

Township of South Hackensack
County of Bergen, New Jersey
October 12, 2006 7:30 P.M.
Regular Meeting
MINUTES

Robyn Scholz, MayorAbsent
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
Approximately 10 residents

Call of Meeting to Order

Deputy Mayor LoPiccolo 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 meeting 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

October 10, 2006 – Chief Frew Request to purchase siren strobes, antenna for new police vehicle at a cost of \$529.56

Brugger motioned; Eckel seconded to authorize the purchase along with an additional purchase of \$200 for tinted windows. All in favor.

Correspondence – September 2006

Anzevino motioned; Brugger seconded to accept the correspondence and file in the appropriate file. All in favor.

Brugger motioned; Anzevino seconded to accept the following Monthly Department Reports – September 2006, unless otherwise noted: Treasurer; Tax Collector; Police; DPW; Zoning Board (Annual 2005); Property Maintenance; Construction; Health; Fire Prevention; Zoning; Municipal Court; Licensing; Planning/Zoning Board; Fire. All in favor.

LoPiccolo motioned; Brugger seconded to authorize payment to Radio City Music Hall for Christmas show on November 11, 2006 not to exceed \$5,025.00. All in favor.

Old Business

Walter Eckel would like to see a temporary net or added fencing placed on top of the existing fence in Veterans Park to prohibit softballs and soccer balls from going into the backyard of those who live along the park. Mr. Brugger indicated that since the lighting quotes were much higher than first anticipated, the funds would be available for another purpose, perhaps netting. Eckel will obtain new quotes for netting and to extend the fence for review by the committee.

New Business

None

Ordinances

Introduction of and set the date for public hearing and adoption

Ordinance No. 2006-19

(DPW Supt.)

AN ORDINANCE TO FIX THE SALARIES, RETAINERS, AND CONTRACTUAL SERVICE CHARGES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF SOUTH HACKENSACK FOR 2006

Anzevino motioned; Eckel seconded to Introduce Ordinance 2006-19 and set the date for its public hearing to be held on November 9, 2006 at 7:30 p.m. Ayes: Anzevino, Brugger, Eckel, LoPiccolo Absent: Scholz

Introduction of and set the date for public hearing and adoption

Ordinance No. 2006-20

SHADE TREE ORDINANCE

LoPiccolo motioned; Brugger seconded to appoint Anzevino and LoPiccolo on the shade tree sub-committee to review the ordinance in its draft form and to make a recommend with regard to it to the full committee on November 2, 2006. All in favor.

Resolutions

Consent Agenda Resolution No. 2006-10

Offered: Anzevino

Second: Brugger

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

Committee Reports

Anzevino – Reported that the annual memorial services for deceased members of the South Hackensack Fire Department will be held on Sunday, October 15, 2006 at 8:00 am at Immaculate Conception Church, followed by a service at the monument on Phillips Avenue, followed by an inspection of equipment at the fire house and breakfast.

The committee expressed its desire to move forward with the purchase of fencing or netting along the rear fence of the Calicooneck Road homes that border Veterans Park.

Public Comments

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

Dolly Montenegro – 57 Phillips Avenue – Expressed her continued concern over the delay in the construction of the senior citizen housing (Grove Street). Her recollection of events was that the project was on course and that Mr. Carbone was in agreement with the project until he abruptly changed his opinion indicating that the project needed to be bid. Attorney Nasta advised Montenegro that the previous developer had defaulted and that the committee appointed a new developer, after receiving bids, who must now meet certain conditions. He advised her that the previous governing body apparently had intended to give away property valued at \$750,000 that was received by the Township with Community Development funding. The new Agreement leases the property, with ownership of the land remaining with the Township. The previous developer was awarded the agreement without competitive bidding because they were a non-profit entity. The Township is currently in litigation with the Madeline Corporation.

Lonnie Bedell, 51 Grove Street – Stated his ongoing objections with the Township Committee and their handling of the senior citizen housing project (Grove Street).

John Falato, Property Owner Grove Street – Requested that the township take action to alleviate the water flow that currently goes under his parking lot before the winter so that when the water turns to ice it does not damage his lot. Eckel indicated that he would speak with Mr. Paladino to have dirt placed in the area to prevent water from flowing onto Falato's property.

LoPiccolo motioned; Brugger seconded to close the meeting to public comments at 8:20 p.m. All in favor.

Closed Session

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

Minutes were recorded of the matter discussed in closed session. They will be made available to the public when permitted by law and authorized by the governing body.

LoPiccolo motioned; Anzevino seconded to re-open the meeting at 8:50 p.m. All in favor.

Adjournment

Anzevino motioned; Brugger seconded to adjourn the meeting at 8:50 p.m. All in favor.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

Consent Resolution No. 2006-10

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. 2006-150 Approve Minutes

Resolution No. 2006-151 Veterans Deduction Block 58 Lot 18

Resolution No. 2006-152 Overpayment property taxes Block 1.05 Lot 3.02

Resolution No. 2006-153 Bills \$1,106,083.03

Resolution No. 2006-154 Authorize Participation in Bergen County First Responder Identification Card

Resolution No. 2006-155 Authorizing Executive Session

Offered: Anzevino

Second: Brugger

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

Date: October 12, 2006

Resolution No. 2006-150 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.

August 10, 2006
September 14, 2006

Consent Resolution No. 2006-10

Date: October 12, 2006

Resolution No. 2006-151 Veterans Deduction Block 58 Lot 18

WHEREAS, the property owner of 15 Romanelli Avenue, Block 58 Lot 16 has applied for a veterans deduction to his 2006 property taxes,

WHEREAS, the Tax Assessor has determined that he has met all the qualifications for the deduction.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen, that a veteran's deduction be allowed for the year 2006.

Consent Agenda Resolution 2006-10

Date: October 12, 2006

Resolution No. 2006-152 Overpayment property taxes Block 1.05 Lot 3.02

WHEREAS, the third quarter 2006 property taxes on Block 1.05, Lot 3.02 were paid by the Property Owner, Mrs. Marshall and a payment was received from First American Real Estate Tax Service in the amount of \$ 1106.79

WHEREAS, First American Real Estate Tax Service has sent in a letter requesting this refund dated September 27, 2006,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that the overpayment of \$1106.79 is refunded to First American Tax Service, 1 First American Way, Westlake, TX 76262

Consent Agenda Resolution 2006-10

Date: October 12, 2006

Resolution No. 2006-153 Bills \$1,106,083.03

Resolution No. 2006-154 Authorize Participation in Bergen County First Responder Identification Card

WHEREAS Chief Frew advises in his correspondence to the Township Committee dated October 2, 2006 that the County of Bergen will issue First Responder Identification Cards to all first responders at no charge to the township; and

WHEREAS Chief Frew highly recommends that the Township of South Hackensack participate in this program, and

WHEREAS the Township Committee of the Township of South Hackensack would like to participate in this program,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the Township of South Hackensack be and is hereby authorized to participate in the program;

BE IT FURTHER RESOLVED that Chief Michael Frew be and is hereby authorized and directed to undertake the necessary municipal requirements and provide the necessary data and information to the County of Bergen to insure participation in this program.

Consent Agenda Resolution No. 2006-10

Date: October 12, 2006

Resolution No. 2006-155 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 October 12, 2006.