

Township of South Hackensack
County of Bergen, New Jersey
April 6, 2006 7:30 P.M.
Worksession Meeting
MINUTES

Robyn Scholz, MayorPresent
Lucindo A. LoPiccolo, Jr., Deputy Mayor.....Present
James AnzevinoPresent (7:40 p.m.)
Gary BruggerPresent
Walter Eckel, Jr.....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 Scholz called the 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 role.

Correspondence

March 10, 2006 – Dennis McNerney, County Executive – Announce Volunteer of the Year Program. Brugger suggesting contacting the Ambulance and Fire Chiefs for a suggestion. Eckel suggested that anyone else with a request should advise the clerk. Scholz suggested that perhaps someone other than an EMS worker would be eligible and that consideration should be given to other volunteers as well.

Brugger motioned; Eckel seconded to accept the March 20, 2006 – Leonard B. Falato – Letter of retirement effective June 1, 2006 and place it in the appropriate file. All in favor.

Brugger motioned; LoPiccolo seconded to approve the recommendation made by Chief Frew dated March 22, 2006 – Michael D. Frew, Chief of Police – Recommended Jared Arcidiacono for an internship in the South Hackensack Police Department.

Brugger motioned; Eckel seconded to appoint the following dispatchers as recommended by Chief Frew in his correspondence dated March 22, 2006 – Mark Nubile, Brian Kropp, Carmelo Musarra, Stephen Grecco, Antonio Aluotto

March 24, 2006 – Michael D. Frew, Chief of Police – Request for the Township Committee to hire 2 police officers. Brugger motioned; LoPiccolo seconded to deny Chief Frew’s request for additional police officers. All in favor. Anzevino - Absent

March 24, 2006 - Rosemarie T. Giotis, CFO/CTC – Advise of full time appointment as CFO in another municipality, request to maintain positions as Tax Collector and CFO on a part-time basis. Brugger motioned; LoPiccolo seconded to accept the resignation from Rosemarie T. Giotis as CFO and Tax Collector. All in favor.

March 29, 2006 – Rosemarie T. Giotis, Tax Collector – Re: Sewer User Charges Block 13.02 Lot 11.02 Recommendation to abate sewer charges. Anzevino motioned; Brugger seconded to approve the sewer abatement for Block 13.02 Lot 11.02 All in favor.

Brugger motioned; LoPiccolo seconded to accept the General Correspondence – March 2006. All in favor.

Eckel motioned; Anzevino seconded to accept the Monthly Department Reports – March 2006. All in favor.

Old Business

Acquisition of new sewer jet – Nasta advised that Mr. Paladino has prepared a revised scope for the sewer jet and that he will prepare the bid specification and have it ready for the April 13, 2006 meeting.

Senior Citizen Housing – Review results of survey, discuss appointment of developer Mayor Scholz spoke to the public who had gathered for the meeting. She discussed the results of the survey that was mailed to all residents in the township. It was extremely important to those who responded that the project be available to residents of the Township of South Hackensack. That particular question received an average of 4.7 on a scale of 1 to 5. She explained that several months ago the Township Committee solicited proposals for RFP/RFQ’s for the construction of senior citizen housing. There were three respondents, one withdrew and the committee interviewed and requested presentations from the other two respondents, E-Tomic General Contracting, Inc. and Senior Citizen Housing at Grove Street L.P. E-Tomic made a presentation to the public. Senior Citizen Housing at Grove Street was not available on the requested date, so they were given an opportunity to submit in writing. Based upon her review of the documents submitted, the survey of residents, Mayor Scholz recommended that E-Tomic General Contracting, Inc. be designated as the developer with whom further negotiations would commence.

Scholz motioned; Brugger seconded to adopt Resolution No. 2006-077 designating E-Tomic as the developer for senior citizen housing on Grove Street in South Hackensack. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz. Prior to the vote, the clerk read the resolution in its entirety.

Fire Department Scholarship Fund – Mr. Nasta reported that based upon the recommendation of the auditor, the scholarship funds that were received by the township as a result of Fire Co. No. 2 litigation should be placed in the custody of the school. The scholarship will continue to be administered in accordance with the settlement agreement between the litigation parties.

Block 22 Lot 2 (Clausen Street) – Mr. Nasta reported that he recently spoke with Mr. Ralph Padovano, attorney for Memorial School regarding the property and a possible amendment to the tax map regarding Clausen Street. Mr. Nasta advised that he would follow-up with Mr. Padovano and report back to the committee shortly.

Teterboro – Mr. Nasta reported that the township has not received a response from Teterboro regarding our correspondence to them about our flooding problems. Mr. Anzevino reported that he has scheduled a meeting with Teterboro officials and will report back to the committee after that meeting.

DPW Building Repairs – LoPiccolo reported that he spoke with Barbara Nemchek who advises that in order to proceed with any renovations to the building, a survey of the property will be required. Prior to authorizing \$5,000 to prepare that survey, Mr. Nasta indicated that he would seek other quotations.

