

Township of South Hackensack  
Bergen County, New Jersey  
March 8, 2007 7:30 P.M.  
Regular Meeting  
MINUTES

Gary C. Brugger, Mayor .....Present  
Walter Eckel, Jr., Deputy Mayor .....Present  
James Anzevino .....Present  
Gene Roman.....Present  
Rosina Romano.....Present

Also present:  
David V. Nasta, Esq., Municipal Attorney  
Linda LoPiccolo, Municipal Clerk  
John M. Carbone, Esq., Special Counsel

### Call of Meeting to Order

Mayor Brugger called the Regular Meeting to order at 7:37 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 & Reports

Anzevino motioned; Romano seconded to accept the February Monthly Reports as submitted. All in favor.

Anzevino motioned; Eckel seconded to accept the general correspondence received February during 2007. All in favor.

Anzevino motioned; Eckel seconded to accept the correspondence from Loretta D'Ambrosio, Treasurer, February 22, 2007, Determination and Award Certificate. All in favor.

### Old Business

#### Sump Pump Ordinance

Township Committee received report from Boswell Engineering. The Committee will review and comment.

### Zoning Board

David Nasta submitted his written opinion with regard to the issue raised by a resident whether or not an employee of the township can serve as a member of the Board of Adjustment. Mr. Nasta indicated that it was his opinion that the current ordinance of the township is consistent and in compliance with the Municipal Land Use Law.

### PBA Clothing Allowance

Brugger motioned; Eckel seconded to permit the members of Local 102 to submit a maximum of two (2) vouchers per year, one (1) for the period January 1<sup>st</sup> through June 30<sup>th</sup>, and one (1) for the period July 1<sup>st</sup> through December 31<sup>st</sup> for up to and including the maximum annual allowance for the year. All in favor.

### Senior Housing

Rosina Romano reported that the Township Committee received a letter on March 6<sup>th</sup> from the NJHMFA indicating their receipt of a request for an exchange of tax credits from the Madeline Corporation and emphasizing their support for the project. The NJHMFA expects to have a decision within a month. She also confirmed receipt of the recommendation from the Planning Board on the Township Committee's submission of both projects to them for review and recommendation. Mrs. Romano emphasized that the Township's goal is to move forward to completion. The major hurdle currently is the transfer of the tax credits. She reminded everyone that the committee wants an on-site superintendent. Mr. Neiss reported that the credit investor has agreed to an on-site superintendent and that it will not affect the rents appreciably if at all.

Shari DePalma (Madeline Corp.) advised that the placed in service deadline of December 31, 2007 is not achievable since construction will take 11 months. If NJHMFA permits the credits to be exchanged, they will have plenty of time to complete the project since the deadline will be extended to December 31, 2009.

The Mayor read into the record, a resolution that was adopted by the Township Committee and appears at the end of the minutes. The terms of the resolution will be reviewed on April 5<sup>th</sup> to ascertain whether or not its terms are being complied with.

When Anzevino questioned why Senior Citizens Housing at Grove Street, LP would be required to appear before the planning board once again, Mr. Carbone responded that Madeline Corp. would require a re-ratification of the previous approvals, and a transfer of those approvals to the new entity if it is determined by the planning board attorney that those approvals can be transferred, and any new approvals that may be required.

### New Business

Walter Eckel – Regarding equipment maintenance report, Eckel asked that someone look into the repair of the ready room bathroom in the police department.

Radio Purchase – Motorola

Eckel motioned; Romano seconded to authorize the purchase of Motorola radios in an amount not to exceed 12,300.00 from the NJMC MAP Grant. All in favor.

## Resolutions

Consent Resolution 2007-03

Offered: Eckel

Second: Romano

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Roman, Romano

Resolution No. 2007-082

Offered: Brugger

Second: Anzevino

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Roman, Romano

## Committee Reports

James Anzevino – no report

Gene Roman – no report

Rosina Romano – Romano reported that the 2007 Municipal Budget will be introduced at the next worksession.

