

Township of South Hackensack  
Bergen County, New Jersey  
May 10, 2007 7:30 P.M.  
Regular 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  
John M. Carbone, Esq., Special Counsel  
Approximately 20 residents

Call of Meeting to Order, Flag Salute, Roll Call

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 & Reports

Anzevino motioned; Romano seconded and the Committee unanimously agreed to accept and file correspondence dated May 10, 2007 from Rosemarie Giotis, CFO – Supplemental Debt Statement

Eckel motioned; Brugger seconded and the Committee unanimously agreed to accept and approve the application dated May 8, 2007 from Mary & Michael Aletta for sidewalk, curb, repair.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept and approve the application dated May 9, 2007 from Mt. Zion Church for 25 E Wesley St. sidewalk repair

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to accept the General Correspondence – April 2007.

Eckel motioned; Romano seconded and the Committee unanimously agreed to accept the Department Reports – April 2007

Old Business – none discussed  
New Business – none discussed

### Public Hearing – 2007 Approved Municipal Budget

Resolution No. 2007-114 Read Budget by Title Only

Offered: Brugger

Second: Romano

The motion was carried by a call of the roll of those present.

Anzevino motioned; Brugger seconded and the Committee unanimously agreed to open the public hearing on the 2007 Approved Municipal Budget.

Dolly Montenegro, 57 Phillips Avenue – Suggested that the Township Committee amend the municipal budget to add an appropriation of funds in its budget to reduce the tax increase to the residents that will result from the school budget, since the township has a large surplus, partially due to the increase in fees charged for BOD charges.

Mr. Anzevino suggested increasing the amount of surplus that the township has appropriated toward the budget to reduce the municipal budget, thereby reducing the tax to the taxpayers.

Ray DeRiso – Objected to the decision not to give raises to part time employees.

Robyn Scholz, 7 Sievers Lane - As Mayor in 2006, Scholz was involved in the preparation of that budget. She wanted to clarify that the surplus was a result of fees received in 2006.

Loretta D'Ambrosio, Treasurer – Opposed to the Committee's consideration to reduce the small surplus that the Township currently has since there may be large tax appeal refunds.

Anzevino motioned; Roman seconded and the Committee unanimously agreed to close the public hearing on the 2007 Approved Municipal Budget.

### Ordinances

Second Reading, Public Hearing and Adoption

#### **ORDINANCE 2007-03**

#### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK CALENDAR YEAR 2007 (N.J.S.A. 40A: 4-45.14)**

Anzevino motioned; Brugger seconded and the Committee unanimously agreed to open the public hearing on Ordinance 2007-03. All in favor.

Since no public comments were offered, Brugger motioned; Eckel seconded and the Committee unanimously agreed to close the public hearing on Ordinance 2007-03.

Brugger motioned; Anzevino seconded to adopt Ordinance 2007-03. Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

Second Reading, Public Hearing and Adoption

**ORDINANCE NO. 2007-04**

**AN ORDINANCE TO FIX THE SALARIES, RETAINERS, AND CONTRACTUAL SERVICE CHARGES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF SOUTH HACKENSACK FOR 2007**

Eckel motioned; Brugger seconded and the Committee unanimously agreed to open the public hearing on Ordinance 2007-04.

Since there were no public comments, Anzevino motioned; Romano seconded and the Committee unanimously agreed to close the public hearing on Ordinance 2007-04.

Eckel motioned; Brugger seconded to adopt Ordinance 2007-04. Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

Second Reading, Public Hearing and Adoption

**ORDINANCE NO. 2007-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 167 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "PROPERTY MAINTENANCE" TO REGULATE THE INSTALLATION AND MAINTENANCE OF SUMP PUMPS AND TO CONTROL GROUND WATER DISCHARGES FROM THE SAME**

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to open the public hearing on Ordinance 2007-05.

Joseph Brown, 167 Phillips Avenue – Objected to the adoption of the ordinance.

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to close the public hearing and table further action on Ordinance 2007-05 until June 14, 2007 at 7:30 p.m.

Introduction of

**ORDINANCE 2007-06**

**AN ORDINANCE PURSUANT TO N.J.S.A. 40A:4-53 AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE SUM OF \$15,000 TO ENGAGE THE PROFESSIONAL SERVICES OF A LICENSED MUNICIPAL PLANNER TO PROVIDE FOR THE PERIODIC REEXAMINATION OF THE MASTER PLAN AS REQUIRED BY THE LAND USE LAW AND TO PROVIDE FOR THE FINANCING OF THE SAME FROM SURPLUS FUNDS AVAILABLE PURSUANT TO N.J.S.A.40A:4-55C**

Anzevino motioned; Brugger seconded to Introduce Ordinance 2007-06 and set the date for public hearing as June 14, 2007 at 7:30 p.m. Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger.

