

Township of South Hackensack  
Bergen County, New Jersey  
April 26, 2012 7:30 P.M.  
Special Meeting  
MINUTES

Gary C. Brugger, Mayor .....Present  
Frank Cagas .....Present  
Walter Eckel, Jr. ....Present  
William Regan .....Present  
Vincent Stefano  
Also present:  
Linda LoPiccolo, Municipal Clerk  
David V. Nasta, Esq., Municipal Attorney  
John D'Anton, Esq., Special Counsel Litigation

Call of Meeting to Order

Mayor Brugger called the Special Meeting to order at 7:07 p.m. He advised that pursuant to the Open Public Meetings Act Adequate Notice of the meeting had been provided to *The Record, 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

Offered: Brugger

Second: Eckel

Roll Call Vote: Ayes: Brugger, Cagas, Eckel, Regan, Stefano

Resolution No. 2012-119 Reinstate Michael Frew as Chief of Police

Offered: Brugger

Second: Regan

Roll Call Vote: Ayes: Brugger, Cagas, Eckel, Regan, Stefano

Resolution No. 2012-120 Appointment of Brian Giblin, Esq.

Offered: Brugger

Second: Eckel

Roll Call Vote: Ayes: Brugger, Cagas, Eckel, Regan, Stefano

Closed Session

Brugger motioned; Regan seconded and the Committee unanimously agreed to go into closed executive session at 7:11 p.m. to discuss those matters listed on the closed session resolution.

Minutes were recorded of the matter discussed in closed session and will be released to the public when authorized by the governing body and permitted by law.

Eckel motioned; Brugger seconded and the Committee unanimously agreed to re-open the meeting at 7:20 p.m.

## Public Comments

Mayor Brugger opened the meeting for public comments at 7:23 p.m.

Lonnie Bedell, 51 Grove Street – Was in favor of Chief Frew’s re-instatement and expressed concern over litigation costs.

Since there were no other public comments offered, Brugger motioned; Eckel seconded and the Committee unanimously agreed to close the meeting for public comments.

## Adjournment

Since there was no further business to come before the Committee, Regan motioned; Cagas seconded and the Committee unanimously agreed to adjourn the meeting at 7:25 p.m.

Respectfully submitted,

Linda LoPiccolo  
Municipal Clerk

### **Resolution Authorizing Executive Session – April 26, 2012**

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 or 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.

  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.

**Michael D. Frew, Police Chief**

    (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.

**Resolution 2012-119 Reinstate Michael Frew as Chief of Police**

WHEREAS the Township of South Hackensack had suspended Chief Michael Frew; and

WHEREAS the Township South Hackensack has been advised by Special Counsel the Bergen County Prosecutor's Office has returned the subject matter of its investigation to the Township of South Hackensack and no further proceedings will occur in that office; and

WHEREAS the Township of South Hackensack Township Committee has received the advice of Special Counsel;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township South Hackensack that Chief Michael Frew is hereby reinstated as Chief of Police the Township of South Hackensack; and

BE IT FURTHER RESOLVED that a true copy this resolution shall be sent to Chief Michael Frew within five days from date of its adoption.

Date: April 26, 2012

Introduced: Brugger

Seconded: Regan

Roll Call Vote: Ayes: Brugger, Cagas, Eckel, Regan, Stefano

**Resolution 2012-120 Appointment of Brian Giblin, Esq.**

WHEREAS the Township Committee of the Township of South Hackensack has been advised that the Bergen County Prosecutor's Office has returned to the Township South Hackensack results of its investigation involving certain activities in the Township of South Hackensack; and

WHEREAS the Township South Hackensack has hired Brian Giblin to prosecute certain employee complaints now pending; and

WHEREAS the allegations of conduct as set forth in the investigation from the Bergen County Prosecutor's Office may give rise to a violation of Chapter 52 of the Code of the Township South Hackensack;

NOW THEREFORE BE IT RESOLVED by the Township Committee that the information returned to the Township of South Hackensack by the Bergen County Prosecutor's Office be forwarded to Brian Giblin for purposes of reviewing and reporting to the Township Committee as to whether or not the information contained therein gives rise to him filing additional disciplinary charges against members the South Hackensack Police Department.

BE IT FURTHER RESOLVED that a true copy this resolution shall be sent to Brian Giblin within five days from date of its adoption.

Date: April 26, 2012

Introduced: Brugger

Seconded: Eckel

Roll Call Vote: Ayes: Brugger, Cagas, Eckel, Regan, Stefano