Walter Eckel – Reported that he continues to meet with the police officers to understanding the inner working of the department and will have a full report to the Committee shortly.

Mayor Brugger – Fire Engine 403 will be out for repairs. The Fire Dept. will make a presentation to the Township Committee at the April 12, 2007 meeting.

## Public Comments

Dolly Montenegro, 57 Vreeland Avenue – Will seek the Attorney General's opinion regarding the appointment of Members of the Zoning Board of Adjustment since she disagrees with the Township Attorney's opinion.

James Sylvestri, Phillips Avenue – Reported that the erosion under the Route 80 overpass to the railroad may cause a problem and suggested that someone look into that matter.

Lonnie Bedell, 51 Grove Street – Wants the Committee to make necessary repairs to the DPW building. Asked if the Committee had an objection to videotaping the meetings. Nasta replied that he would look into the matter and advise.

## Adjournment

Brugger motioned; Eckel seconded and the Committee unanimously agreed to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Linda LoPiccolo  
Municipal Clerk

<b>Consent Resolution No. 2007-03</b>
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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:

2007-075 B 4 L 15 Abate 2007 Sewer

2007-076 Transfer Appropriations (2006 Budget Reserve)

2007-077 Temporary Budget Amendment

2007-078 State Tax Court Appeal Refund Block 101, Lot 11.01 for 2003, 2004, 2005 and 2006

2007-079 State Tax Court Appeal Refund Block 105, Lot 2.02 for 2003, 2004, 2005 and 2006

2007-080 Resolution of the Township Committee of the Township of South Hackensack, in the County of Bergen, New Jersey, covenanting to comply with the provisions of the Internal Revenue Code of 1986, as amended, applicable to the exclusion from gross income for federal income tax purposes of interest on obligations issued by the Township of South Hackensack and authorizing the mayor, township clerk, township treasurer, chief financial officer and other township officials to take such action as they may deem necessary or advisable to effect such compliance and designating a \$1,380,053 Bond Anticipation Note, dated February 22, 2007 and payable February 22, 2008 as a "qualified tax-exempt obligation" pursuant to section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

March 8, 2007 – Regular Meeting

2007-081 Licenses  
2007-082(a) Bills

Offered: Eckel  
Second: Romano  
Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Roman, Romano  
Date: March 8, 2007

**Resolution No. 2007-075 B 4 L 15 (67 Franklin Street) Abate 2007 Sewer User Charge**

WHEREAS on February 21, 2007 the owner of 67 Franklin Street appealed the 2007 sewer user charge of \$1,166.10; and

WHEREAS on February 26, 2007, Mary Terraccino, Assistant Tax Collector submitted her recommendation that the sewer user charge be abated; and

WHEREAS on March 1, 2007 the Township Committee reviewed the appeal and the recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the 2007 user charges in the amount of \$1,166.10 be abated.

Consent Agenda Resolution 2007-03  
Date: March 8, 2007

**Resolution No. 2007-076 Transfer Appropriations (2006 Budget Reserve)**

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 in 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 2006 Budget Appropriations.

	FROM	TO
OPERATIONS - WITHIN 'CAPS'		
Recreation – Salaries & Wages	1,500.00	
Volunteer Fire – Other Expenses		1,500.00

TOTALS \$1,500.00    \$1,500.00

Consent Agenda Resolution No. 2007-03  
Dated: March 8, 2007

**Resolution No. 2007-077 Temporary Budget Amendment**

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

WHEREAS, no adequate provision has been made in the 2007 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 2007 pursuant to the provision of Chapter 96, P.S. 1951 (N.J.S.A.40A: 4-20) including this resolution total \$2,960,407.80

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  
2007 Temporary Budget

*Operations included in "CAPS"*

Accumulated Sick Time 16,605.45

*Operations excluded from "CAPS"*

Reserve for Tax Appeals \$60,000.00

*Federal and State Grants*

2007 Body Armor 1,709.00

Total \$78,314.45

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

**Resolution No. 2007-078 State Tax Court Appeal Refund Block 101, Lot 11.01 for 2003, 2004, 2005 and 2006**

WHEREAS, the Tax Court of New Jersey has entered a judgment regarding Docket No 001775-2003, 003683-2004 and 001737-2005 reducing the 2003, 2004, 2005 and 2006 reducing the assessment on Block 101, Lot 11.01,

