

Township of South Hackensack
County of Bergen, New Jersey
August 10, 2006 7:30 P.M.
Regular Meeting
MINUTES

Robyn Scholz, MayorPresent
Lucindo A. LoPiccolo, Jr., Deputy Mayor.....Present
James AnzevinoPresent
Gary BruggerPresent
Walter Eckel, Jr.....Present

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

Call of Meeting to Order

Mayor Scholz called the Regular Meeting to order at 7:30 p.m. She 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 role.

Correspondence

Anzevino motioned; Eckel seconded to accept the General Correspondence – July 2006 and place it in the appropriate file. All in favor.

Brugger motioned; Anzevino seconded to accept the correspondence from Michael Moran, 4 Maple Street – Thanking the Township Committee for the \$1,000 college scholarship. All in favor.

Brugger motioned; Eckel seconded to accept correspondence from Fred Green, 34 Agar Place (July 30, 2006) – Thank you to Officer Agar and place it in his personnel file. All in favor.

Anzevino motioned; Eckel seconded to accept with regret correspondence from Marie Goodman, Municipal Court Administrator (August 3, 2006) – Retirement effective January 1, 2007. All in favor.

Brugger motioned; LoPiccolo seconded to approve the request from Michael D. Ward, OEM Coordinator (August 7, 2006) to purchase a computer – not to exceed \$2,285.00. All in favor.

Brugger motioned; Eckel seconded to accept the monthly department reports – July 2006, and place them in the appropriate file. All in favor.

Presentation

The Committee went out of the regular order of business for two special presentations.
E-Tomic General Contracting, Co., Inc. – Senior Citizen Housing
John Tomic, Pres., Kevin Porro, Esq., and Marvin Katz, all appeared on behalf of E-Tomic Construction Co., Inc.

Mr. Porro addressed the Township Committee and advised that although financing is difficult to obtain since it includes dealing with the state and county, he is happy to report that E-Tomic will move forward with private funding and eventually convert that to a Tax Credit Program. He advised that in order to apply for those tax credits, two governing body resolutions would be necessary. The resolutions were prepared by his office and Mr. Carbone and Porro apologized for the having just provided Mr. Carbone with a clarified version. Additionally, a timeline of the anticipated project progress was submitted to the Mayor and reviewed by Mr. Porro. There was a review of the recommended changes. Mr. Carbone agreed to several changes that were noted on the resolution and did not approve others. The committee approved both resolutions with changes made by Mr. Porro as approved by Mr. Carbone.

Extraordinary Aid Presentation

Senator Coniglio, Assemblywoman Joan Voss and Assemblyman Robert Gordon presented the Mayor with a \$100,000.00 “check” representing discretionary aid award to the Township of South Hackensack for the year 2006. The Mayor thanked the legislators for their strong support of the Township of South Hackensack and for their efforts in securing the funding.

Old Business – no discussion

New Business – no discussion

Ordinances

Adoption of

ORDINANCE 2006-05
ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK CALENDAR YEAR 2006
(N.J.S.A. 40A: 4-45.14)

Brugger motioned; Scholz seconded to adopt Ordinance 2006-05 and advertise its adoption as prescribed by law. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Withdrawal of

ORDINANCE NO. 2006-13
AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 208 OF THE
CODE OF THE TOWNSHIP OF SOUTH
HACKENSACK ENTITLED "ZONING"

Anzevino motioned; Brugger seconded to withdraw Ordinance 2006-13.
Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Second Reading, Public Hearing and Adoption of

ORDINANCE 2006-15
AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 104 OF THE CODE
OF THE TOWNSHIP OF SOUTH HACKENSACK
ENTITLED "ENTERTAINMENT"

LoPiccolo motioned; Brugger seconded to open the public hearing on
Ordinance 2006-15. All in favor.

There were no public comments. Anzevino motioned; Brugger seconded
to close the public hearing. All in favor.

