

Township of South Hackensack
Bergen County, New Jersey
November 13, 2008 7:30 P.M.
Regular Meeting
MINUTES

Rosina Romano, MayorPresent
Gene Roman, Deputy MayorPresent
James AnzevinoPresent
Walter Eckel, Jr.....Present
Gregorio Maceri.....Present

John M. Carbone, Esq., Municipal Attorney
Linda LoPiccolo, Municipal Clerk

Call of Meeting to Order

Mayor Romano 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 roll.

Correspondence & Reports

Report on Senior Housing at Grove Street –

Bart Mongelli, Esq., Shari DePalma and Lillian Ciuffo appeared on behalf of Grove Street Housing, LLP to report on the status of their funding for the Grove Street Senior Housing Project.

PNC Bank is requesting further lease amendments and once approved closing can take place. Mr. Carbone indicated that he would advise against approving the requested lease amendments that include the unilateral removal of the general partner and rental increases without prior Township Committee approval. Mr. Mongelli advised that he would go back to PNC. Regarding the rather large hole that was dug and has not been filled, DePalma reported that although Madeline Corp paid for the environmental clean up, further work can not begin until financing is in place.

Report on COAH's 3rd round submission – Kauker & Kauker

Michael Kauker reported that there has been good progress on the preparation of the 3rd round growth share obligation submission to COAH that is due December 31, 2008. The Planning Board will be required to arrange for and conduct a public hearing. The main task is to identify and calculate the township's growth share obligation. Once we have filed and are approved, our plan will be valid 2004 through 2018. COAH has our current obligation of low/mod housing units at 40. His intention is to reduce that obligation to 6-

16. He must identify demolitions, visit sites and interview individuals involved to determine the vacancy time, etc. He will focus on the fair share number, the actual growth share is not real until growth occurs & CO's are issued. He suggested that the Township Committee meet immediately after the Planning Board to adopt the plan prior to the deadline.

Eckel motioned; Roman seconded and the Committee unanimously accepted and approved correspondence dated November 10, 2008, from Michael D. Frew, Chief of Police Re: Recommend Michael C. Palmer for part time dispatcher

Roman motioned; Anzevino seconded and the Committee unanimously accepted correspondence dated November 10, 2008, from Michael D. Frew, Chief of Police Re: Dispatching Advisory Committee Report.

Eckel motioned; Roman seconded, to accept correspondence dated November 6, 2008, from William Panagia, Fire Official Re: Recommendation of Francesco Maceri as Fire Prevention Official upon his retirement. Gregorio Maceri abstained.

November 12, 2008, Carmine Maceri, SHFD Re: Fire Dept. Application – Michael A. Fantauzzi.

Anzevino motioned; Roman seconded and the Committee unanimously agreed to accept and file the General Correspondence for the month of October 2008.

Roman motioned; Maceri seconded and the Committee unanimously agreed to accept the Monthly Department Reports – October 2008

Public Hearing

The following matter was postponed until December 4, 2008

John Acunto – Notice of Intent to Revoke and Suspend Entertainment Ordinance License
Sigmund “Ziggy” Pohan – Notice of Intent to Revoke and Suspend Entertainment Ordinance

Old Business

NJMC MAP Grant 2009

Mayor Romano reviewed the various requests made by the department heads and suggested the following: Ambulance Equipment and supplies: \$15,000; Fire Department Vehicle and/or equipment (rescue tool) \$30,000 of which \$5,000 is to be used for the purchase of a hybrid vehicle if needed; \$33,000 for a Police Department Vehicle; \$22,000 for a DPW truck

Romano motioned; Maceri seconded to authorize the aforementioned grant application. Ayes: Eckel, Maceri, Roman and Romano. Anzevino abstained.

Ordinances

ORDINANCE NO. 2008-10

AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE SYSTEM WITHIN THE TOWNSHIP OF SOUTH HACKENSACK, NEW JERSEY TO CABLEVISION OF OAKLAND, LLC.

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to open the public hearing on Ordinance 2008-10

John Carbone explained that Cablevision requested the removal of the last paragraph of section 18. Carbone opined that the change was not substantive therefore required no additional publication nor further hearing. There were no other comments offered.

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to close the public hearing on Ordinance 2008-10.

Anzevino motioned; Romano seconded to remove all but the last paragraph of section 18 and adopt Ordinance 2008-10. Roll Call Vote: Anzevino, Eckel, Maceri, Roman, Romano

ORDINANCE NO. 2008-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 205 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "VEHICLES AND TRAFFIC"

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to open the public hearing on Ordinance 2008-11.

Since no public comments were offered, Eckel motioned; Romano seconded and the Committee unanimously agreed to close the public hearing on Ordinance 2008-11.