WHEREAS, 2003, 2004, 2005 and 2006 taxes on these properties were paid in full,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen, that the a refund be issued to Safer Properties, 1875 Mc Carter Hwy, Newark, N.J. 07104 as follows:

2004	\$ 4,008.90
2005	\$ 9422.10
2006	\$ 10,649.50

Consent Agenda Resolution 2007

Date: March 8, 2007

**Resolution No. 2007-079 State Tax Court Appeal Refund Block 105, Lot 2.02 for 2003, 2004, 2005 and 2006**

WHEREAS, the Tax Court of New Jersey has entered a judgment regarding Docket No 002199-2003, 000884-2004, 000034-2005 and 000043-2006 reducing the 2003, 2004, 2005 and 2006 reducing the assessment on Block 105, Lot 2.02,

WHEREAS, 2003, 2004, 2005 and 2006 taxes on these properties were paid in full,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen, that the a refund be issued to Nashel and Nashel T rust Account., 415 Sixtieth Street, West New York, N.J. 07093 as follows:

2003	\$ 4,660.00
2004	\$13157.16
2005	\$14370.66
2006	\$19800.40

Consent Agenda Resolution 2007

Date: March 8, 2007

**Resolution No. 2007-080 Resolution of the Township Committee of the Township of South Hackensack, in the County of Bergen, New Jersey, covenanting to comply with the provisions of the Internal Revenue Code of 1986, as amended, applicable to the exclusion from gross income for federal income tax purposes of interest on**

**obligations issued by the Township of South Hackensack and authorizing the mayor, township clerk, township treasurer, chief financial officer and other township officials to take such action as they may deem necessary or advisable to effect such compliance and designating a \$1,380,053 Bond Anticipation Note, dated February 22, 2007 and payable February 22, 2008 as a “qualified tax-exempt obligation” pursuant to section 265(b)(3) of the Internal Revenue Code of 1986, as amended.**

WHEREAS, the Township of South Hackensack, in the County of Bergen, New Jersey (the "Township") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue a \$1,380,053 bond anticipation note, dated February 22, 2007 and payable February 22, 2008 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b) (3) of the Code;

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

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Note be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Township Treasurer, Chief Financial Officer and the other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that said Note (1) is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if

any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2007.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2007.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2007 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Date: March 8, 2007

Consent Agenda Resolution No 2007-080

<b>Resolution No. 2007-081 Licenses –February 2007</b>
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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.

Fire Licenses:

02/07/07	Adams Auto Body Inc.	2230	42.00
02/07/07	Hamilton Electronic Corp.	2232	42.00
02/07/07	Alan Party Rental	2233	166.00
02/07/07	Maintainco Inc.	2231	374.00
02/09/07	J. Josephson Inc.	2229	788.00
02/09/07	Transaxle Corp.	2228	208.00
02/09/07	Painting Inc.	2227	539.00
02/09/07	Crystal World, Inc.	2226	63.00

02/13/07	Salon Interiors Inc.	2234	166.00
02/13/07	ITP Corporation	2240	166.00
02/13/07	Wilfred Mac Donald Inc.	2236	312.00
02/13/07	Etched in Stone	2239	208.00
02/13/07	Craft Machinery Co.	2238	42.00
02/13/07	F. P. Schmidt Mfg. Co.	2237	291.00
02/13/07	Tri Star Motors	2235	42.00
02/14/08	Tru-Value Electric	2241	166.00
02/14/06	Mill Creek Beverage	2242	166.00
02/16/07	Atey Auto Body Inc.	2243	84.00
02/21/07	Fontanella's Auto Body Shop	2246	42.00
02/21/07	Hi-Pro Industries Inc.	2247	331.00
02/21/07	Cromwell Liquors	2245	166.00
02/21/07	Tension Envelope	2244	291.00
02/21/07	Town Getty Service	2249	42.00
02/21/07	C & D Auto Body Inc.	2248	42.00
02/23/07	Lumber Liquidators	2251	166.00
03/23/07	Pat's Grove Auto Repairs Corp.	2250	126.00
02/26/07	Central Bakery	2252	166.00
02/28/07	C. W. Brabender Instruments Inc.	2253	208.00

