

Township of South Hackensack
Bergen County, New Jersey
November 3, 2011 7:30 P.M.
Worksession Meeting
MINUTES

Walter Eckel Jr., MayorPresent
James AnzevinoPresent
Gary BruggerPresent
Frank CagasPresent
Vincent StefanoPresent

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

Call of Meeting to Order

Mayor Eckel called the Regular Meeting to order at 7:30 p.m. He advised that pursuant to the Open Public Meetings Act Annual Notice of the meetings had been provided to *The Record, the Herald and News* and by posting the Annual 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.

Presentation

American Traffic Solutions (ATS) – Intersection Safety Camera Program
Charles Callari, Director of Business Development and Paul Kaufman made the following presentation on behalf of ATS:

- Legislation adopted for a 5-year pilot program permitting municipalities to utilize cameras
- Video tape as well as photographs
- DOT commissioner has authorized 25 towns to participate in the program; ATS has 18 of those contracts
- 2 Bergen County towns are up and running; Englewood Cliffs and Palisades Park. Others considering.
- Initially there will be a large volume of violations but will probably taper off somewhat
- No points, no surcharge, not recorded on driver abstract; Title 39 violation
- High collection rate; lowest adjudication rate in terms of appeal.
- ATS will install, operate and maintain for the life of the contract. ATS to receive a pre-negotiated fee, usually a portion, approximately 20% of the gross revenue

he revenue. No upfront cost to the municipality. Several different pricing available. ATS investment \$150,000 per light.

- If Agreement is for a flat fee and the revenue does not meet that flat fee for that month there will be no additional charge to the municipality.
- Can be installed on state and county roadway. The municipality must apply for permission to install on county and state roadways.
- If the county opts in, they must pay 50% of the fees. Bergen County has not opted in yet.
- Request For Proposals (RFP) is required for this contract
- Police review the video and photographs and issue summonses
- Very beneficial to municipality – improved safety, improved revenue
- ATS will assist with filing application to the Dept of Transportation approval expected 30-45 days after filing.
- Invoicing will take place after receipt of funds by the municipality
- NJ has reciprocity with other states so collection rate is high for out of state drivers
- Photos and video are communicated through a Sprint network running constantly to the Arizona office. The local police department logs onto the secure network, reviews the elements and proof, accept/reject, issue file. ATS issues files, summonses. The municipality reviews and accepts or rejects.
- Suggested that the police department perform reviews during evening hours when less busy.
- Expect an increase in DOT approvals for 2012

Mayor Eckel suggested and a sub-committee was formed. Vincent Stefano and Frank Cagas were appointed to the sub-committee to review the proposal submitted and make a recommendation by next month.

Correspondence & Reports

Brugger motioned; Anzevino seconded and the Committee unanimously accepted correspondence dated November 2, 2011, from Joseph Carnevale Re: 200 West Street-backflow of sewage into basement during heavy rain. Mr. Brugger advised that the NJMC will camera the line and inspect it for breaks, obstructions, etc. on Friday, November 4th.

Anzevino motioned; Brugger seconded and the Committee unanimously agreed to accept and file correspondence dated October 26, 2011, from Marlene Verrastro, Supervisor of Elections Re: Determination Notice to Bergen County, NJ on Korean Language

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept and file correspondence dated October 11, 2011, from Glenn A. Grant, J.A.D. RE: Municipal Courts – Implementation of the Working Group Report on the Professionalism and Qualifications of Municipal Court Directors, Administrators, and Deputy Administrators.

Brugger motioned; Eckel seconded and the Committee unanimously accepted and moved to New Business, correspondence dated October 11, 2011, from Frank Covelli, Manager-Public Entities Department, PIA Security Programs, Inc. Re: FSA – Comparison Report

Anzevino motioned; Brugger seconded and the Committee unanimously accepted and moved to New Business, correspondence dated October 24, 2011, from Lydia Heinzelman, Secretary, Shade Tree Commission Re: 52 Grove Street – Tom & Vera Calcaine Tree Replacement

Old Business

Improvements to Various Streets – Phillips, Lincoln, Dyer

The Committee reviewed photographs submitted by Mr. Paladino depicting the roadways after corrections made by contractor. Paladino reported that property owner at 71 Dyer Avenue is now satisfied. Property owners at 57 Phillips Avenue may continue to have some ponding issues may continue to occur on medium rainfall. Brugger said that since the project was not a total reconstruction of the roadway, the project is as good as it's going to get. Prior to authorizing payment to the contractor, the Mayor and DPW Superintendent will inspect the roadway and report to the Committee on November 10th to make certain that all open items have been addressed.