Eckel motioned; Maceri seconded to adopt Ordinance 2008-11. Roll Call Vote: Ayes: Anzevino, Eckel, Maceri, Roman, Romano

Resolutions

Consent Resolution No. 2008-11

Offered: Maceri

Second: Roman

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

Anzevino abstained on Resolution No. 2008-166

Resolution No. 2008-169 Bills 1,354,947.07

Offered: Roman

Second: Anzevino

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

Committee Reports

Walter Eckel – Reported that the fire department is concerned that certain areas of the Township are difficult to get to because of illegally parked vehicles. Certain parking signs are illegible and must be changed so that no parking areas are clearly identified.

Jim Anzevino – reported that Larry obtained a quote to repair the sidewalk on Chestnut Avenue.

Romano motioned; Eckel seconded and the Committee unanimously authorized the repair of sidewalk on Chestnut Avenue by Sidewalk Safety.

Anzevino reported that Paladino advised that the Township currently uses 15-20 tons of salt per snowstorm. Lastly, Anzevino thanked the members of the Fire Department for preparing and distributing over 300 hamburgers and hot dogs at last Sunday's soccer closing ceremonies that were held in Little Ferry.

Public Comments

Dolly Montenegro – Reminded the Township Committee that Pharmachem has an application pending before the Planning Board that requires them to have ownership of the Township's right of way that runs along Wesley Street. Mr. Carbone advised that ownership is not necessary; they could possibly lease/license the right of way.

Anzevino motioned; Maceri seconded and the Committee unanimously agreed to close the meeting to public comments at 9:12 p.m.

Adjournment

Anzevino motioned; Romano seconded and the Committee unanimously agreed to adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

Consent Resolution No. 2008-11

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. 2008-163 Transfer Appropriations

Resolution No. 2008-164 Licenses –November 2008

Resolution No. 2008-165 Approve Minutes

Resolution No. 2008-166 Authorize 2008 Municipal Assistance Grant Application (MAP) to New Jersey Meadowlands Commission (NJMC) – Amended

Resolution No. 2008-167 Authorizing Settlement of Tax Appeal – Block 52 Lot 2.05 170 Wesley Street – Schwartz/Apex Foot Health

Resolution No. 2008-168 Authorize Convention Expenses – 93rd Annual New Jersey State League of Municipalities Convention

Offered: Maceri

Second: Roman

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

Date: November 13, 2008

Resolution No. 2008-163 Transfer Appropriations
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WHEREAS, title 40A: 4-58 of the New Jersey Statutes provides that should it become necessary during the last two months of the fiscal year to spend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore, and there shall be an excess n any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Township Committee may by resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the Township Treasurer be and is hereby authorized to make the following transfers in the 2008 Budget Appropriations.

	FROM	TO
<u>OPERATIONS - WITHIN "CAP"</u>		
Planning Board – O/E	\$1,000.00	
Board of Adjustment – O/E	3,000.00	

Fire – O/E	1,000.00	
Engineering – O/E		\$3,500.00
Fire Prevention – O/E		1,000.00
Municipal Court – O/E		500.00
TOTAL	5,000.00	5,000.00

Consent Agenda Resolution No. 2008-11
Dated: November 13, 2008

Resolution No. 2008-164 Licenses –November 2008
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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.

Fire Licenses

<u>Received</u>	<u>Business Name</u>	<u>License No.</u>	<u>Fee</u>
11/12/08	Home Source	2306	249.00

Consent Agenda Resolution No. 2008-11
Date: November 13, 2008

Resolution No. 2008-165 Approve Minutes
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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.

September 4, 2008 7:30 p.m. - Worksession
September 11, 2008 7:30 p.m. - Regular

Consent Resolution No. 2008-11
Date: November 12, 2008

Resolution No. 2008-166 Authorize 2008 Municipal Assistance Grant Application (MAP) to New Jersey Meadowlands Commission (NJMC) – Amended
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WHEREAS the NJMC has approved an appropriation to fund the 2008 Municipal Assistance Program (MAP), and

WHEREAS the Township of South Hackensack is desirous of amending the budget to include funding to purchase a snow plow for the DPW vehicle purchased with this grant;

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 an amended application on behalf of the Township of South Hackensack for the following items:

- Purchase of firefighting apparatus/equipment - \$15,000
- Purchase of ambulance cops. Equipment - \$15,000
- Law enforcement vehicle - \$27,000
- Police Department computer hardware - \$5,000
- DPW truck - \$33,000
- Snow Plow for DPW truck - \$5,000

Consent Agenda Resolution No. 2008-11

Date: November 12, 2008

Resolution No. 2008-167 Authorizing Settlement of Tax Appeal – 170 Wesley Street, Block 52 Lot 2.05
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PREMISES: Schwartz/Apex Foot Health
 170 Wesley Street
LOT: 2.05
BLOCK: 52

