

Township of South Hackensack  
Bergen County, New Jersey  
September 13, 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 - Litigation

### 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.

### Special Presentation

Each person listed below received a plaque from Chief Frew to show the Township's appreciation to them for their support to the Township of South Hackensack at National Night Out that was held in August.

Sensei Edson Carvalho, Carvalho Ju Jitsu Academy; Irani Andreati, Nacao Capeira; Andrew Lucibello, School of Rock; Vinko Astalkoski, Restaurant Depot

### Correspondence & Reports

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

Anzevino motioned; Romano seconded and the Committee unanimously agreed to accept correspondence dated August 22, 2007 from John L. Schettino, Esq. Re: Review of Ordinance 2007-10 for Stormwater Control and place it in the appropriate file.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept correspondence dated September 7, 2007 from Michael Frew, Chief of Police Re:

Recommendation to adopt an ordinance that would require all employees of liquor license establishments and place it in the appropriate file. David Nasta was instructed to prepare a draft of an ordinance for review by the Township Committee.

Anzevino motioned; Brugger seconded and the Committee unanimously agreed to accept and approve correspondence dated September 10, 2007 from Michael Frew, Chief of Police Re: Recommendation to appoint Patti Jennings as an alternate crossing guard pending a background check.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept and place on file, correspondence dated September 7, 2007 from Walter Tretiak, P.E., and Boswell Engineering Re: Vreeland Avenue Bid Result.

Eckel motioned; Romano seconded and the Committee unanimously accepted the Monthly Department Reports submitted for August 2007.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept correspondence dated September 13, 2007 from John Flannigan, Project Mgr., City of Hackensack Re: Vreeland Avenue Improvements and to place it in the appropriate file.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept correspondence dated September 12, 2007 from Carmine Maceri, 1<sup>st</sup> Lt. SHFD, and approve Giuseppe D'Amico's membership into the South Hackensack Fire Department.

September 13, 2007, Lawrence J. Paladino, Jr. Re: Police Bathroom Quotations  
Eckel motioned; Brugger seconded and the Committee unanimously authorized the renovation of the police bathroom by Advanced General Contractors, Inc. at a cost not to exceed \$4,600 funds permitting.

## Old Business

EJIF Audit Report (June 19, 2007) – Lawrence J. Paladino, Jr., DPW Supt. Reported to the Township Committee in response to the EJIF Report. He had been asked to submit a written report but was permitted to report orally. The following is his response to the recommendation made by PMK:

1. Mr. Paladino indicated that he will cut the wall of the secondary containment to eliminate the problem.
2. Mr. Paladino indicated that the fuel delivery company is in full compliance with their training requirements and that they have equipment should there be a spill, etc. He is not sure why this was indicated in the report.
3. The municipal clerk prepared and submitted the report on May 1, 2007.
4. Regarding equipment and vehicle washing practices, Larry advised that this is a large budget item, not sure how it will be implemented.
5. Mr. Paladino reported that he would keep the debris pile small in reply to the recommendation that the current process for the storage of roadway waste.

6. Mr. Paladino reported that he has no solution for the storage of road salt.
7. Mr. Paladino reported that he will apply for the required permit for the boiler and check the gross heat input for the emergency generators to determine their permit applicability.
8. Mr. Paladino reported that he will maintain a record of monthly operating time, including service/maintenance time.

## New Business

Amend CH 108 Fees – The Committee discussed their desire to amend the ordinance so that the Recreation Commission could charge up to \$100 for events. Mr. Nasta was instructed to prepare the ordinance for distribution to the members of the governing body for their review.

## Ordinances

Brugger motioned; Anzevino seconded to adopt Ordinance 2007-10. Roll Call Vote:  
Ayes: Anzevino, Brugger, Eckel, Roman, and Romano

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 to Introduce Ordinance 2007-11 and set the date for public hearing on October 11, 2007. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Roman, Romano

ORDINANCE NO. 2007-11

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE I OF CHAPTER 189 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “STREETS AND SIDEWALKS”

## Resolutions

Consent Resolution No. 2007-09

Offered: Brugger

Second: Anzevino

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

Resolution No. 2007-166 Findings of Fact and Conclusions of Law in the Matter of Lawrence Paladino, Jr., and the placement of the Township Committee's Findings in the appropriate file

Offered: Brugger

Roman

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

Resolution No. 2007-164 Authorize Agreement for Improvements to Vreeland Avenue – 4 Clean-Up

Offered: Brugger

Second: Romano

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

Resolution No. 2007-165 Need for Senior Housing

Offered: Brugger

Eckel

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

## Committee Reports

Rosina Romano – Thanked Frank Covelli, the Township's Risk Manager for his expedient review of the insurance submission made by Senior Citizen Housing at Grove Street, L.P. so that the lease could be finally executed and distributed. Regarding the Township website, Rosina offered to act as liaison between the webmaster and the Township Committee to expedite the implementation of phase II.

Gene Roman – Acknowledged and congratulated Marco Candiano who was born and raised in South Hackensack, graduated from Memorial and Hackensack High schools and was recently promoted to Chief Petty Officer in the United States Navy.

James Anzevino – Thanked the governing body for their attendance at the soccer opening that overall had a very good turn out.

Gary Brugger – Met with the redevelopment sub-committee last evening where the committee has been looking for areas in need of redevelopment within the Township, areas that are not within a flood plain. The Mayor reported that he, the clerk and Mr. Paladino recently met with representatives of the state Department of Transportation who although they do not have jurisdiction over the maintenance of the ditches, agreed to help the township by re-grading the ditch that runs along Green Street. Lastly, the Mayor reported that he and Rosina met with George Reggo to review the current tax appeals and that there may be some inconsistencies with some bills that will be looked into and another meeting will be held to review those matters.

## Public Comments

James Sylvestri, 281 Phillips Avenue – Thanked Mr. Paladino and the DPW for their support of the VFW.

Joanne DeGrosa, 51 Grove Street – Thanked Larry Paladino for catching the last 2 groundhogs and for keeping the lot on Grove Street cleans in the absence of a building.

Dolly Montenegro, 57 Vreeland Avenue – Addressed the Committee about an application that is currently before the Planning Board. Suggested that the Township try to obtain an easement so that it can continue to have access to the property on Huyler Street. She complained that the property between the board fence and the noise wall is not being properly maintained. Mrs. Montenegro requested that the Township Committee have property maintenance officer address the condition of the property located at 164 Phillips Avenue (rear yard) and address the construction equipment in the driveway.

Lonnie Bedell, 51 Grove Street – Advised that Freeholder Connie Wagner spoke at the last senior citizen’s meeting and it was a pleasure to meet her.

### Closed Session

Brugger motioned; Romano seconded and the Committee unanimously agreed to go into closed session.

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to resume open meeting at 8:40 p.m.

### Adjournment

Brugger motioned; Anzevino seconded and the Committee unanimously agreed to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Linda LoPiccolo  
Municipal Clerk

**Consent Resolution No. 2007-09**

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. 2007-157 Authorize 2007 Municipal Assistance Grant Application (MAP) to New Jersey Meadowlands Commission (NJMC) – Amendment

Resolution No. 2007-158 Emergency Appropriation

Resolution No. 2007-159 Refund for County Board Judgments & State Tax Court

Resolution No. 2007-160 Senior Citizen Deductions

Resolution No. 2007-161 Approve Minutes

Resolution No. 2007-162 Licenses –September

Resolution No. 2007-163 Authorizing Executive Session

Resolution No. 2007-164 (a) Bills \$1,096,101.08

Offered: Brugger

Second: Anzevino

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

Date: September 13, 2007

**Resolution No. 2007-157 Authorize 2007 Municipal Assistance Grant Application (MAP) to New Jersey Meadowlands Commission (NJMC) – Amendment**

WHEREAS the NJMC has approved an appropriation to fund the 2007 Municipal Assistance Program (MAP), and

WHEREAS the Township of South Hackensack is desirous of amending the budget to include funding to purchase videoconferencing equipment for the Municipal Court

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the municipal clerk be and she is hereby authorized and directed to complete and file a amended application on behalf of the Township of South Hackensack for the following items:

- Purchase of emergency service apparatus or equipment - \$24,750.
- Law enforcement vehicle & communication equipment- \$49,050.
- Implementation of a municipal web site (phase II) - \$11,200
- Purchase of videoconferencing equipment & public security equipment - \$15,000

Consent Agenda Resolution No. 2007-09  
Date: September 11, 2007

**Resolution No. 2007-158 Emergency Appropriation**

WHEREAS an emergency has arisen with respect to the expenditure of Legal Services Other Expenses and no adequate provision was made in the 2007 budget for the aforesaid purpose and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$80,000 and 3% of the total operations in the budget for the year 2007 is \$243,286.29,

NOW, THEREFORE, BE IR RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, that in accordance with N.J.S.A. 40A:4-48 that an emergency appropriation be and the same is hereby made for:

*Legal Services – Other Expenses*                      \$80,000.

The said emergency appropriation shall be provided in full in the 2008 (OUT OF CAP) budget.

BE IT FURTHER RESOLVED that two copies of this resolution be filed with the Director of Local Government Services.

