

Township of South Hackensack
County of Bergen, New Jersey
December 14, 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.

Special Presentation – NJMC Geographic Information System (GIS)

Four representatives from the New Jersey Meadowlands Commission presented a slide show outlining the Geographic Information System and the benefits that the township will receive from having the data available to its officials. A computer, monitor and printer was provided by the NJMC and has been installed in the construction office. NJMC employees will train those who will have access through the internet with an approved user ID and password. There will be no cost to the municipality and the data will be updated frequently by the NJMC with data it receives from other sources. Additionally, the Township can also provide updated information that becomes available to it.

Correspondence

Brugger motioned; Eckel seconded to accept the correspondence from Frank Covelli, PIA 11/17/2006 – Environmental Joint Insurance Fund (EJIF) Audit and place it in the appropriate file. All in favor.

Brugger motioned; LoPiccolo seconded to accept the correspondence from Leonard Gatto, Senior Loss Control Consultant – Loss Control Report 11/08/2006 and place it in the appropriate file. All in favor.

Anzevino motioned; Brugger seconded to accept the correspondence from Rose Marie Sees, RMC, Borough Clerk, Hasbrouck Heights 11/28/2006 – Joint Tax Assessor Appointment and refer it to Resolutions. All in favor.

Anzevino motioned; Eckel seconded to accept and discuss at budget preparation, correspondence from Gregg A. Padovano, Judge 09/29/2006 – Township of South Hackensack Municipal Court Administrator. All in favor.

Eckel motioned; Brugger seconded to accept the correspondence from Ruth C. Brierty, Williams Avenue – “Letter of Thanks” and place in the personnel file of those mentioned. All in favor.

Brugger motioned; LoPiccolo seconded to accept correspondence form James Mordaga, Director, Public Safety 12/05/2006 Bergen County Fire Apparatus Loan Program and forward to the Fire Chief. All in favor.

Anzevino motioned; Eckel seconded to place the request from Assemblyman John E. Rooney 11/15/2006 regarding Education Funding Litigation on file. All in favor.

Brugger motioned; Anzevino seconded to accept the General Correspondence received for November 2006 and place it in the appropriate file(s). All in favor.

LoPiccolo motioned; Anzevino seconded to accept the Monthly Department Reports for November 2006 as submitted and place them in the appropriate file(s). All in favor.

Hazardous Conditions

Mr. Paladino submitted a list of all properties that are suspected of pumping sump pump discharge into the street, causing a potential hazardous condition. The committee instructed David Nasta to draft a letter to all of those property owners advising them that they can not create a hazardous condition and must continue to pump water if it creates a hazard.

Old Business

COAH – Administrative Officer, Housing Liaison – NJMFA Housing Affordability Service. Anzevino motioned; Brugger seconded to authorize a 3-year agreement for services in accordance with proposal submitted. All in favor. David Nasta was instructed to draft a formal resolution to be adopted by the Township Committee.

CH 52 Police Department –Special Protection Services

Gary Brugger reported that a grievance had been filed by the PBA but was denied on a technicality. However, it appears that a certain outside detail is not being administered in accordance with Township Ordinance. Specifically, funds must be secured in advance and deposited with the treasurer. The overtime is to be distributed in accordance with the police contract. The township’s ordinance was adopted approximately five years ago in accordance with the Attorney General’s opinion. David Nasta was instructed to contact

Chief Frew and request that he provide the Township Committee with a report on how he is administering outside details.

New Business

2007 Professional Appointments – Discuss how to proceed with “Pay to Play Law”

The clerk advised the Township Committee that they need to decide how they will award contracts in excess of \$17,500 in the coming year. If they intend to award the professional contracts expected to exceed that amount at the reorganization meeting, then she must notify those individuals so that they can file the necessary certifications no later than the close of business, December 21, 2006.

Brugger motioned; Anzevino seconded to authorize the clerk to advise the following professionals that the Township intends to award them a contract according to the “non-fair and open” process: Boswell Engineering, Matthew O’Donnell, Esq., Robert McNerney (McNerney & Associates), Gary Vinci (Lerch, Vinci & Higgins), John M. Carbone, Esq.

Ordinances

Brugger motioned; Anzevino seconded to open the public hearing on Ordinance 2006-20. All in favor.

There were no public comments.

Anzevino motioned; Brugger seconded to close the public hearing on Ordinance 2006-20. All in favor.

