

Township of South Hackensack  
Bergen County, New Jersey  
May 3, 2007 7:30 P.M.  
Worksession Meeting  
MINUTES

Gary C. Brugger, Mayor .....Present  
Walter Eckel, Jr., Deputy Mayor .....Present  
James Anzevino .....Present  
Gene Roman.....Present  
Rosina Romano.....Present

Also present:  
David V. Nasta, Esq., Municipal Attorney  
Linda LoPiccolo, Municipal Clerk  
Approximately 20 members of the public

Call of Meeting to Order

Mayor Brugger called the Regular Meeting to order at 7:30 p.m. He 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

Anzevino motioned; Roman seconded to accept the recommendation dated April 26, 2007 from Lawrence J. Paladino, CPW, and Supt. DPW Re: Recommendation to hire Thomas Meek and Michael Fantauzzi for part time summer laborers July 2<sup>nd</sup> through August 31<sup>st</sup>, providing funds are available for such purpose. Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

April 19, 2007 – William DeFabiis, Ed.D., Chief School Administrator/Business Administrator RE: Copy of 2007-2008 School Budget Statement and supporting documents for municipal governing body, after consultation with the board of education and the Bergen County Superintendent of Schools, is to determine no later than May 21, 2007, the amount to be raised by local taxes.

Dr. DeFabiis addressed the Committee regarding the school budget defeat. He provided a history of prior approved school budgets and how in his opinion the expansion has had affected the denial of recent school board elections. He further stated that the board of education has always given relief to the taxpayers and in some years the taxes were reduced. He asked the Committee to consider no reduction in the school budget since any reduction would affect the education of the students in the school.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept correspondence dated April 24, 2007 from Graham, Defeated School Budget

April 25, 2007 – Glen Nicholson, Controller Block 101 Lot 11.01, 60 Saddle River Avenue – Appeal of Sewer User Charge – Mr. Nicholson was asked to present an engineer’s report to substantiate his claim.

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to accept correspondence dated April 18, 2007 from Commerce Risk Control Services – Loss Control Report and forward the report to the appropriate department heads.

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to accept correspondence dated April 30, 2007 from Gregg A. Padovano, Judge, Municipal Court Re: 2007 First Quarter Report, and authorize an increase in hours for the Deputy Court Administrator to 12 hours weekly plus court at a rate of \$15.00 per hour.

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to accept correspondence dated April 23, 2007 from Robin M. Degenars, Executive Sales Assistant, PIA Re: Renewal of Met Life policy and authorize the continuance of the policy in effect.

## Old Business

Police interviews conducted by Walter Eckel and Jim Anzevino – Walter Eckel reported that he and Mr. Anzevino would meet with two final officers and report to the Committee at next week’s meeting.

## New Business

DPW request for 1 additional cell phone  
Gene Roman recommended the purchase of an additional cellular telephone for Thomas Yannetti, Asst. Superintendent of the DPW. Since the Superintendent was unable to provide the associated cost information, the Committee tabled the matter until the May 10<sup>th</sup> regular meeting.

## Ordinances

Draft for review and discussion  
**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 208 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “ZONING” SO AS TO PROHIBIT THE USE OF ANY PROPERTY WITHIN THE “C” ZONE AS AND FOR A CONSTRUCTION YARD**

The Committee reviewed the ordinance and authorized the clerk to list it on the agenda for introduction on May 10, 2007.

## Committee Reports

James Anzevino – Mr. Anzevino and the rest of the Committee thanked all emergency service personnel and OEM Coordinator Ward for their efforts during the recent nor'easter storm that caused flooding throughout the township.

Anzevino indicated that he is aware of the need for a new fire truck and would like the auditor to take a look at the financial status of the township.

Walter Eckel – Reported that the Committee is looking at many options and wants to make sure that the right decisions are made.

Rosina Romano – Romano reported that she has been researching various options over the past several months including purchasing an existing building, which she reported on last month, the renovation of the existing DPW facility, or construction of a new DPW facility, which she also reported on last month. Romano presented a draft proposal for renovations to the existing DPW building. Mr. Anzevino objected to the proposal submitted since it did not identify its preparer. Romano responded that she obtained the proposal to ascertain a general cost to facilitate the Committee's decision regarding the matter. There was no decision made regarding the renovation, repair, and/or construction of a DPW building.

Gene Roman – Reported that as a result of a resident's complaint, an inspection was performed of the curb on Park Street. Since the curb is in need of replacement, two proposals for the repair/replacement of approximately 80 lf of curb on Park Street were obtained and submitted for approval. Since the low quote was for \$1,500 the clerk advised that the funds would be available in the budget for this purpose; however, she suggested that if the Committee were inclined to repair/replace other curbing in the Township that they may consider adopting a capital ordinance for such purpose. The DPW Superintendent was instructed to compile a list of curbs that need replacement and/or repair and submit to the Township Committee for their review. There was no formal action taken regarding the replacement of curbs on Park Street.

When Roman requested a status report on the police chief's contract, he was advised by David Nasta that the proposed Agreement approved by the Township had been forwarded to Chief Frew's attorney 5 weeks ago, and there has been no response.

Roman commended the following officers who recently made arrests in two separate incidents involving firearms in the Township: Ptl. Chinchar, Sgt. Rizer, Sgt. Ulliana, Ptl. Mei, Ptl. Agar and Captain Terraccino.

Gary Brugger – The Mayor also thanked all those who helped out during the recent storm. He said that the residents in the Garfield Park section were thankful for the efforts of all our volunteers.

## Public Comments

Dolly Montenegro – Suggested that the Township Committee consider an appropriation in this year's budget to offset the school's budget so that the school could decrease the amount necessary to be raised by taxation. She said that the Township had a \$1,000,000 surplus and should use \$350,000 to \$400,000 for such purpose.

Montenegro recalled that when FedEx received their site plan approval, they were to include a break-away fence along Phillips Avenue for the fire department. She indicated that the fence does not have a break-away section, thereby eliminating the Phillips Avenue access by the fire department.

## Closed Session

Brugger motioned; Eckel seconded and the Committee unanimously agreed to go into closed session at 8:15 p.m. to discuss litigation – tax appeals.

Eckel motioned; Romano seconded and the Committee unanimously agreed to re-open the public meeting at 8:53 p.m.

Brugger motioned; Anzevino seconded and the Committee unanimously agreed to go into closed session at 10:30 p.m. to discuss personnel and contract negotiations – senior housing

Romano motioned; Anzevino seconded and the Committee unanimously agreed to end closed session at 11:25 p.m.

The matters discussed in closed session will be made available to the public when authorized by the governing body and permitted by law.

Anzevino motioned; Romano seconded and the Committee unanimously agreed to re-open the public meeting at 11:25 p.m.

## Adjournment

Anzevino motioned; Brugger seconded and the Committee unanimously agreed to adjourn the meeting at 11:25 p.m.

Respectfully submitted,

Linda LoPiccolo  
Municipal Clerk

## Resolution 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 May 3, 2007.

Linda LoPiccolo  
Township Clerk