Consent Agenda Resolution No. 2007-09  
Date: September 13, 2007

**Resolution No. 2007-159 Refund for County Board Judgments & State Tax Court**

WHEREAS, the Bergen County Board of Taxation has issued a memorandum of judgment reducing the assessed valuation and consequently 2007 taxes as follows:

<u>Judgment</u>	<u>Block</u>	<u>Lot</u>	<u>Assessment Reduction</u>	<u>2007 Tax Reduction</u>
59-0700001A	105	2.02	671,200	\$20,941.44
59-0700002A	52	1.01	163,000	5,085.60
59-0700102L	10	17(C000A)	26,300	820.56
59-0700103L	10	17(C000B)	26,300	820.56
59-0700105	15	33	20,000	624.00
59-0700106L	58	23	50,000	1,560.00
59-0700107L	39	15	65,000	2,028.00

WHEREAS, the Tax Court of New Jersey has issued a civil action judgment reducing the assessed valuation and consequently 2007 taxes as follows:

<u>Docket</u>	<u>Block</u>	<u>Lot</u>	<u>Assessment Reduction</u>	<u>2007 Tax Reduction</u>
004406-2007	32	1	809,500	\$25,256.40
001737-2005- (2 year freeze act)	101	11.01	361,000	11,263.20

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen, that the Tax Reduction be credited to the fourth quarter 2007 taxes on the appropriated line items.

Consent Agenda Resolution 2007-09  
Date: September 13, 2007

**Resolution No. 2007-160 Senior Citizen Deductions**

WHEREAS, applications for a senior citizen's deduction were submitted to the tax assessor, and

WHEREAS, the assessor has reviewed the applications and determined that the following seniors do in fact qualify for the deduction in 2007,

Frank Fiorino	Block 15, Lot 33 - 437 Taylor Ave
Dominick Cofone	Block 10 Lot 45 - 17 Williams Ave
Frank Gallitano	Block 13.01 Lot 6.08 – 5 Rossi Court

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that a deduction of \$ 250.00 is allowed to the

above properties on their 2007 Tax Bill.

Consent Agenda Resolution 2007-09

Date: September 13, 2007

**Resolution No. 2007-161 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.

May 10, 2007

August 2, 2007

August 9, 2007

Consent Resolution No. 2007-09

Date: September 13, 2007

**Resolution No. 2007-162 Licenses –September**

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
08/23/07	La Bella Italia	3611	\$125.00
08/27/07	Express Fuel Management Inc..	3612	\$170.00
09/04/07	Taseem Seddiqui	3613	\$5.00
09/05/07	Ralph Parent	3614	\$5.00

Consent Agenda Resolution No. 2007-09

Date: September 13, 2007

**Resolution No. 2007-163 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. **Local 11 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 September 13, 2007.

Linda LoPiccolo  
Township Clerk

<b>Resolution No. 2007-164 Authorize Agreement for Improvements to Vreeland Avenue – 4 Clean-Up</b>
---

WHEREAS, on August 28, 2007 the Township of South Hackensack received bids from five (5) bidders for roadway improvements to Vreeland Avenue, the results of which are attached hereto and made a part hereof, and

WHEREAS Boswell Engineering in a letter dated September 7, 2007, recommended awarding the contract to 4 Clean Up, Inc., in the amount of \$278,686.50 (\$143,068.50 South Hackensack, \$135,618.00 City of Hackensack), and

WHEREAS the City of Hackensack in a letter dated September 13, 2007, concurred with the recommendation of Boswell Engineering to award the project to 4 Clean-Up for Alternate A for the City of Hackensack,

WHEREAS, the Chief Financial Officer has certified that funds are available,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, that the Mayor and Township Clerk be and are hereby authorized and directed to execute an agreement between the Township of South Hackensack and 4 Clean Up, P.O. Box 5098, North Bergen, NJ 07047, for roadway improvements to Green Street in the amount of \$278,686.50.

BE IT FURTHER RESOLVED that the contract award is subject to the approval of the New Jersey Department of Transportation (NJDOT).

Offered: Brugger  
Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Roman, Romano  
Dated: September 13, 2007

**Resolution No. 2007-164(a) Bills**

**Resolution No. 2007-165 of Need from Municipality for 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

WHEREAS, the Project will be subject to the terms of the separate lease between the "Sponsor" and "Municipality", HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

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 mortgage and other loan 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 believes, finds and determines that the Project proposed by the Sponsor meets or will meet all of part of the Municipality's low and moderate income housing obligation; and

(3) 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.

Offered: Brugger

Second: Eckel

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

**Resolution No. 2007-166 Authorizing the Placement of the Township Committee's Findings of Fact and Conclusions of Law in the Matter of Lawrence Paladino, Jr in a File to be Maintained in the Matter by the Municipal Clerk.**

WHEREAS the township has received, and through its duly authorized officers, has investigated certain allegations related to Lawrence Paladino Jr.'s discharge of his duties as Superintendent of the Department of Public Works; and

WHEREAS based upon the aforementioned investigation and in accordance with the municipality's personnel ordinance and manual the township committee did deliberate, discuss and reach certain findings of fact and conclusions of law; and

WHEREAS the Township Committee has reduced said findings of facts and conclusions of law to writing.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that said findings of fact and conclusions of law be provided to Lawrence Paladino, Jr. and that a copy of the same be placed in a file to be maintained in the matter by the municipal clerk.

Dated: September 13, 2007

Offered: Brugger

Second: Roman

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