

Township of South Hackensack
Bergen County, New Jersey
August 9, 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

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

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to accept the General Correspondence – July 2007 and place it in the appropriate file.

Brugger motioned; Romano seconded and the Committee unanimously agreed to accept correspondence dated July 25, 2007 from James Ippolito, Pres. Ippolito Industries, Inc., and approve his proposal offering a once a month pick up for metal/appliances on first Wednesday of each month – no cost to Township.

Eckel motioned; Brugger seconded and the Committee unanimously agreed to accept correspondence dated July 30, 2007 from Michael D. Frew, Chief of Police, Re: Recommend Jeffrey J. Krakowski as part time dispatcher.

August 1, 2007, Frank Cagas, 10 Tuve Lane, Notice of sidewalk danger front of 10 Lane from tree roots – Mayor Brugger asked for a report from DPW Superintendent Paladino of the locations of sidewalks that have been lifted by Township tree roots.

Anzevino motioned; Roman seconded and the Committee unanimously accepted and approved correspondence dated August 6, 2007, from Michael D. Frew, Chief of Police

recommending Frank Fiorino as full time crossing guard and Michael J. Ward as an alternate.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept correspondence dated August 6, 2007, from Michael D. Frew, Chief of Police, recommending an Agreement with Bergen County for 9-1-1 Service

Anzevino motioned; Brugger seconded and the Committee unanimously approved correspondence dated August 8, 2007, from Jerry L. D'Amico, 13 Park Street request to replace entire sidewalk in front of home – no changes.

Eckel motioned; Romano seconded and the Committee unanimously accepted and approved the Monthly Department Reports submitted for the month of July 2007

Old Business

Block 101 Lot 11.01 60 Saddle River Avenue – Sewer User Appeal

The Committee reviewed all documents submitted by the appellant, and after consultation with the township attorney, and a review and discussion of the matter, Anzevino motioned; Brugger seconded to deny the appeal of sewer charges because the maintenance of the meter and the meter pit are the responsibility of the property owner. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Roman, Romano

New Business

Ordinances

Second Reading, Public Hearing and Continuation Pending Planning Board Review

ORDINANCE NO. 2007-10

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

Brugger motioned; Eckel seconded and the Committee unanimously agreed to open the public hearing on Ordinance 2007-10.

Since no public comments were offered, Brugger motioned; Anzevino seconded and the Committee unanimously agreed to close the public hearing on Ordinance 2007-10.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to continue the adoption of the ordinance until September 13, 2007 at 7:30 p.m.

Resolutions

Resolution No. 2007-143 Municipal Representative for Open Space Committee

Brugger motioned; Eckel seconded to appoint James Anzevino as municipal representative to the Open Space Committee. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Roman, Romano

Consent Resolution No. 2007-08

Offered: Brugger

Second: Eckel

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

Committee Reports

James Anzevino – Reported that Field Day will be held on Saturday, September 8th beginning at 1:00 p.m. Opening Day for LFSH soccer season will be on Sunday, September 9th. Anzevino said that the 13-14 year old girls again won the district championship and went to the state finals. He would like to honor their accomplishment at a township meeting. He commented that National Night Out was a success, good time and showed community involvement.

Gene Roman – Congratulated Chief Frew and the members of this department who along with the attorney general's office and the Division of Taxation made several arrests for various offenses. Roman requested the clerk to advise the Township Committee when she receives a Notice of Violation from the ABC for The Players Club.

Rosina Romano – Reported that the sidewalk in front of the DPW building will be replaced beginning next week. Tom Yannetti reported that there are 105 inlets that require retrofitting.

Brugger said that he discussed the matter of having the DPW install the grates with Tom Yannetti as well as Kevin Kenerson at Environmental Retrofit Solutions (ERS) who has been supplying many towns with them. Mr. Kenerson indicated that he would demonstrate installation to the members of the DPW and that installation usually takes no more than 6 minutes per grate.

Brugger motioned; Anzevino seconded and the Committee unanimously agreed to authorize the purchase of not more than 105 grate covers at a cost of \$135.00 each.

Rosina further reported that the lease with Senior Citizen Housing at Grove Street has not been signed. The remaining issue is prevailing wage.

Gary Brugger – Regarding the flooding on Green Street – The Mayor reported that although the water is moving out quicker than previously, it does not move out fast enough, thus flooding still occurs.

The Mayor further reported that a meeting with various departments and Dr. DeFabiis regarding the rental housing ordinance was held to review the various department responsibilities.

