

Township of South Hackensack
Bergen County, New Jersey
July 12, 2007 7:30 P.M.
Regular Meeting
MINUTES

Gary C. Brugger, MayorPresent
Walter Eckel, Jr., Deputy MayorPresent
James AnzevinoPresent
Gene Roman.....Present
Rosina Romano.....Present

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

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 & Reports

Annual Report presented by – Frank Covelli, PIA, Risk Consultant – Annual Report on SBMJIF

Eckel motioned; Anzevino seconded and the Committee unanimously accepted Frank Covelli's report both verbal and written.

General Correspondence – June 2007

Eckel motioned; Brugger seconded and the Committee unanimously accepted the General Correspondence for June 2007.

T-Mobile – Request to assign lease

David Nasta indicated that there may be several problems with approving an assignment of the lease to a separate entity and that he would convey those concerns to T-Mobile and report back to the Committee at a later date.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to table the T-Mobile request until David Nasta reports back to the Committee.

Old Business

ORDINANCE NO. 2007-10
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 113 OF
THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED
“FLOOD DAMAGE PREVENTION”

The Committee discussed the ordinance with Michael Cherubini, Property Maintenance Officer who suggested that the ordinance also contain a provision for roof leader runoff since that may also be a potential problem. A resident suggested that because the road surfaces are not pitched properly the water does not remain and run along the gutter; rather it runs out into the middle of the street.

New Business – non discussed

Ordinances

Continuation of Ordinance Adoption (received Planning Board approval)

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

Brugger motioned; Anzevino seconded to adopt ordinance 2007-08 and advertise its adoption as prescribed by law.

Second Reading, Public Hearing and Adoption

ORDINANCE 2007-09
BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW
PUMPER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND
EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF SOUTH HACKENSACK,
IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM
OF \$460,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT,
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.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to open the public hearing on Ordinance 2007-09.

Since there were no public comments offered, Brugger motioned; Anzevino seconded and the Committee unanimously agreed to close the public hearing.

Eckel motioned; Brugger seconded to adopt Ordinance 2007-09 and advertise its adoption as prescribed by law. Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger.

Resolutions

Consent Resolution 2007-07

Offered: Anzevino

Second: Brugger

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

Committee Reports

James Anzevino – Congratulated all graduates on their recent graduation. Complimented and thanked Chief Frew, Captain Terraccino, Lt. Montenegro and Sgt. Garris for the outstanding job they did during the Youth Academy recently sponsored by the South Hackensack Police Department. His daughter participated in the program and enjoyed it very much.

Regarding the proposed easement along the property commonly known as 20 Calicooneck Road, Anzevino presented a written report from William R. Comery Associates, 285 Fairview Avenue, Paramus, NJ, regarding the ornamental trees and shrub that have been planted on township property. In his opinion, Mr. Comery does not think that the plantings will interfere with the storm drain pipe that runs under it on township property.

Gene Roman – Reported that the scale had been removed from the DPW site located on Franklin Street.

Walter Eckel – Advised the police department will sponsor “National Night Out” on August 7th in the municipal parking lot beginning at 6 pm.

Rosina Romano – Reported that the ground lease with Senior Citizen Housing at Grove Street, L.P. is under their attorney review and we await their response.

Mayor Brugger – Reported that tax bills are expected to go out within the next several weeks. Would like to begin a monthly “white goods” collection program with our solid waste hauler. Regarding the Township’s annual field day that is to be held in September, the Mayor suggested that the Township rent a large tent and tables and chairs to accommodate the residents, especially senior citizens.

Public Comments

Robyn Scholz, Sievers Lane – Complained about the graffiti in the gazebo at Veterans Park.

Lou LoPiccolo, 10 Maple Street – Concerned about the flooding in the Green Street area and how is effecting his property that is located there. Mayor Brugger indicated that one pipe had been cleared by the Teterboro DPW and the NJMC but he did not know if the obstructions had been removed from a second pipe. Mr. LoPiccolo advised that the flooding is as bad as ever in that area and that the Township should take further action with Teterboro.