430 Chestnut Avenue – Sidewalk Repair Approval

Cagas motioned; Brugger seconded to authorize John Sortino & Son Company to replace 5 concrete slab sidewalks in front of 430 Chestnut Avenue because they were damaged by Township trees in an amount not to exceed \$1,400.

Ambulance roof top heat unit – Gas Line Quote

Gary Brugger motioned; Eckel seconded to table the matter until 2012 for further discussion during the budget process.

New Business

Appointment of 2012 Professionals – Fair and Open/Alternate to Fair and Open

Anzevino suggested that the Committee hire their professionals by a Fair and Open Process saying that the Non-Fair and Open just does not sound good. He preferred using a RFQ or bidding process to hire professionals whose contracts exceed \$17,500. Brugger agreed. Anzevino motioned; appoint 2012 professionals by a Fair and Open Process. Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Eckel, Stefano

Flexible Spending Account

The clerk advised that the Township is required to implement an FSA as part of the newly adopted law c.78, amending health and pension laws. The funds are withdrawn from eligible employees' paychecks pre-tax for FICA and federal tax. Those funds are then placed into an account to be used by the employee for approved medical expenses.

52 Grove Street – Request permission to plant shade tree

The 2 shade tree members that are currently on the dpw will inspect the location and make a recommendation as to where to plant the tree.

Resolutions

Resolution Authorizing Closed Executive Session

Offered: Brugger

Second: Anzevino

Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Eckel, Stefano

Committee Reports

Vincent Stefano had no report.

Frank Cagas reported that he recently attended an interesting meeting at the PVSC wherein the maintenance of the Lodi force main was discussed. The cost to repair this will be excessive. Frank most bothered by the formula being discussed to fund this. We should have a small exposure. He was very concerned that we are being charged 14,000 gallons per day and felt that it was excessive. He felt that either the meter was bad or there was excessive pumping into the sewer by sump pumps. Since the tax collector receives water usage reports from United Water Company, she was asked to prepare a report of water usage in the Garfield Park section so that the gallons per day charge can be verified.

James Anzevino – Advised that the Annual Tree Lighting will be held on Friday, December 2, 2011 at 6 p.m. He suggested and the Committee agreed to invite the boys and girls soccer teams from Memorial School to the December meeting to present them with a Certificate of Award for winning the Coppa Italia Soccer Tournament this year. He also suggested that the Committee present the girls softball team with Certificates sometime next year.

Gary Brugger reported that he and Larry met with Lodi representatives regarding a sewer pipe break that will require major repair. Lodi has requested that the Township contribute toward the cost of traffic directors along with Wood Ridge. Saddle Brook and Lodi will pay for the repairs. The cost to the Township will be approximately \$5,000. Lodi also requested that the Township pay for the entire cost of debris removal (\$3,000) since Lodi paid the cost to the PVSC for the crane to remove the debris. Brugger advised that he would discuss it with the Township Committee to get their approval pending the receipt of a request in writing.

Lastly, Brugger reported that he and other members of the Township Committee recently attended the 50th Anniversary Dinner of the VFW and said that it was a wonderful event. The VFW was dedicated to the memory of Anthony LoPresti and was enjoyed by all who attended. He remarked that a highlight of the evening was when former Mayor Dolly Montenegro gave a speech on the history of the VFW post 8005. Brugger commented and thanked the police department for quickly resolving the recent graffiti vandalism in

town. Brugger reported that Frank Covelli, the township risk manager will be attending an upcoming fire department meeting to go over coverage for work related injuries with the members of the department. Brugger advised that since the adoption of c.78 and the implementation of that, the Township will be offering several different medical plans for employees beginning in 2012.

Mayor Eckel also thanked the police department for quickly apprehending those responsible for the graffiti and vandalism to private property. Eckel also asked for someone to look into the open gate at the end of Garfield Place that is usually closed to traffic. The mayor will discuss with the police department.

Public Comments

Angelo Cerbo, 41 Grove Street - Reported that at the 50th Anniversary of the VFW, the post was dedicated to and renamed Anthony LoPresti VFW Post 8005.

Closed Session

Stefano motioned; Anzevino seconded and the Committee unanimously agreed to go into closed executive session at 9:38 for the purposes outlined in the resolution.

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

Eckel motioned; Brugger seconded to re-open the meeting to the public at 9:50 p.m.

Adjournment

Brugger motioned; Eckel seconded and the Committee unanimously agreed to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

Resolution Authorizing Executive Session – November 3, 2011

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.

**BULDO V. ZONING BOARD, BARICELLA
TSH V. LOCAL 11 – PERC DOCKET CO-2011-0484
176 SADDLE RIVER AVE V. TSH – TAX APPEAL LITIGATION**

___(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 November 3, 2011.

Linda LoPiccolo
Municipal Clerk