LoPiccolo motioned; Eckel seconded to adopt Ordinance 2006-15 and
advertise as prescribed by law. Roll Call Vote: Ayes: Anzevino,
Brugger, Eckel, LoPiccolo, Scholz

Second Reading, Public Hearing and Adoption of

ORDINANCE NO. 2006-16
AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 158 OF THE CODE
OF THE TOWNSHIP OF SOUTH HACKENSACK
ENTITLED "PEACE AND GOOD ORDER"

Brugger motioned; Eckel seconded to open the public hearing on
Ordinance 2006-16. All in favor.

There were no public comments. Scholz motioned; Anzevino seconded to
close the public hearing on Ordinance 2006-16. All in favor.

Brugger motioned; Eckel seconded to adopt Ordinance 2006-16 and
advertise its adoption as prescribed by law. Roll Call Vote: Ayes:
Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Introduction of and set the date for public hearing

ORDINANCE NO. 2006-17

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 208 OF THE
CODE OF THE TOWNSHIP OF SOUTH
HACKENSACK ENTITLED "ZONING"**

LoPiccolo motioned; Eckel seconded to Introduce Ordinance 2006-17 and set the date for public hearing as September 14, 2006 at 7:30 p.m. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Introduction of and set the date for public hearing

ORDINANCE NO. 2006-18

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 208 OF THE
CODE OF THE TOWNSHIP OF SOUTH
HACKENSACK ENTITLED "ZONING"**

Brugger motioned; Anzevino seconded to Introduce Ordinance 2006-18 and set the date for public hearing to be held on September 14, 2006 at 7:30 p.m. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Resolutions

Consent Agenda Resolution No. 2006-08

Offered: Anzevino

Second: Eckel

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Committee Reports

James Anzevino – Reported that the Senior Citizen Property Tax Rebate Program and the FAIR Program have been extended.

Anzevino reported that he and Mr. Nasta recently met with Mr. LoIocano of Hackensack wherein the possibility of sharing a salt shed, sewer jet and other equipment was discussed. Mr. LoIocano was very receptive and indicated that Hackensack has an active auto body area and would be receptive to discussions with the Township of South Hackensack for some of the services. They briefly discussed other facets of public service and would like to have further meetings to discuss various possibilities.

Gary Brugger – Reported that Boswell is preparing a spec for the park lighting that should be available shortly for quotes. He indicated that if funds are available, he would like to see security cameras installed at Veterans Park.

Walter Eckel – He reported that he is in the process of setting up a meeting with Boswell Engineering regarding the repairs to the DPW building and will report back to the committee at the next meeting.

Mayor Scholz – Advised that Field Day will be held on Saturday, September 9, 2006 from 1-5 p.m. and that it is open to all South Hackensack residents. “Movie Nite” will begin at 7 p.m.

Public Comments

LoPiccolo motioned; Anzevino seconded to open the meeting for public comments. All in favor.

Dolly Montenegro, 57 Phillips Avenue – Questioned whether or not representatives from E-Tomic will be at the senior meeting to be held on August 31, 2006. Mayor Scholz responded that as far as she knew, they would be there, but that she would confirm that and get back to Mrs. Montenegro.

Brugger motioned; Eckel seconded to close the meeting for public comments. All in favor.

Closed Session

Eckel motioned; Anzevino seconded to go into closed executive session at 8:20 p.m. All in favor.

The matter that was discussed in closed session will be made available to the public when permitted by law.

LoPiccolo motioned; Scholz seconded to re-open the meeting to the public at 9:20 p.m. All in favor.

Results of Hearing – Chief Michael Frew

Anzevino motioned; Brugger seconded that the matter concerning allegations posed against Chief Michael Frew are concluded as of August 10, 2006. The Chief has been given a formal warning that he be cautious with regard to his conduct as a police officer. All in favor.

Adjournment

Anzevino motioned; Brugger seconded to adjourn the meeting at 9:20 p.m. All in favor.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

Consent Resolution No. 2006-08

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. 2006-125 Adoption of Approved Municipal Budget

Resolution No. 2006-128 Bills \$1,524,015.59

Resolution No. 2006-129 Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Uniform Fire Safety Act Penalty Moneys pursuant to NJS 52:27D-192 et seq.