Eckel motioned; Brugger seconded to adopt Ordinance 2006-06 and advertise its adoption as prescribed by law. Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

ORDINANCE 2006-20

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “FEES”

Resolutions

Consent Agenda Resolution No. 2006-12

Offered: Brugger

Second: LoPiccolo

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

Resolution No. 2006-161 Emergency Appropriation

Offered: Anzevino

Second: Brugger

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

Resolution No. 2006-166 Appoint Tax Assessor 7/1/06 – 6/30/2010
Offered: Anzevino Second: Eckel
Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Resolution No. 2006-167 Authorizing Executive Session
Offered: Brugger Second: Anzevino
Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Resolution No. 2006-168 Authorize 2007 Municipal Assistance Grant Application (MAP) to New Jersey Meadowlands Commission (NJMC)
Offered: Eckel Second: Anzevino
Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, LoPiccolo, Scholz

Committee Reports

James Anzevino – Congratulated Lou LoPiccolo and Robyn Scholz on their efforts for the past 3 years. He wished everyone a Happy, Healthy Holiday Season.

Gary Brugger – Reported that our state legislators have advised that there are small grants available (\$5,000) from the Port Authority. Brugger motioned; Anzevino seconded to authorize and direct the clerk to prepare a grant application and file it for communication equipment for the ambulance corps. All in favor.

Mr. Brugger reported that in performing a review of the payment of clothing allowance, the auditor has advised that payment to PBA members through payroll is contrary to the Agreement. The clerk was advised to notify the appropriate PBA representative that beginning in 2007 the Township will only pay the clothing allowance in accordance with the PBA Agreement in effect.

Gary advised that he and the Mayor attended the VFW Christmas party that was recently held. They had a wonderful time. He suggested that the VFW be incorporated onto the township's website. The website address is www.southhackensacknj.org

Walter Eckel – Advised that the correspondence previously received from Gregg Padovano was regarding the appointment of the Court Administrator. The Judge has recommended the appointment of the Deputy Court Administrator to the position. Eckel motioned; Anzevino seconded to accept the correspondence and place it on file. All in favor. Eckel further reported that Tom Yannetti is expected to be out of work until January 3, 2007. Angelo Sortino has returned to full duty. Hopefully, with more training and education, the Township can turn around the loss ratio for work related injuries.

Mayor Robyn Scholz – Happily reported that the Township has been awarded a Local Aid Grant in the amount of \$150,000 for joint project with the City of Hackensack for the resurfacing of Vreeland Avenue entirely. Brugger suggested that we start right away with the specifications and wants to make certain that the underground pipe repair is included in the plan. The Mayor indicated that she was impressed with the technology

that was delivered by the NJMC, and thanked the NJMC for their contribution. She indicated that she very pleased with the website and looks forward to Phase II's implementation scheduled for next year. She thanked everyone for the wonderful opportunity to have served the community and truly feels honored to have had the pleasure to serve the public. She thanked those who supported her and feels that those coming on board are very capable to succeed.

Public Comments

Dolly Montenegro, 57 Vreeland Avenue – Thanked the Mayor and the Township Committee for securing the funds to resurface Vreeland Avenue.

Regarding the appointment of a new Court Administrator, the former Mayor criticized the committee for not advertising the position, and suggested that the current Deputy Court Administer may live too far away to get to work on inclement weather days. The members of the committee indicated that Mrs. Brando has not had difficulty getting to work in the past, so they had no indication that she would have difficulty in the future. Regarding advertising for the position, the committee advised that the position of Deputy Court Clerk had been recently advertised and several resumes were still on file and had been reviewed by the Judge. The Judge did make a recommendation for the position – he recommended that the current Deputy Court Administrator be appointed to fill the position of Court Administrator. The committee has requested that the judge provide a recommendation for the position of Deputy Court Administrator but has not yet made that recommendation.

Anzevino motioned; Brugger seconded to close the public comment portion of the meeting. All in favor.

Closed Session

LoPiccolo motioned; Brugger seconded to go into closed executive session to discuss litigation. All in favor. Please note: Rosina Romano attended closed session for both matters. Gene Roman attended closed session for the Lighthouse Restaurant Services v. Township of South Hackensack matter only since he is a defendant in the matter of Brando v. South Hackensack Police Department and Gene Roman.

The matters discussed in closed session will be made available to the public when permitted by law and authorized by the Township Committee.

Adjournment

Anzevino motioned; Brugger seconded to adjourn the meeting at 9:50 p.m. All in favor.

Respectfully submitted,
Linda LoPiccolo
Municipal Clerk

Consent Agenda Resolution No. 2006-12
Date: December 14, 2006

Resolution No. 2006-162 Transfer Appropriations

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 in 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 2006 Budget Appropriations.

