

Township of South Hackensack
Bergen County, New Jersey
March 1, 2007 7:30 P.M.
Worksession Meeting
MINUTES

Gary C. Brugger, MayorPresent
Walter Eckel, Jr., Deputy MayorPresent
James AnzevinoPresent
Gene Roman.....Present
Rosina Romano.....Present

Also present:

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

Call of Meeting to Order – Open Public Meetings Act

Mayor Brugger called the Regular Meeting to order at 7:32 p.m. He advised that pursuant to the Open Public Meetings Act adequate notice of the meetings had been provided to *The Record*, *The Herald and News* and by posting a 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.

Correspondence

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to accept the following report and pay the appropriate clothing allowance providing funds are available: February 26, 2007, Carmine Maceri, SHFD Secretary – Fire Department Percentages for 2006 for clothing allowance.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept the following correspondence and table the matter until March 8, 2007 pending the receipt of a recommendation from the Tax Collector: February 6, 2007, Glen Nicholson, Controller, 60 Saddle River Avenue (B 101 L 11.01) Sewer User Charge Appeal

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept the following correspondence and abate the sewer charges in accordance with the recommendation from the Assistant Tax Collector: February 21, 2007, Frank Capolupo, 67 Franklin Street (B 4 L 5) Sewer User Appeal

Brugger motioned; Romano seconded and the Committee unanimously agreed to accept the following correspondence and table the matter until receipt of a recommendation from the Tax Collector: February 22, 2007, Shahe Kupelian, 111 Leuning Street (B 52 L 1.01)

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept and approve the following request: February 20, 2007, Michael D. Frew, Police Chief – Request to install new electric line in police department.

February 13, 2007, Lawrence J. Paladino, Jr., Supt. DPW – Sharing of Salt Shed

Mr. Paladino indicated that he had nothing further to add with regard to his report. Mr. Anzevino suggested that he and the DPW Commissioner meet with Hackensack representatives to discuss the feasibility of sharing a salt shed. Mr. Roman was not in favor of sharing a shed outside of the township. Mrs. Romano thought that since this was a new idea, it should be looked into. Mr. Anzevino said that although it is desirable to have our own shed, it may not be the most fiscally responsible thing to do. He thought it would be a good idea to show the state that we are willing to cooperate in an Interlocal Agreement and that we may be eligible for a state grant to offset the cost of such a service. Logistically, the proposed Hackensack shed is approximately $\frac{3}{4}$ of a mile from the Township. Portions of northern Hackensack are more than 2 miles from their shed location. He does feel that a shed that is less than a mile from the Township would reduce the response time of the DPW.

February 21, 2007, Stephen T. Boswell, PE – Improvements to Vreeland Avenue

Brugger motioned; Anzevino seconded and the Committee unanimously agreed to authorize the clerk to execute the necessary contracts/agreements to get the project moving forward.

Brugger motioned; Anzevino seconded and the Committee unanimously agreed to accept the correspondence and place it in the appropriate file: March 1, 2007- Planning Board Re: Referral of Senior Citizen Site and Development Review

Mr. Arthur Neiss appeared on behalf of Madeline Corp. and its related entity to advise the Township Committee that he has been speaking with Mr. Carbone regarding the documentation that the Committee requires from Trenton confirming the transfer of tax credits. He will update the committee by Tuesday, March 6th. Anthony Baci appeared on behalf of E-Tomic to advise that his client wants to be a part of a collaborative effort and will cooperate to get the project moving for the betterment of the Township.

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to accept and approve the following applications to the South Hackensack Fire Department: February 27, 2007, Carmine Maceri, 1st Lt, SHFD – Accept Stephen P. Grecco and Alfred Cirelli as members of the South Hackensack Fire Department.

Old Business

Sump Pump Discharge – February 8, 2007 report from Walter Tretiak, PE, Boswell Engineering

Mayor Brugger asked for thoughts or suggestions from the Committee on how to abate the hazardous conditions that continue because of sump pumps discharging into the

roadways. Brugger would like the Committee to adopt an ordinance that has a triggering mechanism, and several ways to abate the problem to facilitate the remediation of this hazardous condition. Brugger motioned; Eckel seconded and the Committee unanimously agreed to authorize David Nasta to prepare an ordinance prohibiting sump pump discharge into the roadways.

B 45.01 L 7.01, 7.02, 7.04 (Hoffman Street) Agreement for Services

The Township Committee discussed the draft Agreement circulated by Mr. Nasta and requested that the draft be amended so that Hackensack would be responsible for the education of the students who reside there since more taxes would be paid to the City of Hackensack. Mr. Nasta was instructed to revise the Agreement accordingly.

NJMC 2007 MAP Grant –

Mayor Brugger asked Walter Eckel to get an updated quote for police radios, and to obtain a quote for a police vehicle. The Mayor indicated that he would obtain quotes for 3 Scott packs for the fire department.