Veterans Park (Joseph Baeli Playground) – Mr. LoPiccolo and Mr. Brugger reported on their recommendations for renovations to the Joseph Baeli playground.

LoPiccolo motioned; Brugger seconded to authorize D&G Landscaping to supply and install 1 Hot Rock and appurtenances in an amount not to exceed \$3,540.00. All in favor.

LoPiccolo motioned; Anzevino seconded to authorize D&G Landscaping to supply and install 1 flowering pear tree at a cost not to exceed \$2,000. All in favor.

Municipal Complex HVAC – The clerk advised that Boswell Engineering is currently preparing a scope of services to replace the municipal complex air conditioning unit. At that time bids can be solicited for that project.

Green Street Resurfacing – The clerk reported that a Pre-Construction Meeting will be held on April 11, 2006 at 10:00 a.m.

New Business

Request to attend Clerk's Conference – June 20-22, 2006

Eckel motioned; Anzevino seconded to authorize the clerk to attend the annual conference to be held June 20-22nd in Atlantic City, NJ All in favor.

Anzevino motioned; Brugger seconded to authorize the Volunteer Dinner to be held at the Empire Club on April 21, 2006 at a cost of \$38.00 per person. All in favor.

Government Day – The committee discussed several dates in May, but did not make a final decision.

Ordinances

Mr. Anzevino motioned; Eckel seconded to introduce Ordinance No. 2006-07 and set the date for its public hearing at a special meeting to be held on Thursday, April 20, 2006 at 7:00 p.m. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

ORDINANCE NO. 2006-07

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 158 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “PEACE AND GOOD ORDER”

The following ordinance was distributed by Mr. Nasta for review by the members of the Township Committee. The ordinance will be listed for first reading and introduction on April 13, 2006.

ORDINANCE NO. 2006-08

" AN ORDINANCE AMEMNDING AND SUPPLEMENTING CHAPTER 46 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "PERSONNEL POLICIES"

Resolutions

Resolutuion No. 2006-077 Designation of a Developer for the Senior Citizens Housing Project, Grove Street, South Hackensack, NJ
--

Offered: Scholz

Second: Brugger

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Closed Executive Session – Litigation, Personnel, Negotiations

Offered: Eckel

Second: LoPiccolo

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Committee Reports

James Anzevino – Reported on the progress of the upcoming summer recreation program at Veterans Park. Consideration is being given to cost per student to participate. Several trips are also being planned. The program will begin July 5th and run through August 3rd.

Robyn Scholz – Discussed a possible amendment to the fire department ordinance that would permit non-residents to join the department. It was suggested that David Nasta and Linda LoPiccolo sit down with Michael Cherubini and James Riley to review the draft version, submit to the fire department for their review and be ready for introduction for next meeting of the Township Committee.

Gary Brugger – Reported on his attendance at a recent TANAAC meeting wherein representatives of the FAA were present. Those present were advised that the flight path is being redesigned and will increase efficiency with possibly permitting 2 more flights per hour. At another meeting recently attended, Brugger reported that air quality tests are being performed to test the air while planes fly over the area. Results of the study should be ready by next April or May.

Walter Eckel – Reported that the DPW has completed its annual cleaning of all catch basins.

Eckel motioned; LoPiccolo seconded to authorize Mr. Paladino to proceed with the purchase of necessary traffic/parking signs in an amount not to exceed \$8,000. All in favor.

Mayor Scholz – Advised that Mrs. Susan DeSalvo, a teacher at Memorial School has been battling cancer. On May 20, 2006, students will participate in a walk beginning at Veterans Park. Everyone participating has been asked to assemble at 10 a.m. at the park.

Public Comments

Dolly Montenegro, 57 Phillips Avenue – Regarding senior citizen housing, she was concerned about the reported soil contamination on the property and if the property will be low/moderate income housing.

Gene Roman, 23 Milano Court – Retired Police Chief – Congratulated Rosemarie Giotis on the new position she accepted in Dumont. He worked closely with her while he was chief of the police department and it was always a pleasure to work with her. He hoped the committee allows her to continue part time with the township. Lastly, he stated that the municipal budget is increasing by approximately 5.5 points and the board of education will increase by 26-27 points, the largest tax increase in history of South Hackensack.

Mayor Scholz explained that because the school is based on a fiscal year and the township's budget is a calendar budget, the township will realize half the school's increase in this year's budget. Of course, we also realize half of last year's budget as well. Scholz explained that a large part of the increase was for enrollment and special education. The remainder of the budget was within CAP allowances.

George Furman, Phillips Avenue – Questioned the accuracy of the budget notice that appeared in The Record. He was advised by the clerk that the notice was re-published at no cost to the township since it was the newspaper's error. The re-notice was within the required notification dates.