WHEREAS Schwartz/Apex Foot Health is owner of property located at 170 Wesley Street in the Township of South Hackensack, County of Bergen and State of New Jersey; and

WHEREAS said property is known and designated on the official tax map of the Township of South Hackensack as Lot 2.05 in Block 52; and

WHEREAS the aforementioned property owner has filed a Real Property Tax Appeal in connection with the subject property for tax years 2004, 2005, 2006, 2007 and 2008; and

WHEREAS a settlement of the aforementioned tax appeals has been proposed after extensive review and negotiation and after receipt and review of the Township's Appraisal Report prepared by McNerney & Associates; and

WHEREAS as a result of the aforesaid negotiation, the Tax Assessor, Appraiser and Tax Appeal Attorney have all recommended the acceptance of the aforementioned settlement proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen, and State of New Jersey as follows:

1. The Real Property Tax Appeal bearing Docket No. 2881-2004 be and is hereby settled upon the following terms:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 730,000	\$ 730,000
Imprvts	<u>\$1,052,700</u>	<u>\$1,052,700</u>
Total	\$1,782,700	\$1,782,700

2. The Real Property Tax Appeal bearing Docket No. 0665-2005 be and is hereby settled upon the following terms:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 730,000	\$ 730,000
Imprvts	<u>\$1,052,700</u>	<u>\$1,052,700</u>
Total	\$1,782,700	\$1,782,700

3. The real property tax appeal bearing docket No. 1063-2006 be and is hereby settled upon the following terms:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 730,000	\$ 730,000
Imprvts	<u>\$1,052,700</u>	<u>\$ 870,000</u>
Total	\$1,782,700	\$1,600,000

4. The real property tax appeal bearing docket No. 3082-2007 be and is hereby settled upon the following terms:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 730,000	\$ 730,000
Imprvts	<u>\$1,052,700</u>	<u>\$ 770,000</u>
Total	\$1,782,700	\$1,500,000

5. Any interest on refunds due is waived provided that the refund is paid to the attorney for the taxpayer within sixty (60) days of the date of entry of judgment.
6. All refunds as a result of the settlement set forth herein shall be payable to: "Wolf Block & Schwartz/Apex Foot Health and forwarded to Nathan P. Wolf, Esq. within sixty days of the date of judgment.

BE IT FURTHER RESOLVED that the approval of this settlement is based upon the recommendation and approval of the Tax Assessor, George Reggo, the Township's expert, Robert McNerney and the Township's Tax Appeal Attorney, Joseph J. Rotolo, Esq.

NOW THEREFORE BE IT FURTHER RESOLVED that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within resolution to Nathan P. Wolf, Esq., Joseph J. Rotolo, Esq., the Tax Assessor for the Township of South Hackensack and McNerney & Associates.

Consent Agenda Resolution No. 2008-11
Date: November 13, 2008

Resolution No. 2008-168 Authorize Convention Expenses – 93rd Annual New Jersey State League of Municipalities Convention

WHEREAS the Annual New Jersey State League of Municipalities Convention will be held in Atlantic City, New Jersey, Tuesday, November 18, 2008 through Friday, November 21, 2008, and

WHEREAS the Township Committee of the Township of South Hackensack is desirous of authorizing certain township officials to attend the convention and provide for the funding for those officials

NOW, THEREFORE, BE IT RESOLVED that the following Township officials are hereby authorized to attend the annual League of Municipalities Convention:

1. Township Committee (5)
2. Police Chief
3. Municipal Clerk
4. Fire Prevention Chief
5. D.P.W Superintendent
6. Construction Code Official or Zoning Officer
7. Emergency Manager

BE IT FURTHER RESOLVED that the following limits and terms of the convention shall be as follows:

1. Time off with pay shall not exceed two (2) work days;
2. Proof of attendance at not less than one League of Municipalities seminar each day is required and must be submitted to the municipal clerk;
3. Hotel accommodations provided by the Township shall not exceed two (1) night;
4. Hotel accommodations provided by the Township or reimbursed to an employee shall not exceed 145.00 per night, inclusive of all taxes and fees;

5. Reimbursement of meal and travel expenses shall not exceed \$60 per day, maximum of \$120;
6. Convention registration fee not to exceed \$45.00 shall be paid by the municipality or reimbursed to attendees upon submission of a valid receipt;
7. Reimbursement of expenses shall be paid after submission of receipts to the Municipal Clerk
8. All cancellations and/or room changes must be reported to the Municipal Clerk no later than October 22, 2008.
9. Any charges incurred by the municipality as a result of late cancellations will be the responsibility of the employee/official

Consent Agenda Resolution 2008-11

Date: November 13, 2008