Duct Cleaning – The clerk was asked to obtain an additional quote from one of the vendors to clean the senior center since it was not included with their first quote.

Website – Site Hosting & Content Maintenance

The Mayor asked the clerk to discuss postponing the content maintenance until the completion of phase II.

Deputy Court Administrator –

Mayor Brugger indicated that he is confident with Judge Padovano's recommendation but would like to meet with two of the applicants before or after next week's meeting prior to making a final decision.

Bruce Court –

The Committee received and reviewed correspondence from Boswell Engineering dated February 27, 2007. Mayor Brugger reported that the Planning Board memorialized their resolution denying the application that was presented by Driscoll Foods. Further, he indicated that he would not be in favor of selling a portion of the Bruce Court right-of-way. Other Committee members expressed their agreement with the Mayor and would not concur for Boswell to prepare a survey of the property since they would no longer consider selling the right of way to them.

New Business

None discussed

Ordinances

None discussed

Resolutions

Closed Session – Litigation & Personnel

Offered: Eckel

Second: Brugger

All in favor.

Committee Reports

Walter Eckel, Jr. –

Eckel reported that he and Committeeman Anzevino have been meeting with police officers individually to discuss their concerns. He would like to see a program whereby youngsters can put their name on a list for snow removal and make it available to senior citizens who would like it.

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to notify John D'Anton, Esq. to submit the appropriate pay to play disclosure statements and hourly rate proposal in accordance with the non fair and open contracts award. All in favor. Mr. Eckel would like to maintain a list of attorneys who are available to the township.

James Anzevino –

Anzevino advised that the Township is under an order to reevaluate from the County Tax Board. The first step in the process is to prepare the necessary tax maps and submit to Trenton for review and approval. He indicated that some towns have indicated that they would like to perhaps enter into an inter-local service agreement for this purpose. Anzevino suggested that George Reggo, Tax Assessor and Matthew O'Donnell, Tax Appeal Attorney be invited to the April Worksession to further discuss this matter with the members of the Committee.

Gene Roman –

Roman thanked the DPW for their efforts clearing snow during the past two snowstorms. He suggested permitting the police department to submit two separate vouchers for their clothing allowance reimbursement. Mr. Eckel, Police Commissioner, was unaware that there were complaints regarding the submission of receipts, and would like to table the matter until the regular meeting. DPW Commissioner Roman reported that Mrs. Aletta, Phillips Avenue, was having a problem with a clogged sewer line and was not sure if the problem was in the Township's line or the resident's line. Mr. Paladino will inspect the line and advise if he can, where the problem appears to be.

Rosina Romano –

Ms. Romano reported that the 2007 budget has been submitted to Mr. Vinci for his review and preliminarily we are slightly over CAP and will need to adjust that. Presently, she is pleased; there are a few issues that need discussion. Regarding the DPW building, the Committee needs to decide what avenue to take. She acknowledged receipt

of all previous correspondence from the clerk regarding the renovation to the DPW structure and will work toward a solution.

Mayor Brugger –

Mayor Brugger reported that the fire department is expected to make a proposal to the Township Committee at the April regular meeting regarding the need for a new fire truck. Regarding the ongoing flooding problems attributable to the clogged ditch on Green Street, Brugger reported that Teterboro officials have advised him that they expect to clean the ditch and the pipe that runs from it the second week of March. As a member of the South Hackensack Planning Board, the Mayor reported that the Planning Board has made a recommendation for the re-examination of the Master Plan and requires the Township to provide for the funding for that purpose.

Public Comments

Dolly Montenegro, 57 Phillips Avenue –

Requested and received permission from the Township Committee to research the Township's records to ascertain the location of a sewer easement on Mrs. Aletta's property. Mrs. Montenegro opposed any agreement that would not include a salt shed within the township. Lastly, Mrs. Montenegro questioned the legality of the appointment of township employees to the Zoning Board of Adjustment, and asked for a legal opinion.

Eckel motioned; Roman seconded and the Committee unanimously agreed to close the meeting for public comments. All in favor.

Closed Session

Eckel motioned; Brugger seconded to go into closed session at 9:38 p.m. All in favor.

Brugger motioned; Anzevino seconded to re-open the meeting to the public at 10:25 p.m. All in favor.

Adjournment

Anzevino motioned; Brugger seconded and the Committee unanimously agreed to adjourn the meeting at 10:26 p.m.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

Resolution 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.

 (4) *Matters Relating to Collective Bargaining Agreements*: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

 (5) *Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds*: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

 (6) *Matters Relating to Public Safety and Property*: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

 X (7) *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

○ *Litigation – Teamsters Local 11 – Docket No. CO-2007-203*

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.

Chief Frew – Employment Agreement

(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 March 1, 2007.

Linda LoPiccolo
Township Clerk