Introduction of

**ORDINANCE 2007-07**

**BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF VREELAND AVENUE BY AND FOR THE TOWNSHIP OF SOUTH HACKENSACK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$329,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A STATE GRANT AND A CONTRIBUTION FROM THE CITY OF HACKENSACK, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

Eckel motioned; Romano seconded to Introduce Ordinance 2007-07 and set the date for public hearing as June 14, 2007 at 7:30 p.m. Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

Introduction of

**ORDINANCE NO. 2007-08**

**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**

Eckel motioned; Brugger seconded to Introduce Ordinance 2007-08 and set the date for public hearing as June 14, 2007 at 7:30 p.m. Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger.

## Resolutions

Consent Agenda Resolution No. 2007-05

Offered: Anzevino

Second: Brugger

Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

Resolution No. 2007-107 Certifying a Reduction in the 2007 Appropriation for Municipal School Taxes in the Amount of \$ 45,000

Brugger motioned; Romano seconded and the Committee unanimously agreed to table Resolution No. 2007-107 until Wednesday, May 16, 2007 at 7:00 p.m. (Special Meeting)

## Committee Reports

Mike Frew, Police Chief presented the following officers with Exception Service Awards: Robert Chinchar, Domenick Mea, John Rizer, David Agar, and Joseph Terraccino.

All members of the Township Committee congratulated the officers.

Jim Anzevino – Would like to establish a committee called 20/20 to look to the future – to get more people involved in government and its planning looking ahead 15 years.

Mayor Brugger – Reported that over the past few months the Committee has had an opportunity to discuss the purchase of a new fire engine. He wants to move forward with the purchase and requested that the clerk research the cost to borrow the funds necessary for such purchase.

Brugger motioned; Anzevino seconded and the Committee unanimously agreed to authorize David Nasta to prepare the bid specifications for the purchase of a new fire engine and further to contact Steve Rogut regarding the introduction of a bond ordinance for the purpose of purchasing a new fire engine. David Nasta advised that he will speak with Steve Rogut regarding a payout schedule for the engine.

Brugger reported that he spoke with Mr. Nasta and the homeowner at 20 Calicooneck Road and would like to authorize an agreement to permit Mr. DelVecchio to access and maintain the township property that runs along that property line. Mrs. Montenegro, resident of 57 Phillips Avenue, objected to any access and maintenance agreement. She said that in previous years Mr. Calabrese was permitted to plant grass but that the current property owner has planted trees on the township property.

## Public Comments

Larry Paladino, DPW Supt. – Reported that the sweeper is out of service for repair. He suggested that the Township Committee consider renovating the pump station in Garfield Park to move the electrical controls to the second floor of the building since when the area floods, the station is also flooded.

Dolly Montenegro, 57 Phillips Avenue – Inquired whether or not the owner of a home under construction has applied to the Township for curb cuts. She was advised that he had not applied for curb cuts.

## Adjournment

Anzevino motioned; Brugger seconded and the Committee unanimously agreed to adjourn the meeting at 9:50 p.m. All in favor.

Respectfully submitted,

Linda LoPiccolo  
Municipal Clerk

**Consent Agenda Resolution No. 2007-05**

WHEREAS, the Township Committee of the Township of South Hackensack, has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Township Committee of the Township of South Hackensack is/is not desirous of removing a resolution from the consent agenda,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following resolutions on the Consent Agenda are hereby approved and adopted:

- 2007-101 Resolution No. 2007-101 Licenses –May 2007
- 2007-102 Dedication by Rider – Parking Offenses Adjudication Act (PL 1989, c.137)
- 2007-103 Redemption of Tax Sale Certificate No. 06-01 25 Grove St.
- 2007-104 Urging the New Jersey Sports and Exposition Authority to Continue the Operation of the Continental Airlines Arena
- 2007-105 Authorizing The Mayor And Township Clerk To Execute An Access And Maintenance Easement With Jerry L. D’Amico Relative To Property Known On The Tax Assessment Map As Block 13.06 Lot 12 And More Commonly Known As 13 Park Street, South Hackensack, New Jersey
- 2007-106 Approved Minutes – April 12, May 3
- 2007-110 Bills \$1,256,368.01
- 2007-111 Temporary Capital Budget
- 2007-112 Municipal Budget Amendment

Offered: Anzevino Second: Brugger  
Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger  
Date: May 10, 2007

**Resolution No. 2007-101 Licenses –May 2007**

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:

Received	Business Name	License No.	Fee
04/11/07	Players Sports & Entertainment	3571	\$240.00
04/11/07	Deltas Auto Sales Inc.	3572	\$360.00