Consent Agenda Resolution No. 2007-03  
Date: March 8, 2007

**Resolution No. 2007-082 Senior Housing**

WHEREAS E-Tomic General Contracting, Inc. has not filed or addressed the deficiencies in their proposal as set forth at a public meeting and in our letter of January 25, 2007, and

WHEREAS the Township was informed by E-Tomic that the NJHMFA denied their application for tax credit financing, and

WHEREAS the Township requested E-Tomic to supply further information and a commitment for market financing, which they did not, and

WHEREAS E-Tomic was asked to file an application for Site Plan approval, which they did not, and

WHEREAS they have apparently defaulted in this process or have chosen to withdraw, and

WHEREAS the Madeline Corporation, a non-profit corporation, was awarded Low Income Housing Tax Credits in 2004 by the New Jersey Housing and Mortgage Finance Agency allowing the construction and operation with low rents, and

WHEREAS they have requested but not yet received approval to transfer those credits from the non-profit Madeline Corporation to the for profit entity Senior Citizens Housing at Grove Street, L.P, and

WHEREAS the developer is under an obligation to complete construction and has a “placed in service deadline” for the units, which has been extended to December 31, 2007, and

WHEREAS recent letters of their counsel and a letter of the NJHMFA suggest that the approval will probably be favorably received, and

WHEREAS the developer has also advised us that the Credit Investor, MMA Financial of Boston, Massachusetts, who bid for the tax credits, will have to approve a change from 25 units of housing to 24 units with an on site superintendent, which will change the rents and costs, and

WHEREAS they have yet to commit in writing to the 24 units and on site superintendent, and

WHEREAS we have been advised that it is the present intention of E-Tomic and Senior Citizens Housing at Grove Street, L.P to have E-Tomic contract with Senior Citizens Housing at Grove Street, L.P to become the contractor for the construction and that Senior Citizens Housing at Grove Street, L.P will be the owner, developer, and long-term

operator, and while we welcome this development, that ends E-Tomic's developer status, and

WHEREAS we will designate and contract with a developer who is free to hire, employ and contract with whomever they desire; the actions and relationships are of no concern to us and we are not a party to any such agreement,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, Bergen County, New Jersey that we are directing that the developers take the following action within the next ten (10) days:

1. E-Tomic formally and in writing withdraw their application under the RFP/RFQ as a developer;
2. Madeline Corporation seek the immediate transfer of the housing tax credits to Senior Citizens Housing at Grove Street, L.P, that they do so in writing and with copies to the Township.
3. Madeline Corporation shall dismiss with prejudice its pending litigation against the Township now pending in the Superior Court of New Jersey, Law Division, Bergen County before the Honorable Jonathan N. Harris, J.S.C.
4. If and when the above events occur, then we will forward a letter of support to the NJHMFA seeking the approval and transfer of the tax credits, with copies to our Bergen County legislators asking them to intervene for the citizens of South Hackensack to preserve these tax credits and complete their transfer.
5. Senior Citizens Housing at Grove Street, L.P, should simultaneously and immediately complete its pending application for a site plan application process, seeking a hearing at the Planning Board for the March 2007 meeting.
6. Senior Citizens Housing at Grove Street, L.P, should simultaneously and immediately commence negotiations with the Township for an agreement and long term lease for the property in question.
7. The Township Committee will meet again on April 5, 2007 to review the status, satisfaction of these conditions, and complete the award process under the RFP/RFQ

Offered: Brugger

Second: Anzevino

Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

**Resolution No. 2007-082(a) Bills List**