the Grievant to request that the Township Committee review the Grievance and despite it having appear that the Grievant did not make such request and in light of the DPW Superintendent taking certain action to suspend the Grievant, the Committee, upon Rice Notice to Maglio addressed the suspension and grievance related to the December 3, 2009 committee action at the Committee's January 7, 2010 meeting; and

WHEREAS, the Committee did meet and discuss the merits of the Grievance and the suspension and made the following findings. First, that the grievance was not timely filed. Second, that the Grievant made no request for the committee to review the denial of his grievance by the Superintendent and the DPW Commissioner. Third, the conduct complained of by way of the grievance does not fall into the context of a matter which can be grieved as it does not constitute a violation of the Agreement. Fourth, that the suspension issued by the Superintendent was necessary and proper as the Grievant does not have the qualifications and capabilities to currently perform the full duties of a DPW Laborer;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that Grievance No.40116 be and is hereby denied for the foregoing reasons and the suspension of Joseph Maglio is hereby ratified as of January 1, 2010 through and including March 3, 2010.

Consent Resolution 2010-01(b)

Date: January 28, 2010

<b>Resolution No. 2010-050 Upholding Department Of Public Works Grievance No. 40117 Dated December 18, 2009</b>
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WHEREAS, on December 18, 2009 the Township Clerk received Grievance No. 40117 (hereinafter "the Grievance") which was signed and filed by Department of Public Works Laborer Joseph Marrella; and

WHEREAS, there exists between the Township of South Hackensack ("Township") and Teamsters Local No.11 ( the "Union") a certain contract ( the "Agreement") which governs the rights, duties and obligations of the Township and the Union; and

WHEREAS, DPW Laborer Joseph Marrella ( the "Grievant") is a member of the Union and therefore entitled to the rights and benefits of the aforementioned Agreement; and

WHEREAS, said Agreement, Article 3, sets forth a certain procedure for the adjustment of grievances which requires that the grievant file said grievance within ten (10) days of the action complained of; and

WHEREAS, the Township Committee at its regular public meeting on December 10, 2009 did by resolution appoint DPW Laborer Angelo Sortino to the position of Foreman as the same is defined by the ordinances of the Township; and

WHEREAS, the Grievance was timely filed in accordance with the Agreement on December 18, 2009; and

WHEREAS, Article 3 Section 3 of the Agreement sets forth a grievance procedure (the "Procedure") which first requires the DPW Superintendent to address the Grievance within five days of its filing. It appears that the DPW Superintendent denied said grievance in writing on December 18, 2009; and

WHEREAS, the Procedure thereafter provides that if the Grievance remains unresolved the DPW Commissioner shall have three (3) days from the date that the DPW Superintendent acts to resolve the matter. It appears that the 2009 DPW Commissioner did not act within that time frame which, by Agreement, is a denial of the Grievance; and

WHEREAS, the Procedure thereafter requires the Grievant to request that the Township Committee review the Grievance and it having appears that the Grievant has made said request of the Township Committee and that the Township Committee did obtain the consent of the Grievant through conversation between the Township Attorney and the Grievant's representative, Rob Gillman, of the Union to address the Grievance at the Committee's January 7, 2010 meeting; and

WHEREAS, the Committee did meet and discuss the merits of the Grievance and determined to uphold the same on the basis that the position awarded to Angelo Sortino by the prior Township Committee at the December 10, 2009 should have, but was not, advertised as available and open pursuant to Section 4 of the Agreement;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that Grievance No.40117 be and is hereby upheld for the foregoing reasons and the resolution and action of the committee at its December 10, 2009 meeting appointing Angelo Sortino as Foreman of the Department of Public Work is hereby rescinded and determined to be of no force and effect.

Offered: Brugger

Second: Eckel

Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Eckel Nays: Maceri

Date: January 28, 2010

**Resolution No. 2010-051 Transfer Appropriations**

WHEREAS, title 40A: 4-58 of the New Jersey Statutes provides that should it become necessary during the last two months of the fiscal year to spend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore, and there shall be an excess n any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Township Committee may by

resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the Township Treasurer be and is hereby authorized to make the following transfers in the 2009 Budget Appropriations.

	FROM	TO
<u>OPERATIONS - WITHIN "CAP"</u>		
Legal Service - O/E	\$1,500.00	
Assessor Boro of Hasbrouck Heights – O/E		1,500.00
<u>TOTAL</u>	<u>1,500.00</u>	<u>1,500.00</u>

Consent Resolution 2010-01(b)  
Date: January 28, 2010

**Resolution 2010 Authorizing Executive Session January 21, 2010**

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.