04/11/07	Airport Motel	3573	\$125.00
04/11/07	ABC Home Furnishing Inc.	3574	\$100.00
04/12/07	Genty's Auto Sales	3575	\$360.00
04/16/07	Marcone All Appliance Parts Center	3576	\$100.00
04/17/07	Danatoni's Deli/Grill	3577	\$125.00
04/17/07	Pompei Little Market	3578	\$120.00
05/01/07	K & R Catering	3579	\$160.00
04/19/07	Pleasure Lounge	3579	\$125.00
04/20/07	Lace	3580	\$125.00
04/23/07	Fabric Bee	3581	\$100.00
04/24/07	Vehicle Makeover Centers Inc.	3582	\$175.00
04/25/07	A & A Catering	3583	\$160.00
04/25/07	Teggiano Restaurant	3584	\$125.00
04/25/07	Pleasure Lounge	3585	\$360.00
04/26/07	Wendy's (Wenco L.L.C.)	3586	\$125.00
04/26/07	Saddle Towing & Repair	3587	\$175.00
04/30/07	Dan-Jo Catering	3588	\$160.00
05/01/07	A. Pegasus Limousine Service	3590	\$50.00
05/01/07	U.S. Fuel Corp.	3591	\$170.00
05/03/07	Naturex	3592	\$75.00
05/03/07	Hot Dog King	3593	\$160.00
05/04/07	Plaza 46	3594	\$175.00

Fire Licenses:

Date Received	Business Name	License No.	Fee
04/12/07	APS & Sons	2260	705.00
05/03/07	Expert Pallet	2261	166.00

Consent Agenda Resolution No. 2007-05

Date: May 10, 2007

<p><b>Resolution No. 2007-102 Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Parking Offenses Adjudication Act (PL1989, c.137)</b></p>
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WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the

revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, (PL1989, c.137) allows municipalities to receive amounts for costs incurred for Parking Offenses Adjudication Act, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

1. The Township Committee hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Parking Offenses Adjudication Act as per N.J.S.A. 40A:4-39.
2. The municipal clerk of the Township of South Hackensack is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Consent Agenda Resolution No. 2007-05

Date: May 10, 2007

**Resolution No. 2007- 103 Redemption of Tax Sale Certificate No. 06-01 25 Grove St.**

WHEREAS, Fierro, Fierro & Izzard, attorney for the purchaser of 25 Grove Street, known as Block 2.01, Lot 12.02 has provided the moneys for redemption of Tax Sale Certificate No 06-01,

WHEREAS, the lienholder, U.S. Bank, M.D. Sass has agreed to this amount,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that the redemption moneys of \$18,432.13 be paid to U.S. Bank, M.D. Sass, 2 Liberty Place--TLSG, 50 South 16<sup>th</sup> Street, Suite 1950 Philadelphia, PA 19102

Consent Agenda Resolution No. 2007-05

Date: May 10, 2007

**Resolution No. 2007-104 Urging the New Jersey Sports and Exposition Authority to Continue the Operation of the Continental Airlines Arena**

WHEREAS the Township Committee of the Township of South Hackensack recognizes that a dispute exists between the development of an arena in the City of Newark, which will be the new home for the Devils, and the continued existence of the Continental Arena in the Borough of Easter Rutherford; and

WHEREAS the Continental Arena in the Borough of East Rutherford has been in existence for twenty-five (25) years, and provides an important entertainment and sports venue to Bergen County and to the State of New Jersey; and

WHEREAS, the arena employs a significant number of full-time and part-time workers and other unique economic opportunities for the residents of Bergen County; and

WHEREAS the Nets, Devils and MetroStars plan to depart for new facilities in the next few years, the Continental Arena can be utilized as an entertainment venue for family shows, concerts and other attractions, without which Bergen County would be left without a viable entertainment venue; and

WHEREAS Continental Arena has competed effectively against Madison Square Garden which is only a few miles away, and the demand exists in the New Jersey/New York market to result in a continued need for a venue like the Continental Airlines Arena; and

WHEREAS the Governor for the State of New Jersey has yet to determine whether two arenas are necessary within close proximity to each other;

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

1. Urging the New Jersey Sports and Exposition Authority to continue the operation of the Continental Airlines Arena as a facility for sports and entertainment events, regardless of any competing construction, plans, or agreements on the part of any public or private entities.
2. Urging Governor Corzine, in his review of the Meadowlands Sports Complex to fully support keeping the arena open.
3. That a copy of this Resolution be forwarded to Governor Corzine, members of the New Jersey Sports and Exposition Authority, members of the State Legislature of Bergen County and Bergen County municipalities.