Walter Eckel – Congratulated everyone who participated in National Night Out. He and Committee Member Anzevino’s report on the police department interviews is complete and asked that the township attorney look it over prior to its distribution to the members of the Committee

Public Comments

Chief Frew thanked the Committee for his contract. He thanked all the officers in his department who participated in National Night Out. He also thanked Walter Peterson and Carmen DiPasquale for their service to this country while serving in Iraq.

Dolly Montenegro, 57 Phillips Avenue – Questioned if she will need an inspection of her home now or before a new rental. She was advised that she only need to file the property registration form now and when she rents she must obtain an inspection.

Ray DeRiso, Zoning Enforcement Officer – Questioned whether or not it has been determined if 450 Huyler Street is using well water. The Committee responded that Mr. Riley is looking into who is responsible for that inspection and should report back to the Committee with that information.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to close the meeting for public comments.

Closed Session

Eckel motioned; Brugger seconded to go into closed session to discuss litigation and personnel matters.

Brugger motioned; Romano seconded and the Committee unanimously agreed to resume the open meeting at 9:00 p.m.

Adjournment

Brugger motioned; Romano seconded and the Committee unanimously agreed to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

WHEREAS the costs and inequities of the current system have resulted in public safety organizations looking to participate in a unified and consolidated system; and

WHEREAS for the densely populated metropolitan areas of Bergen County, this consolidation and shared infrastructure will result in savings passed on to municipalities while maintaining the performance and service levels on behalf of the operating entities; and

WHEREAS sharing resources and reducing costs is a driving principle behind consolidation and consolidation will eliminate duplicate purchasing costs, reduce staffing costs and reduce comprehensive training costs; and

WHEREAS consolidating communications operations still enables the operating entities to continue to carry out their duties with no perceived change in their normal operations; and

WHEREAS Bergen County Communications, operated by the Bergen County Police Department, has the capability to provide the 9-1-1 communications to the Township of at a cost savings of \$0.75 cents per resident; and

WHEREAS the Township is desirous of consolidating its 9-1-1 communications with the County Communications.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the Township be and is hereby authorized to enter into an Agreement with the County of Bergen to receive 9-1-1 communications services at the cost of \$0.75 cents per resident; and

BE IT FURTHER RESOLVED, the Mayor be and is hereby authorized to execute the necessary Agreement with the County of Bergen, in a form to be approved by the Township Attorney.

Consent Agenda Resolution 2007-08

Date: August 9, 2007

Resolution No. 2007-138 Authorize Agreement with Language Line Services for Translation Services

WHEREAS the Gregg Padovano, Judge of the Municipal Court requested that the Township Committee implement a telephone interpreter service in the municipal court to facilitate court matters that require interpretation; and

WHEREAS the judge of the municipal court has recommended that the Township Committee authorize an Agreement with Language Line Services, Inc. to provide telephone interpreter services in accordance with their proposal submitted on July 24, 2007 that has been attached hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that Mayor Gary Brugger be and he is hereby authorized and directed to execute an Agreement with Language Line Services, Inc. for telephone interpreter service upon approval as to its form by David V. Nasta, Esq., Municipal Attorney.

Consent Agenda Resolution No. 2007-08

Date: August 9, 2007

Resolution No. 2007-139 Authorize Purchase – Fire Engine – Campbell Supply Co.

WHEREAS the members of the fire department requested that the township purchase a new fire engine to replace an old, outdated fire engine; and

WHEREAS the Township Committee is desirous of purchasing a new fire engine to replace the old, outdated fire engine; and

WHEREAS a Notice to Bidders was published on June 30, 2007, and bids were received on July 10, 2007 at 10:00 a.m.; and

WHEREAS one bid was received from Campbell Supply Co., LLC in the amount of \$423,251.00; and

WHEREAS the bid was reviewed by the Township Attorney who has determined that the bid is responsive to the bid and that the bidder is a responsible bidder; and

WHEREAS an adequate appropriation has been made for such purpose,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the purchase of a new American LaFrance Pumper Fire Engine in the amount of \$423,251.00 be and is hereby approved and authorized.

Consent Agenda Resolution No. 2007-08

Date: August 9, 2007

Resolution No. 2007-140 Licenses –August 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
07/23/07	L & S Catering.	3610	\$160.00

Consent Agenda Resolution No. 2007-08

Date: August 9, 2007

Resolution No. 2007-141 Audit 2006

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2006 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A: 5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the Minimum requirements of the Local' Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, Failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 'A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of South Hackensack, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Consent Agenda Resolution 2007-08
Date: August 9, 2007

Resolution No. 2007-142 Renewal of Membership in the South Bergen Municipal Joint Insurance Fund

WHEREAS, the Township of South Hackensack is a member of the South Bergen Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2007 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Township of South Hackensack agrees to renew its membership in the South Bergen Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the South Bergen Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Consent Agenda Resolution 2007-08

Date: August 9, 2007

Resolution No. 2007-143 Municipal Representative for Open Space Committee

WHEREAS the Township of South Hackensack has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

WHEREAS said Agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2007 through June 30, 2008;

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby appoints James Anzevino its representative to participate on the Open Space Trust Municipal Program Regional Committee.