Dolly Montenegro, 57 Phillips Ave – Requested that the DPW remove a very badly damaged tree at Veterans Park, next to the pavilion. The Committee indicated that it would be removed since the tree was already dead.

James Riley, Fire Chief – Requested that the Township increase the fees for false alarms. He was asked to submit his request in writing to the Township Committee for their review.

Closed Session

Brugger motioned; Anzevino seconded and the Committee unanimously agreed to go into closed executive session at 8:52 p.m. to discuss litigation – DPW PERC Grievance.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to resume open session at 9:26 p.m.

Adjournment

Brugger motioned; Roman seconded and the Committee unanimously agreed to adjourn the meeting at 9:26 p.m.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

Consent Resolution No. 2007-7

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:

Resolution No. 2007-131 Approve Minutes

Resolution No. 2007-132 Licenses

Resolution No. 2007-133 Authorizing the Township of South Hackensack Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C. 72 should it be determined by her to be necessary

Resolution No. 2007-134 Appoint Part Time Dispatchers

Resolution No. 2007-134(a) Appoint Fire Sub-Code Official

Resolution No. 2007-135 Closed Executive Session – Litigation DPW PERC Complaint

Resolution No. 2007-136 Bills \$1,258,705.76

Offered: Anzevino

Second: Brugger

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

Date: July 12, 2007

Resolution No. 2007-131 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 05, 2007

June 14, 2007

Consent Resolution No. 2007-07

Date: July 12, 2007

Resolution No. 2007-132 Licenses – July 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
06/28/07	Maisano Giocanni	3608	\$5.00
06/28/07	Best Foods	3609	\$160.00

Fire

Licenses:

06/19/07	ArtCast Company Inc.	2263	\$208.00
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Consent Agenda Resolution No. 2007-07

Date: July 12, 2007

Resolution 2007-133 Authorizing the Township of South Hackensack Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C. 72 should it be determined by her to be necessary

WHEREAS, the Township of South Hackensack's 2007 Regional Efficiency Aid Program Rate is not available from the State of New Jersey and the County of Bergen is unable to certify the Borough's current 2007 tax rate; and

WHEREAS, the Tax Collector may not be able to mail the Township's 2007 tax bills on a timely basis; and

WHEREAS, the South Hackensack Tax Collector and Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification summarizing the tax levies for the previous year, the tax rates and the estimated tax levies for the 2007 calendar year; and

WHEREAS, the individual rates for the school, county, county open space and municipality have already been certified by the respective agencies;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of South Hackensack, in the County of Bergen and State of New Jersey on this 12th day of July, 2007 as follows:

1. If it so determined to be necessary by the Tax Collector, that she is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2007 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54.4-66.3).
2. The estimated calendar year tax levy for 2007 is hereby calculated at \$11,885,873.44. The maximum amount that the Township can utilize in

the preparation of the 2007 estimated tax bills is 105% of the 2006 calendar year tax levy or \$11,773,599.37.

3. In accordance with New Jersey Statutes, the third installment of 2007 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

4.

Consent Agenda Resolution No. 2007-07

Date: July 12, 2007

Resolution No. 2007-134 Appoint Part Time Dispatchers

WHEREAS Chief Frew made a recommendation on July 5, 2007 to hire the following dispatchers pending a satisfactory criminal background investigation, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the following part time dispatchers be and are hereby hired to work in the South Hackensack police department effective immediately.

Anthony J. Iannacone

Robert P. Ghirardi

Timothy P. Faranda

BE IT FURTHER RESOLVED that the term of the appointment shall be until December 31, 2007.

Consent Agenda Resolution No. 2007-07

Date: July 11, 2007

Resolution No. 2007-134 (a) Appoint Fire Sub-Code Official

BE IT RESOLVED by the Township Committee of the Township of South Hackensack that William Lynn be and is hereby appointed Fire Sub-Code Official for a 4-year term commencing August 1, 2007 at an annual salary of \$7,488.00

Consent Agenda Resolution No. 2007-07

Date: July 12, 2007

Resolution No. 2007-135 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. DPW PERC Matter.

____(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 July 11, 2007.

Linda LoPiccolo
Township Clerk