	FROM	TO
<u>OPERATIONS - WITHIN "CAP"</u>		
Tax Collector S&W	17,000.00	
Police O/E	7,000.00	
Fire O/E	8,500.00	
DPW O/E	14,000.00	
Vehicle Maintenance O/E	2,000.00	
Telephone	7,000.00	
Gasoline	2,000.00	
<u>OPERATIONS - WITHIN "CAP"</u>		
Municipal Clerk S&W		10,500.00
Municipal Clerk O/E		2,000.00
Financial Administration S&W		1,000.00
Financial Administration O/E		1,200.00
Legal O/E		18,444.00
Code Enforcement O/E		700.00
Dispatcher S&W		20,000.00
Dispatcher O/E		200.00
Emergency Management O/E		150.00
Buildings & Grounds O/E		3,000.00
Street Lighting		200.00
Municipal Court S&W		106.00
<u>TOTAL</u>	<u>57,500.00</u>	<u>57,500.00</u>

Consent Agenda Resolution No. 2006-12
Dated: December 14, 2006

Resolution No. 2006-163 Bills \$603,042.87

See end of minutes

Resolution No. 2006-164 Licenses December 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 by and are hereby approved unless noted and with conditions as noted.

General

Licenses:

*12/12/06	Congress Inn	3521	\$3,620
*11/13/06	Stage Coach Motel	3518	\$2,948
*11/13/06	Super 8 Motel	3519	\$3,428
*11/15/06	Airport Motel	3520	\$3,428
*12/12/06	Horizon	3522	\$3,460

Fire Licenses:

10/16/03	Alan Party Rentals	2222	\$138.00
10/18/06	Etched in Stone	2223	\$138.00
11/8/06	Lumber Liquidators	2224	\$138.00
11/20/06	Devine Roofing Co.	2225	\$ 35.00

*Pending Inspections and payment of all fees

Consent Agenda Resolution No. 2006-112

Date: December 14, 2006

Resolution No. 2006-165 Authorizing Payment of Accumulated Unused Sick Time to Court Administrator Marie Goodman Upon Retirement

WHEREAS Marie Goodman has served diligently as Court Administrator for the Township for twenty-five years; and

WHEREAS twenty-two years of said service have been in a full time capacity; and

WHEREAS the salary ordinance of the Township of South Hackensack requires that upon retirement a municipal employee with more than twenty but less than twenty five years of full time service is entitled to payment of accumulated sick time in the maximum amount of seventy five (75) days at a rate of pay at the time of retirement; and

WHEREAS a review of the attendance records of Marie Goodman indicates that she has accumulated a sick day bank of at least seventy five days and as a result would be entitled pursuant to salary ordinance for payment for the same upon retirement; and

WHEREAS further review of the consent order of settlement of certain litigation between Marie Goodman and the Township of South Hackensack styled under Federal Court Docket No.93-665 further controls the payment of said accumulated time; and

WHEREAS Marie Goodman has submitted a letter of retirement effective December 31, 2006 and by virtue thereof has requested payment of accumulated sick time

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that Marie Goodman be compensated for seventy five days of accumulated sick time at her daily rate of pay in effect on December 31, 2006 and those funds are allocated for said purpose.

Consent Agenda Resolution No. 2006-12

Date: December 14, 2006

Resolution No. 2006-166 Appoint Tax Assessor 7/1/06 – 6/30/2010
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WHEREAS, N.J.S.A. 40:48-B-16 provides that the term of office of the Tax Assessor in the Office of Joint Municipal Tax Assessor shall be for a period of four years, and

WHEREAS, pursuant to the agreement of the Governing bodies of the participating municipalities of the Office of Joint Municipal Tax Assessor, George M. Reggo, has served in such positions, first having been duly appointed for a term from May 1, 1998 until June 30, 1998, and then for a term from July 1, 1998 to June 30, 2002, and then for a term from July 1, 2002 to June 30, 2006;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, that the aforesaid George M. Reggo be and is hereby reappointed as Assessor in the Office of Joint Municipal Tax Assessor of the Township of South Hackensack, the Borough of Hasbrouck Heights, and the Township of Rochelle Park for a term commencing on July 1, 2006 until June 30, 2010, which said appointment shall be nevertheless subject to the approval by the Governing Bodies of the other participating municipalities.

Offered: Anzevino

Second: Eckel

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

Date: December 14, 2006

Resolution No. 2006-167 Authorizing Executive Session
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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.

(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 December 14, 2006.

Linda LoPiccolo
Township Clerk

Resolution No. 2006-168 Authorize 2007 Municipal Assistance Grant Application (MAP) to New Jersey Meadowlands Commission (NJMC)
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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 filing an application for a grant for \$100,000.

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

- Purchase of firefighting apparatus or equipment - \$10,000
- Law enforcement vehicle - \$30,000
- Property Tax Relief - \$50,000
- Implementation of a municipal web site (phase II) - \$10,000

Offered: Eckel

Second: Anzevino

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

Date: December 14, 2006