Anticipated Litigation – Michael Montenegro, Vincent Riotto, Robert Kaiser  
Tax Appeal – 125 Phillips Avenue

  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.

Troy MacDonald

     (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 January 21, 2010.

Linda LoPiccolo  
Township Clerk  
Consent Resolution 2010-01(b)

January 28, 2010 – Special Meeting

Date: January 28, 2010

**Resolution No. 2010-051 Township Of South Hackensack Shared Services with Bergen County**

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2010-11 grant cycle, priority funding will be given to county projects shared services projects with its constituent municipalities; and

WHEREAS, the Township of South Hackensack desires to collaborate with the County of Bergen in the performance PARIS Grant Shared Services; and

WHEREAS, the Township of South Hackensack is acknowledging that their eligible funding of \$40,000.00 will be leveraged with County of Bergen; and

WHEREAS, the Township of South Hackensack is acknowledging that the County of Bergen would be both the lead agency and the applicant for such a proposal;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the Township Committee does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

ADOPTED by the Township Committee of the Township of South Hackensack at a meeting held on January 21, 2010.

Consent Resolution 2010-01(b)

Date: January 28, 2010

**Resolution No. 2010 – 052 Cancellation of 2009 Sewer User Charge Balances**

WHEREAS certain sewer user balances exist at year-end,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following balances and overpayments be cancelled:

<u>Balances</u>		<u>Overpayments</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
16520700-0	.09	16520550-0	.01

16522500-0	.06	16520850-0	.54
16522955-0	.77	16521150-0	.01
16523750-0	.49	16523175-0	.21
16523900-0	.17	16529575-0	.01
16529850-0	5.07	16529700-0	1.69
16529950-0	2.57	16529750-0	.60
41002300-1	.03	28324450-0	4.47
41010600-0	.03	41004900-0	3.00
41011800-0	.62	41005200-0	.19
41012900-0	.18	41005300-0	7.24
41502600-0	.40	41008400-0	.21
42501400-0	.06	41008700-1	.88
42501600-4	.66	41010300-0	.44
42510100-0	1.04	41012200-0	.15
46128050-0	1.31	41501800-0	.09
46128450-0	.02	41501800-2	.01
		41501800-3	.58
		41503700-0	.04
		42500100-0	.39
		42500500-0	1.69
		42500800-0	.25
		42501200-0	.17
		42501200-2	.02
		42501200-3	.05
		42502700-0	.26
		46128400-0	.11
		46128700-0	.01
		46128850-0	.21
		48228155-0	.23
		49501400-0	.40
		49501500-2	.47

Consent Resolution 2010-01(b)

Date: January 28, 2010

**Resolution No. 2010 – 053 Cancellation of 2009 Tax Balances**

WHEREAS N.J.S.A 54:4-91.1 requires that the Tax Collector file with the Township Committee, a list of delinquent taxes for 2009 which she believes are not collectible, and

WHEREAS, the Township Committee of the Township of South Hackensack on being satisfied that the taxes listed below are not collectible, shall by resolution release the Tax Collector from the collection thereof and order the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following balances and overpayments be cancelled pursuant to N.J.S.A. 54:4-91-1.

<u>Balances</u>			<u>Overpayments</u>		
<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
1.05	3.01	.17	2.02	11.01	.01
1.05	3.03	.29	7.02	3	.18
6	1	.86	7.03	3	.09
6	27.02	3.13	16	13	.12
7.03	5	1.50	46	5	.05
7.05	27.03	3.56	52	3	.65
7.05	31	.10	102	1	.16
11	1	6.68			
13.07	10	.02			
17	3	4.75			
37	11	7.04			
37	54	7.42			
38	21	2.33			
39	1	4.98			
42	5	.20			
57	13	.20			
101	1.01	3.05			
102	62	.01			

Consent Resolution 2010-01(b)

Date: January 28, 2010

**Resolution No. 2010 - 054 Refund Added Assessment Block 7.05 Lot 27.03**

WHEREAS, the Added Assessment for property taxes on Block 7.05 Lot 27.03 commonly known as 46 Sievers Lane were paid by the new homeowner Arturo Morzetta, in the amount of \$1,209.19 in the 4<sup>th</sup> Quarter 2009 and,

WHEREAS, the Tax Assessor of the Township of South Hackensack has filed an assessors appeal with the Bergen County Tax Board for the added assessment on Block 7.05 Lot 27.03 to reduce the prorated amount of 8 months to 4 months and was granted this judgment on Appeal No. 59-0900001AA and,

WHEREAS, the homeowner, Mr. Morzetta has requested that the overpayment be refunded to him,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that the overpayment of \$604.58 be refunded to Arturo Morzetta at his mailing address of 41 Agar Place, South Hackensack, NJ 07606.

