

Township of South Hackensack
Bergen County, New Jersey
March 5, 2009 7:30 P.M.
Worksession Meeting
MINUTES

Rosina Romano, MayorPresent
Gregorio Maceri, Deputy MayorPresent
James AnzevinoPresent
Walter Eckel, Jr.....Present
Gene Roman.....Present
Also present:
David V. Nasta, Esq., Municipal Attorney
Linda LoPiccolo, Municipal Clerk

Call of Meeting to Order

Mayor Romano called the Regular Meeting to order at 7:30 p.m. She advised that pursuant to the Open Public Meetings Act annual notice of the meetings had been provided to *The Record*, *The Herald and News* and by posting the annual 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 & Reports

Anzevino motioned; Roman seconded and the Committee unanimously agreed to accept and file correspondence dated February 20, 2009, from Loretta D'Ambrosio, Treasurer, Determination and Award Certificate.

Roman motioned; Maceri seconded and the Committee unanimously agreed to accept correspondence dated February 25, 2009, from Sgt. Nick Ulliana Re: Notice of specific date of retirement, request for 95 sick days, and requested a letter of verification from Chief Frew and authorized David Nasta to prepare a resolution for next meeting.

Anzevino motioned; Maceri seconded and the Committee unanimously agreed to accept correspondence dated March 3, 2009, from Young J. Kim, BCCAT re: Donation of \$3,000 for South Hackensack Police Department, purchase of new handguns, and to authorize a resolution accepting same into the 2009 budget, and requesting that the clerk invite Mr. Kim to the March 12, 2009 meeting so that the Committee can personally thank him for his generous donation.

Old Business

Police Promotions -

Mayor Romano reported that she would like the Committee to consider making 3 promotions; Deputy Chief, Captain and Lieutenant and to set the following criteria for those promotions: All must have 15 years of experience with the department; to be eligible for the positions of Deputy Chief and Captain – the applicant must have already attained the rank of sergeant or higher; to be eligible for the position of lieutenant, rank is not required. There may be officers who have submitted resumes who do not qualify and they will not be considered for the 3 promotions. The clerk was asked to prepare a notice to each of the qualifying applicants and notify them that the Township Committee will consider them in closed session at the March 12, 2009 meeting.

Gene Roman motioned; Greg Maceri seconded to set the criteria for 3 promotions (Deputy Chief, Captain and Lieutenant) as previously outlined by Mayor Romano: All must have 15 years of experience with the department; to be eligible for the positions of Deputy Chief and Captain – the applicant must have already attained the rank of sergeant or higher; to be eligible for the position of lieutenant, rank is not required. Roll Call Vote: Anzevino-no, Eckel-no, Maceri-yes, Roman-yes, Romano-yes

Mr. Anzevino opposed the promotions. Anzevino read from a prepared statement regarding conflicts of interest; that a member must examine their own background to determine if there are any extraordinary facts/circumstances, familial relationships, and/or appearances of impropriety that would require them to remove themselves from the entire process. Anzevino felt that Roman and Maceri should remove themselves from the promotion process citing Greg's brother (Carmine Maceri) submission of a resume for consideration and further that Roman should not participate for the following reasons: Roman is the former police chief, member of the PBA and a close associate of several members of the police department; he was a party in a lawsuit filed against one of the applicants; and while performing in his capacity as Chief of Police was sued by a members of the department. Depositions regarding that litigation were taken of certain members of the police department in the presence of former Chief Roman who have now made application for promotion.

Anzevino further objected that the original posting of the notice was for all officers to apply for any promotion. Although he agreed to a deadline extension, he thought that the entire process should have been extended as well. In addition to requesting the recusal of Roman and Maceri, Anzevino said that the 3 newly created positions should be rescinded, and that Gene Roman should resign as Police Commissioner and that Walter Eckel should be appointed to fill that position.

Anzevino asked Commissioner Roman what if any recommendation was made by Chief Frew regarding the promotions. Gene Roman replied that the Committee will make the decision and will not ask Chief Frew for his recommendation. When Anzevino asked what the salary will be for the position of Deputy Chief since that salary has not been established, Mayor Romano advised that she expected the salary to be \$1,000 over a Captain's salary. Subsequent years will be negotiated since this is the last year of the current contract. Eckel argued that he anticipates the added cost to be somewhere around \$134,000. Eckel objected to the criteria for the positions being determined after the job posting.