Offered: Brugger

Second: Eckel

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

Date: August 9, 2007

Resolution No. 2007-144 Endorse Application for Bergen County Open Space Trust Fund Municipal Park Improvement and Land Acquisition Program

WHEREAS a Bergen County Open Space Trust Fund application in the amount of \$75,000 has been proposed by the Township Committee of the Township of South Hackensack for Improvements to Park/Playground in the municipality of South Hackensack; and

WHEREAS pursuant to the State Interlocal Services Act, such funds may not be spent in a municipality without authorization by the governing body; and

WHEREAS the aforesaid project is in the best interest of the people of South Hackensack,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that the Township Committee is committed to providing a dollar for dollar cash match for the project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community Development so that implementation of the aforesaid project may be expedited.

Consent Agenda Resolution No. 2007-08

Date: August 9, 2007

Resolution No. 2007-145 Appoint Constable -Norman Nadasdi

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that Norman Nadasdi be and is hereby appointed as Constable for the Township of South Hackensack for a one-year term to expire September 30, 2008.

Consent Agenda Resolution 2007-8

Dated: August 9, 2007

Resolution No. 2007-146 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 required in order for the attorney to exercise his ethical duties as a lawyer. **PBA Grievance**

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. **Lawrence J. Paladino, Jr., DPW Supt.**

____(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 August 9, 2007.

Linda LoPiccolo
Township Clerk

Resolution No. 2007-147 2007 State Aid Application/Hoffman & First Streets

BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that application be made to the Commissioner of Transportation for an allotment of aid for the improvement of Hoffman Street and First Street in the Township of South Hackensack, Bergen County, New Jersey; and

BE IT FURTHER RESOLVED that the document described as New Jersey Department of Transportation Resolution, Application, and Agreement for State Aid to Counties and Municipalities attached hereto and made a part hereof, be and is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute and attest the Resolution, Application and Agreement.

Consent Agenda Resolution 2007-08

Date: August 9, 2007

Resolution No. 2007-148 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.

June 7, 2007

July 5, 2007

July 12, 2007

Consent Resolution No. 2007-07

Date: August 9, 2007

Resolution No. 2007-149 Appoint Part Time Dispatchers

WHEREAS Chief Frew made a recommendation on July 30, 2007 to hire the following dispatcher pending a satisfactory criminal background investigation,

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 dispatcher be and are hereby hired to work in the South Hackensack police department effective immediately.

Jeffrey J. Krakowski

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

Consent Agenda Resolution No. 2007-08

Date: August 9, 2007

Resolution No. 2007-150 Appoint Crossing Guards

WHEREAS in his correspondence dated August 6, 2007, Chief Michael Frew submitted a recommendation for crossing guards for the year 2007,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that following be and are hereby appointed as Crossing Guards for the Township of South Hackensack for the year 2007.

Frank Fiorino

Alternate:.....Michael J. Ward

Consent Agenda Resolution No. 2007-08

Date: August 9, 2007

Resolution No. 2007-151 Authorize Tax Sale – December 17, 2007

WHEREAS, N.J.S.A. 54:5-19 provides for sale of current year taxes and municipal liens, which are outstanding as of the 11th day of the 11th month; and,

WHEREAS taxes and sewer user charges for the year 2007 are delinquent as of that date,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, that a sale of delinquent 2007 property taxes and sewer user charges be held on Monday, December 17, 2007 at 11:00 A.M.

BE IT FURTHER RESOLVED that proper notice be mailed to property owners, published and posted as prescribed by law.

Consent Agenda Resolution 2007-08

Date: August 9, 2007

Resolution No. 2007-152 Extension of Due Date for 3rd Quarter Taxes

WHEREAS, the 2007 tax rate for the Township of South Hackensack had not been established by the statutory mailing date, and

WHEREAS, the tax bills were mailed on August 3, 2007,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that an extension of time is granted for payment of third quarter 2007 taxes originally due August 1, 2007 is hereby granted until August 28, 2007.

BE IT FURTHER RESOLVED that all tax payments submitted after August 28, 2007 will accrue interest from August 1, 2007 in accordance with the New Jersey Statutes.

Consent Agenda Resolution 2007-08

Date: August 9, 2007