Resolution No. 2006-130 Renew Membership in the Bergen Municipal Employee Benefits Fund

Resolution No. 2006-131 Authorize 9-1-1 COMMUNICATIONS Agreement

Resolution No. 2006-132 Licenses –August 2006

Resolution No. 2006-133 Approve Minutes

Resolution No. 2006-134 Closed Session – Personnel (Domenick Brando)

Offered: Anzevino

Second: Eckel

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Date: August 10, 2006

Resolution No. 2006-129 Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Uniform Fire Safety Act Penalty Moneys pursuant to NJS 52:27D-192 et seq.

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 NJS 52:27D-192 et seq. allows municipalities to receive amounts for costs incurred for Uniform Fire Safety Act Penalty Moneys, and

WHEREAS NJSA 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 Uniform Fire Safety Act Penalty Moneys as per N.J.S.A. 40::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.

Resolution No. 2006-130 Renew Membership in the Bergen Municipal Employee Benefits Fund
--

WHEREAS a number of public entities in the State of New Jersey have joined together to form the Bergen Municipal Employee Benefits Fund, hereafter referred to as the "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A: 10-36 et seq., and;

WHEREAS the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS the statutes and regulations governing the creation and operation of a joint insurance fund contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS the governing body of the Township of South Hackensack, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type(s) of coverage(s):
 - a) Health Insurance as defined pursuant to N.J.S.A, 17B: 17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute and Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon;

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Consent Agenda Resolution No. 2006-08

Date: August 10, 2006

Resolution No. 2006-131 Authorize 9-1-1 COMMUNICATIONS Agreement

WHEREAS the current structure of providing 9-1-1 Public Safety Access Points (PSAP) has resulted in a system in which increasing costs are being imposed upon municipalities; and

WHEREAS the cost per resident for said services varies throughout the County; and

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 2006-08

Date: August 10, 2006

Resolution No. 2006-132 Licenses –August 2006

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 be and are hereby approved unless noted and with conditions as noted.

Fire Licenses:

7/11/06	B. Puntasecca	2219	\$35.00
---------	---------------	------	---------

Consent Agenda Resolution No. 2006-08

Date: August 10, 2006

Resolution No. 2006-133 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 1, 2006
June 8, 2006
July 6, 2006
August 3, 2006

Consent Resolution No. 2006-08

Date: August 10, 2006

Resolution No. 2006-134 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.

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 August 10, 2006.

Linda LoPiccolo
Township Clerk

Resolution No. 2006-135 Findings of Fact and Declaration of a Resolution of Need

WHEREAS, Grove Street Seniors, LLC as assigned from E-Tomic General Contracting, Inc. (hereinafter referred to as the “Sponsor”) proposes to construct a twenty-five (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 “NJHMFA Requirements”) within the Township of South Hackensack (hereinafter referred to as the “Municipality”) on a site owned by the Township of South Hackensack and described as Lots 9, 10, and 10.01, Block 2.01 as shown on the Official Assessment Map of the Township of South Hackensack, Bergen County and commonly known as Grove Street Senior Citizens Housing Project, 37-43 Grove Street, South Hackensack, New Jersey; and

WHEREAS, the Project will be subject to the NJHMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the NJHMFA Requirements, the governing body of the Township of South Hackensack, hereinafter the “Township Committee” hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the “Sponsor” was conditionally designated as the developer of said project by a Resolution of the Township Committee dated April 6, 2006.

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

- (1) The Township Committee of South Hackensack finds and determines that the Grove Street Senior Citizen Housing Project proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Township Committee does hereby adopt the within Resolution and makes the determinations and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the NJHMFA Law to enable the Agency to process the Sponsor’s application for Agency

funding to finance the Project on terms acceptable to the Developer and the Township of South Hackensack;

(3) These findings are based on the recommendations of the Township's COAH Planner and are subject to the review, approval, and conditions if any of the Council On Affordable Housing Third Round Certification Application for the Township, which is now pending.