Anzevino requested a legal opinion from David Nasta regarding the potential conflicts of Gene Roman and Gregorio Maceri. Mr. Nasta will prepare the opinion and distribute to the Committee.

Purchase of DPW Vehicle with NJMC Grant Funds – Other funding

Roman motioned; Maceri seconded and the Committee unanimously agreed to authorize the purchase of a 2009 truck for the department of public works utilizing \$22,000 NJMC 2009 grant funds and \$4,606.84 public works funds.

New Business

Sewer User Appeals

Mayor Romano explained that there were many sewer user appeals filed in 2009 by residential property owners. Their appeals were all based upon the fact that they had received estimated bills for well over 1 year. In addition, United Water Co. installed new meters at those locations resulting in an actual reading and bill. Mary Terraccino, Tax Collector performed an analysis of all appeals submitted and requested that all appeals be accepted, approved and that the amounts bill be abated except for one property that she requested a reduction by one half the amount billed.

Eckel motioned; Anzevino seconded to authorize the preparation of a resolution canceling/reducing sewer balances for approval on March 12, 2009. Ayes: Anzevino, Eckel, Maceri, Roman, Romano

Estimated Tax Bills

Mayor Romano explained that she discussed the preparation of estimated tax bills with the tax collector and the cost to prepare estimated bills is approximately \$900. The tax collector is recommending the preparation of estimated bills for this year.

Romano motioned; Anzevino seconded and the Committee unanimously agreed to prepare estimated tax bills for the year 2009.

Resolutions

Resolution No. 2009-084 Authorizing the Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Improvements to Calicooneck Road, Section 2 Project

Resolution No. 2009-085 Authorizing Settlement of Tax Appeal

PREMISES: Astor Realty
LOT: 61.01
BLOCK: 102

WHEREAS, Astor Realty Corp. #75 is the owner of property located at 75 Saddle River Avenue (Block 102, Lot 61-01); and

WHEREAS, this property owner has filed Real Property Tax Appeals for the years 2004, 2005, 2006, 2007 and 2008; and

WHEREAS, after extensive review and negotiation together with the preparation of formal appraisal reports by the Township, a settlement has been recommended for the resolution of all of these tax appeals on a basis which is favorable to the Municipality; and

WHEREAS, the settlement set forth herein has been reviewed and recommended by the Tax Assessor, George Reggo, the tax expert on behalf of the Township, Robert McNerney and a special tax counsel, Joseph J. Rotolo, Esq.;

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:

The Real Property Tax Appeal bearing Docket No. 1132-2007 be and is hereby settled upon the following terms:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 810,000	\$ 689,300
Imprvts	<u>\$ 310,700</u>	<u>310,700</u>
Total	\$1,120,700	1,000,000

The Real Property Tax Appeal bearing Docket No. 493-2008 be and is hereby settled upon the following terms:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 810,000	\$ 614,300
Imprvts	<u>\$ 310,700</u>	<u>\$ 310,700</u>
Total	\$1,120,700	\$ 925,000

The within settlement is conditioned upon the Plaintiff's withdrawal of the 2004, 2005 and 2006 tax appeals.

BE IT FURTHER RESOLVED that, in addition to the foregoing, the property's 2009 tax assessment shall be \$850,000 provided that no material physical change in the property has been made; and

BE IT FURTHER RESOLVED that the approval of this settlement is based upon the recommendation and approval of the Tax Assessor, the Township's Expert and Township's Tax Appeal Attorney

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 Joseph J. Rotolo, Esq., the Tax Assessor for the Township of South Hackensack, McNerney & Associates and the Law Offices of Schneck Holtzman, LLC, 33 Clinton Road, West Caldwell, New Jersey 07006

Offered: Eckel
Second: Anzevino
Roll Call Vote: Ayes: Anzevino, Eckel, Maceri, Roman, Romano
Date: March 5, 2009

Resolution 2009 Authorizing Executive Session March 5, 2009

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.

DPW Negotiations

X (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.

Sale of Wesley Street

 (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.

PBA Grievance – Tax Appeal Litigation

 (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 March 5, 2009.

Linda LoPiccolo
Township Clerk