Consent Agenda Resolution No. 2007-05

Date: May 10, 2007

**Resolution No. 2007-105 Authorizing The Mayor And Township Clerk To Execute An Access And Maintenance Easement With Jerry L. D'Amico Relative To Property Known On The Tax Assessment Map As Block 13.06 Lot 12 And More Commonly Known As 13 Park Street, South Hackensack, New Jersey**

WHEREAS, Jerry L. D'Amico is the owner of certain real and improved property commonly known as 13 Park Street, South Hackensack, New Jersey; and

WHEREAS, said property adjoins and abuts certain real property owned by the Township of South Hackensack and is commonly known as Veterans Park; and

WHEREAS, by letter dated March 28, 2007 from Jerry L. D'Amico to the Township of South Hackensack he advised that he was seeking to erect a fence along the boundary line between his property and the aforementioned property owned by the Township; and

WHEREAS, a survey of the D'Amico property reveals that the placement of a fence along his property line would create a dangerous gap between his fence and a fence currently erected within the boundary lines of the Township property; and

WHEREAS, the Township Committee deems it in best interest of the public health, safety and welfare to permit Jerry L. D'Amico to erect his fence so as to abut the Township fence; and

WHEREAS, the placement of said fence in such a manner would encroach upon Township lands

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the mayor and township clerk are hereby authorized to enter into an access and maintenance easement with Jerry L. D'Amico and any other owner of record of 13 Park Street, South Hackensack, in a form acceptable to the township attorney so as to permit the erection of a fence directly abutting the present township fence and permitting encroachment thereby.

Consent Agenda Resolution No. 2007-05

Date: May 10, 2007

**Resolution No. 2007-106 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.

April 12, 2007 – Regular Meeting  
May 3, 2007 – Worksession

Consent Resolution No. 2007-05

Date: May 10, 2007

**Resolution No. 2007-108 Resolution of Need Senior Housing**

WHEREAS, SENIOR CITIZEN HOUSING AT GROVE STREET, L.P. (hereinafter referred to as the "Sponsor") proposes to construct a 25 unit, affordable senior citizen housing project (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of South Hackensack (hereinafter referred to as the "Municipality") on a site described as Lots 9, 10 and 10.1, Block 2.01 as shown on the Official Tax Map of the Township of South Hackensack, Bergen County and commonly known as 41-43 Grove Street, New Jersey; and

May 10, 2007 – Regular Meeting

WHEREAS, the Project will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C., 5:43-1.1 et seq., and the documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack (the "Committee") that:

(1) The "Committee" finds and determines that the Project proposed by the Sponsor meets or will meet an existing housing need;

(2) The "Committee" does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements to enable the HMFA to process the Sponsor's application for HMFA funding to finance the Project.

Consent Agenda Resolution No. 2007-05

Date: May 10, 2007

<b>Resolution No. 2007-109 Authorize Lease Agreement</b>
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WHEREAS, the Township of South Hackensack has sought Developers for its affordable senior citizens housing project through a Request for Proposal Process; and,

WHEREAS, after review and examination of the proposals, meetings and negotiations, and adoption of a resolution for designation of SENIOR CITIZEN HOUSING AT GROVE STREET, L.P., 555 10th Street, Palisades Park, NJ 07650 as its designated developer for and through the New Jersey Housing and Mortgage Finance Agency; and,

WHEREAS, the parties are desirous of entering into a long term ground lease for the construction of the affordable senior citizens project; and,

WHEREAS, the Township of South Hackensack is the owner of certain real property in the Township of South Hackensack, specifically Lots 9, 10 and 10.1 in Block 2.01 on the tax map of the Township of South Hackensack, and commonly known as 41-43 Grove Street, in the Township of South Hackensack, County of Bergen, State of New Jersey to become the subject matter of the ground lease.

NOW THEREFORE BE IT RESOLVED, that the Township Committee empowers and directs the Sub-Committee to meet and negotiate a final lease on terms similar to those contained in the

attached draft lease, and when satisfied that the lease is complete and representative of the terms and conditions agreed upon by the Committee, that they will report the status to the Mayor of the Township of South Hackensack, who is hereby authorized to execute and sign said lease on behalf of the Township and report back to the full Township Committee of its acceptance and ratification by the Township Committee.

Offered: Anzevino

Second: Romano

Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

Date: May 10, 2007

**Resolution No. 2007-110 Bills \$1,256,368.01**

<b>Resolution No. 2007-114 Read Budget by Title Only</b>
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WHEREAS N.J.S.A. 40A: 4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is adopted by not less than a majority of the full governing body authorizing the budget to be read by title only, providing that at least one week prior to the date of the public hearing on the budget, a complete copy of the approved budget as advertised has been posted in the clerk's office, and copies have been made available to persons requesting same.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the 2007 Budget is read by title only.

Offered: Brugger

Second: Romano

Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

Date: May 10, 2007