Consent Resolution 2010-01(b)

Date: January 28, 2010

**Resolution No. 2010 - 055 Authorizing Settlement of Tax Appeal, 125 Phillips Avenue, Block 13.02 Lot 8**

WHEREAS, Goldman, L et al c/o R Feldman is owner of property located Off Phillips Avenue in the Township of South Hackensack, County of Bergen and State of New Jersey; and

WHEREAS, said property is known and designated on the official tax map of the Township of South Hackensack as Lot 8 in Block 13-02; and

WHEREAS, the aforementioned property owner has filed a Real Property Tax Appeal in connection with the subject property for tax years 2006, 2007, 2008 and 2009; and

WHEREAS, a settlement of the aforementioned tax appeals has been proposed after extensive review and negotiation and after receipt and review of the Township's Appraisal Report prepared by McNerney & Associates; and

WHEREAS, as a result of the aforesaid negotiation, the Tax Assessor, Appraiser and Tax Appeal Attorney have all recommended the acceptance of the aforementioned settlement proposal.

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

1. The Real Property Tax Appeal bearing Docket No. 3247-2006 be and is hereby settled upon the following terms:

<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land \$1,814,400	\$1,814,400
Imprvts \$4,801,100	\$4,801,100
Total \$6,615,5000	\$6,615,500

2. The Real Property Tax Appeal bearing Docket No. 1089-2007 be and is hereby settled upon the following terms:

<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land \$1,814,400	\$1,814,400
Imprvts \$4,801,100	\$4,185,100
Total \$6,615,5000	\$6,000,000

3. The real property tax appeal bearing docket No. 0483-2008 be and is hereby settled upon the following terms:

<u>Original Assessment</u>		<u>Requested Tax Court Judgment</u>	
Land	\$1,814,400	\$1,814,400	
Imprvts	<u>\$4,801,100</u>	<u>\$3,685,600</u>	
Total	\$6,615,5000	\$5,500,000	

4. The real property tax appeal bearing docket No. 16469-2009 be and is hereby settled upon the following terms:

<u>Original Assessment</u>		<u>Requested Tax Court Judgment</u>	
Land	\$1,814,400	\$1,814,400	
Imprvts	<u>\$4,801,100</u>	<u>\$3,185,600</u>	
Total	\$6,615,500	\$5,000,000	

5. This settlement is contingent upon Plaintiff's withdrawal of all appeals for tax year 2006.
6. Any interest on refunds due is waived provided that the refund is paid to the attorney for the taxpayer within sixty (60) days of the date of entry of judgment.
7. The refund paid in connection with this matter shall be ½ (50%) in the form of credits against future taxes and ½ (50%) will be in the form of a refund payable to Schneck Hotzman, LLC, Attorney Trust Account and Goldman, L et AL c/o R Feldman. Said refund should be forwarded to Schneck Holtzman, LLC, 33 Clinton Road, West Caldwell, New Jersey 07006

BE IT FURTHER RESOLVED that the approval of this settlement is based upon the recommendation and approval of the Tax Assessor, George Reggo, the Township's expert, Robert McNerney and the Township's Tax Appeal Attorney, Joseph J. Rotolo, Esq.

NOW THEREFORE BE IT FURTHER RESOLVED that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within resolution to Michael I. Schneck, Esq., Joseph J. Rotolo, Esq., the Tax Assessor for the Township of South Hackensack and McNerney & Associates.

Consent Resolution 2010-01(b)  
Date: January 28, 2010

**Resolution No. 2010 - 056 Denying Department Of Public Works Grievance No.40113 Dated January 8, 2010**

WHEREAS, on January 11, 2010 the Township Clerk received Grievance No. 40113 dated January 8, 2009 (hereinafter "the Grievance") which was signed and filed by

Angelo Sortino as Shop Steward on behalf of Department of Public Works Laborer Joseph Maglio; and

WHEREAS, there exists between the Township of South Hackensack ("Township") and Teamsters Local No.11 (the "Union") a certain contract (the "Agreement") which governs the rights, duties and obligations of the Township and the Union; and

WHEREAS, DPW Laborer Joseph Maglio (the "Grievant") is a member of the Union and therefore entitled to the rights and benefits of the aforementioned Agreement; and

WHEREAS, said Agreement, Article 3, sets forth a certain procedure for the adjustment of grievances which requires that the grievant file said grievance within ten (10) days of the action complained of; and