Dolly Montenegro – Regarding the property tax re-imbusement program that Mr. Anzevino frequently refers to, Mrs. Montenegro pointed out that the program could be cut.

Mr. Bedell, 51 Grove Street – Regarding the recent discussion about rents at the senior housing project, Mr. Bedell confirmed that at this time two units would have rents equaling \$750, two units at \$850, and 21 units at \$995. Mayor Scholz indicated that those rents would be the worst possible scenario and that E-Tomic would try to secure funding from the NJMHFA (tax credits) to reduce those rents. If funding is received, rents will be significantly reduced.

Mr. Cerbo, Hegner Court – Commented on a an application that was denied by the Board of Adjustment to permit condominiums at 45 E. Wesley Street. Mr. Cerbo thought that the matter should have been brought before the members of the committee.

Mr. Armand Palazzi, Tuve Lane – Regarding the condominium matter, Palazzi suggested that the matter should have been brought to the voters on a referendum.

LoPiccolo motioned; Brugger seconded to close the public portion of the meeting. All in favor.

Scholz motioned; LoPiccolo seconded to recess for five minutes at 9:37 p.m. All in favor.

Anzevino motioned; Brugger seconded to resume the meeting at 9:55 p.m. All in favor.

Closed Session

Eckel motioned; LoPiccolo seconded to go into closed executive session at 9:55 p.m. All in favor.

Eckel motioned; LoPiccolo seconded to re-open the meeting to the public at 11:35 p.m. All in favor.

Anzevino motioned; Brugger seconded to authorize Carole Ostrowski to perform clerical duties and assist in the clerk's office at an hourly rate of \$13.00 per hour. All in favor.

Adjournment

Anzevino motioned; Brugger seconded to adjourn the meeting at 11:35 p.m. All in favor.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

RESOLUTION NO. 2006-077 OF THE TOWNSHIP OF SOUTH HACKENSACK, BERGEN COUNTY, NEW JERSEY FOR THE DESIGNATION OF A DEVELOPER FOR THE SENIOR CITIZENS HOUSING PROJECT, GROVE STREET, SOUTH HACKENSACK, NJ

WHEREAS, the Township Committee issued and sought Request for Qualifications (RFQ) of for profit developers, not-for-profit developers, and nonprofit developers and Request for Proposals (RFP) for the construction, financing and operation of the Grove Street Senior Citizens Housing Project in the Township of South Hackensack; and,

WHEREAS, the Township Committee received responses to the RFQ/RFP for the project, reviewed and analyzed such proposals, a sub-committee met with the prospective developers, solicited further information, and reviewed such responses, and then the Committee considered the submissions; and,

WHEREAS, the Township is the fee owner of property located at 37, 41, 43 Grove Street, also known as Lots 9, 10, and 10.1 Block 2.01 on the Tax and Assessment Maps of the Township of South Hackensack; and,

WHEREAS, the Township desires to move forward as expeditiously as possible and commence construction as soon as possible and the Township expects the Developer to secure adequate financing from public and private sources to accomplish these goals; and,

WHEREAS, the Township has after review of the proposals, public comment and deliberations determined that which Developer has the most suitable proposals and qualifications that most adequately meets the needs of the residents and taxpayers of the Township of South Hackensack; and,

WHEREAS, the Township Council feels that these actions are necessary, appropriate and in the best interests of the residents of South Hackensack;

NOW THEREFORE BE IT RESOLVED, that: E-Tomic

1. Is hereby designated as the Developer of the Grove Street Senior Citizens Housing Project in the Township of South Hackensack subject to the following:

- a) The negotiation and approval by the Township Committee of an agreement of development and lease for said property on terms found to be acceptable by the parties;
- b) The securing and proof of adequate financing acceptable to the Township of South Hackensack to construct, operate and maintain this project as proposed and to be agreed upon;

- c) An approved development, construction and occupancy schedule for the project;
- d) All necessary and appropriate reviews and approvals by governmental agencies.
- e) Compliance with all governmental laws and regulations.
- f) That a subcommittee appointed by the Mayor, together with the Township's professionals and administrative shall commence negotiations and reviews with the designated developer herein and other governmental or appropriate entities to complete the necessary agreements, schedules, review the financing, and do all other acts necessary and proper to complete the transaction.

By a copy of this resolution, notification of this award, designation, and conditions herein shall be sent to all persons or entities that responded to the requests for RFP/RFQ, a copy to the County of Bergen, the New Jersey Housing and Mortgage Financing Agency, posted on the Townships public notice board, and published once in the official newspaper of the Township.

The Township of South Hackensack may enter into the agreements after their review and approval, together with the satisfaction of the conditions set forth herein.

Offered: Scholz

Second: Brugger

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Date: April 6, 2006

<p>Resolution Authorizing Executive Session</p>
--

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.

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.

(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.

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.

(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.