Date: August 10, 2006

Offered: Scholz

Second: Anzevino

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Resolution No. 2006-136 Of The Township Of South Hackensack, Bergen County, New Jersey For The Proposal Of A Memorandum Of Terms For A Lease For Property Known As The Senior Citizens Housing Project, Grove Street, South Hackensack, NJ

WHEREAS, the Township Committee (hereinafter the Township) issued and sought Request for Qualifications (RFQ) of for profit developers, not-for-profit developers, and nonprofit developers and Request for Proposals (RFP) for the construction, financing and operation of the Grove Street Senior Citizens Housing Project in the Township of South Hackensack; and,

WHEREAS on April 6, 2006 and the Township Committee conditionally designated E-Tomic General Contracting Inc and its affiliated entity Grove Street Seniors, LLC as potential lessees subject to conditions set forth in the Resolution; and,

WHEREAS, the Township is the fee owner of property located at 37, 41, 43 Grove Street, also known as Lots 9, 10, and 10.1 Block 2.01 on the Tax and Assessment Maps of the Township of South Hackensack; and,

WHEREAS, the Township desires to move forward as expeditiously as possible and commence construction as soon as possible and the Township desires to assist E-Tomic General Contracting Inc and its affiliated entity Grove Street Seniors, LLC to secure adequate financing by way of Federal Low Income Housing Tax Credits from the NJHMFA to accomplish these goals; and,

WHEREAS, the Township Council feels that these actions in setting forth a memorandum of terms of a potential lease are necessary, appropriate and in the best interests of the project;

NOW THEREFORE BE IT RESOLVED that:

1. The Township of South Hackensack and E-Tomic General Contracting Inc and its affiliated entity Grove Street Seniors, LLC, are authorized to enter into a lease upon the general terms set forth herein upon satisfaction of all terms of the

- Resolution of April 6, 2006, award of Tax Credits and Funding from the New Jersey Mortgage and Finance Agency, and the successful negotiations of acceptable rents for the units and language of the lease;
2. The subject property is located at 37, 41, 43 Grove Street, also known as Lots 9, 10, and 10.1 Block 2.01 on the Tax and Assessment Maps of the Township of South Hackensack;
 3. The term of the lease will be for forty nine (49) years from the commencement closing of the financing or the commencement of construction which ever occurs first;
 4. Prior to the expiration of the lease, the parties in the future may agree to extend the lease on terms and conditions acceptable to the parties for an additional period of twenty-five (25) years if provided by law;
 5. The property is to be used solely and exclusively for 25 units of low and/or moderate income senior citizen housing project;
 6. Upon expiration of the lease, the improvements shall revert to the ownership of the Township of South Hackensack;
 7. The lease and obligations there under are not assignable;
 8. The annual rent shall be one dollar (\$1.00) payable on commencement and annually on or before January 10th subsequent years of the lease;
 9. E-Tomic General Contracting Inc and its affiliated entity Grove Street Seniors, LLC as the lessees shall indemnify and hold harmless the Township for all claims, losses, damages and liabilities, and shall procure for the benefit of the Township adequate and sufficient insurance coverage for liability, damage, fire and other hazards;
 10. There shall be no additional or subsequent financing permitted, without the prior approval, if any, of the Township;
 11. The parties shall negotiate and agree upon the accepted and customary use and enjoyment, breach, default, notice, remedy forfeiture, surrender, maintenance, improvement clauses, and other such terms in the lease; and,
 12. E-Tomic General Contracting Inc and its affiliated entity Grove Street Seniors, LLC, shall within thirty (30) days acknowledge their agreement and consent to these terms of a proposed lease by signing a copy of this resolution and returning it with an appropriate corporate resolution or document accepting the terms. Thereafter, the Township shall countersign this memorandum.

Date: August 10, 2006

Offered: Scholz

Second: Anzevino

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz