

Township of South Hackensack
County of Bergen, New Jersey
April 13, 2006 7:30 P.M.
Regular Meeting
MINUTES

Robyn Scholz, MayorPresent
Lucindo A. LoPiccolo, Jr., Deputy Mayor.....Present
James AnzevinoPresent (7:37 pm)
Gary BruggerPresent
Walter Eckel, Jr.....Present

Also present:
David V. Nasta, Esq., Municipal Attorney
Linda LoPiccolo, Municipal Clerk

Call of Meeting to Order

Mayor Scholz called the Special Meeting to order at 7:04 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

Brugger motioned; LoPiccolo seconded to accept the correspondence dated April 7, 2006, from Kris Kolluri, Esq., Commissioner, Dept. of Transportation Re: Applications being accepted by the NJDOT for Fiscal Year 2007 Municipal Aid Program. All in favor.

Brugger motioned; LoPiccolo seconded to accept and approve the correspondence dated March 7, 2006, from Sgt. Garris to Chief Frew Re: List of tow companies in alphabetical order. All in favor.

Eckel motioned; Brugger seconded to accept with regret, correspondence dated March 9, 2006, from Maureen Cherubini, Property Maintenance Inspector Re: Notice of intention to retire effective January 1, 2007. All in favor.

Eckel motioned; Brugger seconded to accept and approve application to remove and replace entire sidewalk at 5 North Vepek Lane, 4 Maple Street – Owner: LoPiccolo, 5 North Vepek Lane. All in favor.

Old Business

Out of Town Firefighter Ordinance – David Nasta prepared and submitted correspondence to the members of the Township Committee outlining a meeting with fire department representatives. That correspondence has been made a part of the meeting and attached hereto. Nasta indicated that questions have been raised by members of the fire board and suggested that the matter be held for further discussion at the next worksession.

New Business

No New Business

Ordinances

Second Reading, Public Hearing and Adoption

ORDINANCE NO. 2006 – 04

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 113 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “FLOOD DAMAGE PREVENTION”

Brugger motioned; Eckel seconded to open the public hearing on Ordinance 2006-04. All in favor. Since there were no public comments offered, LoPiccolo motioned; Eckel seconded to close the public hearing. All in favor. Eckel motioned; Anzevino seconded to adopt Ordinance 2006-04 and notice its adoption as prescribed by law. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Second Reading, Public Hearing

ORDINANCE 2006-05

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK CALENDAR YEAR 2006

(N.J.S.A. 40A: 4-45.14)

LoPiccolo motioned; Anzevino seconded to open the public hearing on Ordinance 2006-05. All in favor. Mayor Scholz explained the CAP and the CAP bank to those present. Since there were no public comments, Scholz motioned; Brugger seconded to close the public hearing on Ordinance 2006-05. All in favor. Brugger motioned; LoPiccolo seconded to adopt Ordinance 2006-05 and properly notice its adoption as prescribed by law. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz.

Second Reading, Public Hearing and Adoption

ORDINANCE NO. 2006-06

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN MUNICIPAL LANDS ADJACENT TO AND ABUTTING 100 WESLEY STREET IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13(b)(5)

Eckel motioned; Brugger seconded to open the public hearing on Ordinance 2006-06. All in favor. William Sullivan, Esq. appeared and indicated that the appraisal is consistent with his and is on file. Since there were no other public comments, Eckel motioned; Brugger seconded to close the public hearing on Ordinance 2006-06. All in favor.

Brugger motioned; LoPiccolo seconded to adopt Ordinance 2006-06 and advertise as prescribed by law. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Introduction of and set the date for public hearing (May 11, 2006)

ORDINANCE NO. 2006-08

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

Anzevino motioned; Brugger seconded to Introduce Ordinance 2006-08 and set the date for public hearing as May 11, 2006. Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Introduction of and set the date for public hearing (May 11, 2006)

ORDINANCE NO. 2006-09

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 167 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "PROPERTY MAINTENANCE"

LoPiccolo motioned; Eckel seconded to Introduce Ordinance 2006-09 and set the date for public hearing as May 11, 2006. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Introduction of and set the date for public hearing (May 11, 2006)

ORDINANCE NO. 2006-10

AN ORDINANCE TO FIX THE SALARIES, RETAINERS, AND CONTRACTUAL SERVICE CHARGES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF SOUTH HACKENSACK FOR 2006

Brugger motioned; Anzevino seconded to Introduce Ordinance 2006-10 and set the date for public hearing as May 11, 2006 at 7:00 p.m. Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Resolutions

Consent Agenda Resolution No. 2006-04
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Offered: Anzevino

Second: Brugger

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

Committee Reports

James Anzevino – Reported that he recently met with Teterboro representatives as well as Mr. Aronson, Mr. Klatskin and Rossi from Boswell Engineering's Office. Teterboro will obtain the use of the New Jersey Meadowlands Commission sewer jet to clean out the pipes for a short quick fix. They will run a camera through the pipe and apply to the DEP for approval for ditch cleaning. The NJMC is seeking authorization to issue permits. NJMC has agreed to accept the debris. The pipe cleaning is expected to take place in about one week.

Mr. Anzevino and all the members of the committee expressed their deep condolences to the family of Louis Montenegro who proudly served the township for over 39 as a public official.

Gary Brugger – Reported that the communication system is almost completely installed and dispatchers have been hired and trained.

Brugger motioned; Anzevino seconded to authorize Michael Ward the use of the township vehicle to attend a seminar in the southern part of the state. All in favor.

Robyn Scholz – The Mayor prepared a list of those who have been authorized use of Veterans Park field and requested that the clerk provide a copy of that list to the police department so that they can enforce it. She advised that although she was unable to attend, Mr. Carbone and the clerk met with E-Tomic to discuss the project.

James Anzevino mot suggested nominating Ben Scholz and Wally Peterson as Volunteers of the Year. They will be honored in the fall by the County Executive along with other volunteers.

Public Comments

Lonnie Bedell, 51 Grove Street – Questioned when the DPW contract would be voted upon. Mayor Scholz advised that she has been updated with an agreement and it would be voted on shortly.

Closed Session

Scholz motioned; Brugger seconded to go into closed session at 8:05 p.m. All in favor.

Eckel motioned; Brugger seconded to re-open the meeting at 9:47 p.m. All in favor.

Prior to adjournment, Scholz motioned; Brugger seconded to authorize payment in the amount of \$20,691.79 to John M. Carbone, Esq., Special Litigation Attorney. All in favor.

Adjournment

LoPiccolo motioned; Brugger seconded to adjourn the meeting at 9:50 p.m. All in favor.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

97-10	Barrier Free Curbs	3,118		3,118	
13-98	Paved Walk Track	16	16		
11-99/8-00					
19-01	Reconstruct Huyler Street Pump	39,523		39,523	
06-98	Resurface Phillips Ave Phase I	43,068		43,068	
14-99	Resurface Phillips Ave Phase II	32,661		32,661	
16-00	Green Street Drainage Area Impvt.	148,982	2,034	146,948	
02-01	Grove Stree Improvements	94,180	15,843	78,337	
14-01	Repaving of Leuning Street	26,349		26,349	
05-02	Acquisition of Real Property	55,279		55,279	
07-02	Improvement to Schriefer St	28,400		28,400	
20-02	Acquisition of Fire Ladder Engine	22,415		22,415	
25-02	Various Public Improvements	68,345		68,345	
03-09	Improvement of Division & West St	<u>118,217</u>	<u>3,835</u>	<u>64,700</u>	<u>\$49,682</u>
		<u>\$720,010</u>	<u>\$23,009</u>	<u>\$647,319</u>	<u>\$49,682</u>

Consent Agenda Resolution No. 2006-04

Date: April 13, 2006

Resolution No. 2006-079 Licenses –April 2006

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.

General Licenses:

03/07/06	*	Joe's Luncheonette	3441	\$125.00
02/24/06	*	Big Jimmy's Sizzlin Grill	3442	\$125.00
03/14/06		A. Casual American Limo Service	3443	\$50.00
03/14/06		Tack Motors	3444	\$360.00
03/14/06		G. Tack Wholesales	3445	\$100.00
03/14/06	*	Aldo & Gianni Restaurant	3446	\$125.00
03/14/06		Transaxle Corporation	3447	\$100.00
03/14/06		Red's Auto Repair	3448	\$175.00
03/14/06		Inter Motors	3449	\$360.00
03/14/06		Adams Auto Body	3450	\$175.00
03/14/06		Condemi Motor Co.	3451	\$535.00
03/20/06		Schrader Sunco Inc.	3452	\$175.00
03/20/06	*	Pleasure Lounge	3453	\$125.00
03/20/06		ABC Carpet	3454	\$100.00
03/20/06		Datamation	3455	\$150.00
03/20/06		Fratelli Beretta USA	3456	\$100.00

03/24/06	C & D Auto Body Inc.	3457	\$175.00
03/24/06	21st Century Car Wash	3458	\$525.00
03/24/06	Grand Tool Supply	3459	\$100.00
03/24/06	N.Y. Cutting & Gumming	3460	\$25.00
03/24/06	Stanley Auto Repair	3461	\$175.00
03/24/06	Post Office	3462	\$100.00
03/24/06	A E P	3463	\$100.00
03/24/06	Boswell Engineering	3463	\$50.00
03/24/06	DHL	3463	\$50.00
03/24/06	* Plaza 46	3464	\$150.00
03/27/06	Naturex	3465	\$75.00
03/27/06	Vehicle Makeover Centers Inc.	3466	\$175.00
03/27/06	Deltas Auto Sales Inc.	3467	\$360.00
03/30/06	Tri - Way Kars Inc.	3468	\$360.00
03/30/06	Floro Catering Company	3469	\$160.00
03/30/06	* Silva Catering	3470	\$160.00
03/30/06	T & H Dents	3471	\$175.00
03/30/06	* Class Act Catering	3472	\$160.00
03/03/06	MAB Cars Inc.	3473	\$360.00
03/30/06	* Joe's Ice Cream	3474	\$160.00
03/30/06	Pat's Grove Auto Repair Inc.	3475	\$175.00
03/30/06	* John's Catering	3476	\$160.00
03/30/06	* A.A.R. Lunch	3477	\$160.00
03/30/06	Seminario's Service Center	3478	\$175.00
03/30/06	* K & R Catering	3479	\$160.00
04/06/06	* DJ's Catering	3480	\$160.00
04/06/06	* Hot Dog King	3481	\$160.00
04/06/06	New River Drive Car Wash	3482	\$300.00
04/06/06	Marcone All Appliance Parts Center	3483	\$100.00
04/10/06	Fontanello's Auto Body Shop	3485	\$175.00
03/13/06	21st Century Car Wash	3486	\$25.00

* Pending Satisfactory Inspection

Fire

Licenses:

03/24/06	Das Installation Inc.	2210	\$173.00
03/24/06	Tabco Auto & Truck Repair	2211	\$346.00
04/05/06	Hageman Roofing Co.	2212	\$35.00
04/06/06	Central Bakery	2213	\$138.00

Consent Agenda Resolution No. 2006-04
Date: April 13, 2006

Resolution No. 2006-080 Recommend Funding for CDBG Program

WHEREAS, since 1974, the United States Congress, through the Community Development Block Grant Program supported the future welfare of the Nation and the well being of its low income citizens through maintaining viable urban communities as social, economic and political entities: and

WHEREAS, said Program has been and continues to be a critical affordable housing, community and economic revitalization tool for families and communities across the nation; and

WHEREAS, the President's FY07 budget proposes a 30% cut of the Community Development Block Grant Program, within the Department of Housing and Urban Development: along with a formula change which reduces the entitlement allocation to Bergen County an additional 40% - 70%; and

WHEREAS, the broad spectrum of activities, including homeownership opportunities; elimination of slum and blight; housing rehabilitation; improvements to public facilities and infrastructure, such as roads, water and sewer systems, libraries, fire stations, and community centers; and public services, such as employment training, child care, transportation services, services for senior citizens, the disabled and youth; business development and job creation will no longer be able to be undertaken: and

WHEREAS, such action will no longer enable cities, counties and states to meet their community development, affordable housing and economic development needs;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of South Hackensack hereby requests your help to fight to reject the proposed Cuts and formula change of the Community Development Block Grant Program and recommend the CDBG Program be funded at a level no less than \$4.5 billion in formula funding in FY07.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the entire New Jersey Congressional Delegation, the United States Senate Committees on Appropriations and Budget and House Committees on Appropriations and Budget.

Consent Agenda Resolution No. 2006-04
Date: April 13, 2006

Resolution No. 2006-081 Senior Citizen Deduction, Frank Fiorino

WHEREAS, Frank Fiorino, owner of Block 15, Lot 33, known as 437 Taylor Avenue has applied for a senior citizen deduction for 2006,

WHEREAS, the Tax Assessor has determined that he meets the qualifications for this deduction,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen, that a senior citizen deduction in the amount of \$ 250.00 be allowed for 2006 taxes.

Consent Agenda Resolution 2006-04
Date: April 13, 2006

Resolution No. 2006-082 Approve Minutes

BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the following minutes be and are hereby approved as submitted.

January 26, 2006
February 9, 2006
March 9, 2006

Consent Resolution No. 2006-04
Date: April 13, 2006

Resolution No. 2006-083 NIMS for Incident Management

WHEREAS, in Homeland Security Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualifications standards, uniform standards for planning, training, and exercising comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System,

NOW THEREFORE, pursuant to the authority vested in me by the Constitution and the provisions of the Emergency Management Services Code (35 Pa. C.S Section 7101 et seq., as amended), the Township Committee of the Township of South Hackensack hereby mandates the National Incident Management System be utilized for all incident management in the Township to take effect immediately.

Consent Agenda Resolution No. 2006-04
Dated: April 13, 2006

Resolution No. 2006-084 Bills \$1,112,623.03

Resolution No. 2006-085 Authorizing Executive Session

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 require 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.

The foregoing resolution was duly adopted by the Township Committee of the Township of South Hackensack at a public meeting held on April 13, 2006.

Linda LoPiccolo
Township Clerk