

Township of South Hackensack
Bergen County, New Jersey
April 3, 2008 7:30 P.M.
Worksession Meeting
MINUTES

Rosina Romano, MayorPresent
Gene Roman, Deputy MayorPresent
James AnzevinoPresent
Walter Eckel, Jr.....Present
Gregorio Maceri.....Present

Also present:
John M. Carbone, 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 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; Eckel seconded and the Committee unanimously agreed to accept and file correspondence dated March 20, 2008 from Walter E. Peterson III, Chief, SHFD re: Michael Villanova compensation with annual retirement benefit.

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to accept correspondence dated March 20, 2008 from Vincent Carramusa, 4 Hegner Court re: Application for Sidewalk, Curb, Gutter, Construction or Repair (CH 189) and refer the matter to the engineer for full compliance review.

Roman motioned; Romano seconded and the Committee unanimously agreed to refer back to Chief Frew correspondence dated March 29, 2008 from Sgt. Gerard J. Garris, SHPD re: request for clarification.

Anzevino motioned; Roman seconded and the Committee unanimously agreed to accept correspondence dated April 1, 2008 from Lawrence J. Paladino, Jr., CPWM, DPW Supt. Re: Raised Sidewalks at 17 Wilson Street and authorize Town & Country to remove the tree at a cost not to exceed \$1,500; Garden State Curbs and Sidewalks to repair and sidewalk at a cost not to exceed \$1,300.

Roman motioned; Maceri seconded and the Committee unanimously agreed to accept correspondence dated April 2, 2008 from Michael D. Frew, Chief, SHPD re: Request to purchase Dodge Durango in the amount of \$32,123.80 under state contract A70852 and authorize the clerk to prepare the necessary resolution for adoption at the next meeting.

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to accept correspondence dated April 2, 2008 from Michael J. Ward, Emergency Manager re: Notification of attendance at NJ Emergency Preparedness Conference May 5-9th at no cost to the township, and authorize attendance at the conference.

Roman motioned; Anzevino seconded and the Committee unanimously agreed to accept correspondence dated April 1, 2008 from Lawrence J. Paladino, Jr., CPWM, DPW Supt. Re: Residential Parking Signs – Request for direction.

Anzevino motioned; Eckel seconded and the Committee unanimously accepted correspondence dated April 1, 2008 from Lawrence J. Paladino, Jr., CPWM, DPW Supt. Re: Softball Clay – and authorized purchase of clay as requested.

Old Business

2008 Municipal Budget

Romano reported that she and Committee member Eckel have met with department heads to review department needs and where possible cuts could be made. She requested their cooperation and appreciates whatever cuts possible. She asked everyone to come up with cost effective ways to operate and to keep an open mind to change. She discussed corporate sponsorship for recreation events. She discussed the possibility of contracting with Hackensack for auto mechanic repair and maintenance service rather than hiring someone to replace retiring auto mechanic Robert Esposito. Romano further reported that she and Mr. Anzevino will meet with representatives from Hackensack to discuss the possibility of entering into an Agreement with them for such purpose and will report back to the Committee shortly thereafter.

Hoffman, First & Millo Court Resurfacing

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to authorize the clerk to advise the bond counsel to amend existing bond ordinance to include funds for First Street, Millo Court and Hoffman Street.

Authorize Payment to Ippolito Industries, Inc. for \$22,783.50

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to make payment to Ippolito Industries in the amount of \$22,783.50 in satisfaction of invoices submitted.

New Business

Tax Maps for Revaluation

Eckel motioned; Romano seconded and the Committee unanimously agreed to authorize Boswell Engineering to prepare the necessary tax maps for revaluation in accordance with proposal submitted.

Ordinances

Second Reading, Public Hearing and Continuation of
ORDINANCE 2008-03

CALENDAR YEAR 2008 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to open the public hearing on Ordinance 2008-03. There were no public comments offered, Anzevino motioned; Maceri seconded and the Committee unanimously agreed to close the public hearing. Eckel motioned; Maceri seconded to adopt Ordinance 2008-03 and advertise its adoption as prescribed by law. Roll Call Vote: Ayes: Anzevino, Eckel, Maceri, Roman, Romano

Second Reading, Public Hearing and Adoption of
ORDINANCE 2008-06

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HACKENSACK TO AMEND
CHAPTER 104, ENTERTAINMENT, PUBLIC OF THE TOWNSHIP CODE OF THE
TOWNSHIP OF SOUTH HACKENSACK, COUNTY OF BERGEN AND STATE OF
NEW JERSEY

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to open the public hearing on Ordinance 2008-06. Since there were no public comments offered, Eckel motioned; Anzevino seconded and the Committee unanimously agreed to close the public hearing. Anzevino motioned; Eckel seconded to adopt Ordinance 2008-06 and advertise its adoption as prescribed by law. Ayes: Anzevino, Eckel, Maceri, Roman, and Romano

Resolutions

Closed Session

Offered: Romano

Second: Eckel

Roll Call Vote: Ayes: Anzevino, Eckel, Maceri, Roman and Romano

Authorize Purchase of Police Vehicle

Offered: Romano

Second: Roman

Roll Call Vote: Ayes: Anzevino, Eckel, Maceri, Roman and Romano

Committee Reports

James Anzevino – suggested the formation of a citizen advisory committee to advise the seniors on the status of the Grove Street housing project.

Walter Eckel – advised that the lease Agreement with the ambulance corps will expire and would like that reviewed. Eckel suggested that the Township consider an alternate vendor for the fire truck.

Gene Roman – commended the following three police officers for doing an exceptional job: Det Sgt. Robert Kaiser, Det. Vincent Riotto and Det Sgt. Robert Licamara.

Rosina Romano reported that the township website is almost up and running.

Public Comments

Dolly Montenegro, 57 Phillips Avenue complained about a pot hole at the Phillips Avenue/Vreeland Avenue intersection. She also suggested that the parking permit application be included in the Certificate of Inspection packet when it is given to the property owner for completion.

Closed Session

Anzevino motioned; Maceri seconded and the Committee unanimously agreed to go into closed session at 8:40 p.m. to discuss the following matter:

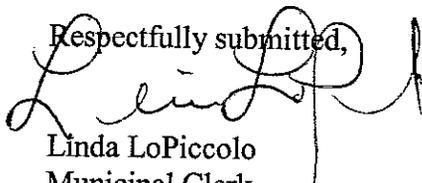
Litigation – DPW PERC Case No. CO-2008-283

Anzevino motioned; Romano seconded and the Committee unanimously agreed to reopen the meeting to the public at 8:44 p.m.

Adjournment

Anzevino motioned; Romano seconded and the Committee unanimously agreed to adjourn the meeting at 8:44 p.m.

Respectfully submitted,



Linda LoPiccolo
Municipal Clerk

ORDINANCE NO. 2008-03

CALENDAR YEAR 2008

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of South Hackensack in the County of Bergen finds it advisable and necessary to increase its 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$54,399.93 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of South Hackensack, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2008 budget year, the final appropriations of the Township of South Hackensack shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$54,399.93, and that the 2008 municipal budget for the Township of South Hackensack be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ORDINANCE 2008-06

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HACKENSACK TO AMEND CHAPTER 104, ENTERTAINMENT, PUBLIC OF THE TOWNSHIP CODE OF THE TOWNSHIP OF SOUTH HACKENSACK, COUNTY OF BERGEN AND STATE OF NEW JERSEY

Be it Ordained by the Township Committee of the Township of South Hackensack, as follows:

Section 1. Section 104-3 entitled "License required for Owner, Operator, Managers and Entertainers" is amended to read "License required for Owner, Operator, Managers, Entertainers, and Security Employees";

Section 2. The word "security employee" shall be defined in section 104-1 as "an employee who controls or maintains security on the premises, access to the premises, collects admission fees, coverage charges or entrance fees" and the words "Security Employee" is to be inserted in section 104-3 following the word "entertainer";

Section 3. The annual fee for a license shall be increased to "seventy five dollars (\$75.00) effective July 1, 2008.

Section 4. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 5. All ordinances or parts of ordinances of the Township of South Hackensack heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency, if any.

Section 6. Other than the fee section in section three (3) above, all other provisions of this ordinance shall take effect on June 1, 2008 after final passage and publication as provided by law.

Introduced: March 13, 2008

Adopted: April 3, 2008

Resolution 2008 Authorizing Executive Session
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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. **DPW PERC 2008-283**

 (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 April 3, 2008.

Linda LoPiccolo
Township Clerk

Resolution No. 2008-080 Authorize Purchase Police Car (1) – State Contract

WHEREAS, the Township of South Hackensack is desirous of purchasing (1) 2008 Dodge Durango from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contract Law, N.J.S.A. 40A:11-1 et. seq.

WHEREAS, Warnock Fleet and Leasing, 175 Route 10, P.O. Box 524, East Hanover, NJ has been awarded New Jersey State contract No. A70852, and

WHEREAS, Police Chief Frew recommends this purchase in his correspondence dated April 2, 2008, and

WHEREAS, the actual cost for the purchase of a 2008 Dodge Durango unmarked police car is expected not to exceed \$32,123.80

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

1. Warnock Fleet, 175 Route 10, P.O. Box 524, East Hanover, NJ is hereby awarded a contract in the amount of \$32,123.80 to supply (1) 2008 Dodge Durango police vehicle under state contract #A70852 as more specifically described in the specifications that have been attached to and made a part of the purchase order.
2. A Certification of Funds has been received for the said contract assuring that there is a sufficient appropriation to award this contract and the availability of a sufficient appropriation in the NJMC Map Grant of 2008 to fund the purchases authorized in this resolution is an express mandatory condition of the award of this contract.
3. The Purchasing Agent is hereby authorized and directed to execute the proper purchase order to effectuate the award of this contract.

Offered: Romano

Second: Eckel

Roll Call Vote: Ayes: Anzevino, Eckel, Maceri, Roman, and Romano

Date: April 3, 2008