WHEREAS, the DPW Superintendent had previously suspended Joseph Maglio effective January 1, 2010 for failure to have the proper credentials and licenses to fulfill his duties as a DPW Laborer and the Township Committee at its public meeting on January 7, 2010 did by unanimous agreement uphold said suspension and memorialize the same at its January 14, 2010 meeting; and

WHEREAS, the Grievant claims that he was entitled to but did not receive pay for December 28,29,30 and 31 and filed the within grievance seeking the same; and

WHEREAS, Article 3 Section 3 of the Agreement sets forth a grievance procedure (the "Procedure") which first requires the DPW Superintendent to address the Grievance within five days of its filing. It appears that the DPW Superintendent denied said grievance in writing on January 8, 2010; and

WHEREAS, the Procedure thereafter provides that if the Grievance remains unresolved the DPW Commissioner shall have three (3) days from the date that the DPW Superintendent acts to resolve the matter. It appears that the DPW Commissioner did not act within that time frame which, by Agreement, is a denial of the Grievance; and

WHEREAS, the Procedure thereafter requires the Grievant to request that the Township Committee review the Grievance and the Committee, upon Rice Notice to Maglio addressed the grievance at its January 14, 2010 meeting and was provided with a 2009 pay analysis for the Grievant (attached) which was prepared by the municipal treasurer which indicates that not only was the Grievant fully paid he did in fact receive an overpayment of salary in 2009 in the amount of \$758.88; and

WHEREAS, as a result of said pay analysis the committee did determine that the Grievant was fully paid his 2009 salary and that the overage of pay (\$758.88) must be returned to the municipal treasury by way of equal pay deductions from the Grievant's salary over a period of eight months;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that Grievance No.40113 be and is hereby denied for the foregoing reasons and said pay deductions shall be made as set forth herein.

Consent Resolution 2010-01(b)  
Date: January 28, 2010

**Resolution No. 2010-057 Temporary Budget Amendment #1**

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

WHEREAS, no adequate provision has not been made in the 2010 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 2010 pursuant to the provision of Chapter 96, P.S. 1951 (N.J.S.A.40A: 4-20) including this resolution total \$48,750.00

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  
Township of South Hackensack-2010 Temporary Budget

<i>Operations excluded from "CAPS"</i>	
Sewerage Processing –PVSC	\$2,250.00
<i>Operations included in "CAPS"</i>	
<u>Workers Compensation Insurance</u>	<u>46,500.00</u>
Total	\$48,750.00

2. That a certified copy of this resolution be forwarded to the Division of Local Government Services.

Consent Resolution 2010-01(b)  
Date: January 28, 2010

**Resolution No. 2010-058 Transfer Budget Reserve Appropriations**

WHEREAS, title 40A: 4-58 of the New Jersey Statutes provides that should it become necessary during the last two months of the fiscal year to spend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore, and there shall be an excess n any appropriation over and above the amount claimed to be

necessary to fulfill the purpose of such appropriation, the Township Committee may by resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the Township Treasurer be and is hereby authorized to make the following transfers in the 2009 Budget Appropriations.

	FROM	TO
<u>OPERATIONS - WITHIN "CAP"</u>		
Vehicle Maintenance - O/E	1,850.00	
Municipal Clerk- O/E		1,250.00
Volunteer Ambulance - O/E		100.00
Assessor Boro of Hasbrouck Heights		500.00
<u>TOTAL</u>	<u>1,850.00</u>	<u>1,850.00</u>

Consent Resolution 2010-01(b)  
Date: January 28, 2010

**Resolution No. 2010-059 Appoint Lydia Heinzelman as Technical Assistant/Clerk typist for the year 2010**

WHEREAS in reply to the notification of a job vacancy, Lydia Heinzelman submitted a resume and job application; and

WHEREAS she posses the certification of Certified Technical Assistant; and

WHEREAS in addition to the certification she possesses the qualifications necessary to perform the functions of a clerk/typist and board secretary,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen that Lydia Heinzelman be and is hereby appointed as Technical Assistant to the Construction Department effective February 1, 2010, for an initial employment period of 3 months, at an annual salary of \$12,000;

BE IT FURTHER RESOLVED that she be and is hereby appointed as clerk/typist at an annual salary of \$10,000; and

BE IT FURTHER RESOLVED that upon appointment by the Zoning Board of Adjustment and Planning Board as Secretary that she be paid an annual salary of \$3,000 for each board and that the aforementioned salaries be listed accordingly in the 2010 annual salary ordinance.

Consent Resolution 2010-01(b)  
Date: January 28, 2010

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