

Township of South Hackensack  
Bergen County, New Jersey  
March 31, 2011 7:30 P.M.  
Special Meeting  
MINUTES

Walter Eckel Jr., Mayor .....Present  
James Anzevino .....Present  
Gary Brugger .....Present  
Frank Cagas .....Present  
Vincent Stefano.....Absent  
Also present:  
Linda LoPiccolo, Municipal Clerk  
David V. Nasta, Esq., Municipal Attorney

Call of Meeting to Order

Mayor Eckel called the Special 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*, and *the Herald and News* and by posting the Special 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.

Resolutions

Closed Executive Session – March 31, 2011

Cagas motioned; Brugger seconded and the Committee unanimously agreed to go into closed executive session for the purpose of a disciplinary hearing on Joseph Maglio.

Present at the meeting:

Joseph Maglio, Robert Gilman, Business Agent, Teamsters Local 11; Glen Haley, Esq. 259 Union Street, Hackensack and brother-in-law of the employee

Mayor Eckel presided over the hearing. He turned to legal counsel to conduct the hearing. Mr. Nasta advised that as instructed by the governing body he perfected the allegations into formal charges that were hand-delivered to Mr. Maglio by Assistant Superintendent Thomas Yannetti. Mr. Maglio was provided with the required "RICE" notice, and the union was notified of the hearing pursuant to Article 12, Section 2 of the contract. Mr. Maglio did not contact the clerk to request the meeting be held in public; therefore, the hearing will be held in closed session.

Mr. Haley represented to the governing body that he was at the hearing to observe the proceedings but will not participate in it. David Nasta had no objection to Mr. Haley remaining and the Committee agreed to permit Mr. Haley to stay.

Mr. Nasta began by reading the charges aloud and advised the Committee and those present that the Committee will decide 2 things; whether on February 21, 2011 Joseph Maglio refused to come to work and/or did not take proper measures to ensure that he was available to respond, and if so what disciplinary action imposed and whether or not there is a pattern of neglect of duties, lack of veracity or otherwise conduct unbecoming a public employer.

Everyone present left the courtroom to listen to the cd in the clerk's office. After listening to the cd several times, everyone returned to the courtroom.

Nasta advised that he reviewed the following documents: correspondence dated February 23, 2011 submitted by Lawrence J. Paladino, pages 12, 13 & 14 of the Personnel Policy Manual, Local Union Agreement, Mr. Maglio's personnel file (146 pages). Although Mr. Maglio had access to the documents, he did not review them. At the hearing Maglio requested permission to review the documents privately. The Committee permitted Mr. Maglio and his representatives to review the documents privately. They returned to the hearing at 8:05 p.m. and offered the following:

Rob Gilman represented that Mr. Maglio was not on standby that weekend (Presidents' weekend) so he went to Atlantic City with his wife. He called headquarters when he received the call; he never refused to come in to work. Joe Maglio said that he was asleep in Atlantic City when he got the call he immediately called in.

Nasta then went on to discuss the charge (#3) that alleges a pattern of neglect of duties, etc. He said that when the Committee authorized him to perfect the charges they were concerned about the pattern of incidents so his personnel file was produced and made available to all members of the Committee and made a part of the record.

Nasta reviewed the file and noted those incidents wherein disciplinary action was previously taken. Those incidents were also contained in a memo prepared by Lawrence Paladino to the Committee.

There was some discussion regarding what was said on the recording, so everyone returned to the clerk's office to once again listen to it.

At 8:40 p.m. everyone returned to the courtroom. Mr. Maglio and his representatives were asked to leave the room so that the Committee could deliberate and make their decision.

At 9:07 p.m. the Committee ended their deliberations, and asked Mr. Maglio to return where the Committee would announce their decision. Anzevino motioned; Brugger seconded and the Committee unanimously agreed to return to open session at 9:09 p.m.

Anzevino motioned; Cagas seconded to find that Joseph Maglio did violate all 3 charges that were perfected against him and to terminate Joseph Maglio effective immediately. Ayes: Anzevino, Brugger, Cagas, Eckel Absent: Stefano

Nasta advised that the basis for the termination will be set forth in a resolution that will be adopted by the Township committee. It is expected to be available at the next meeting. Mr. Maglio was instructed to make an appointment with the clerk to return his keys, pager and any other township property that he may have in accordance with the personnel manual.

## Adjournment

Eckel motioned; Brugger seconded and the Committee unanimously agreed to adjourn the meeting at 9:15 p.m.

Respectfully submitted,



Linda LoPiccolo  
Municipal Clerk

### **Resolution Authorizing Executive Session – March 31, 2011**

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.

\_\_\_(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.

\_\_\_(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.

#### **Personnel – Joseph Maglio – Disciplinary Hearing**

\_\_\_(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 31, 2011.

Linda LoPiccolo  
Municipal Clerk