

Township of South Hackensack
Bergen County, New Jersey
January 12, 2017 7:00PM
Regular Meeting
AGENDA

Frank Cagas, Mayor
Gary C. Brugger
Walter Eckel, Jr.
Yris Encarnacion
William Regan

Donna L. Gambutti, Municipal Clerk
David V. Nasta, Esq., Municipal Attorney

Call of Meeting to Order~

Flag Salute~

This is a Regular Meeting of the Township Committee of South Hackensack. The date, time and location of this meeting has been advertised in the official Newspapers of the Township, filed with the Township Clerk and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled.

Roll Call~

Correspondence ~

- ❑ Correspondence & Reports December 2016
- ❑ Passaic Valley Sewerage Commission, December 27, 2016-2017 User Charge
- ❑ Boswell Engineering, January 5, 2017- Notice of Preconstruction Meeting- Rehabilitation of the Grove Street Pump Station
- ❑ Meadowlands Family Success Center, January 9, 2017- Fall Food Drive Recognition
- ❑ Chief of Police Joseph Terraccino, January 10, 2017- Request to purchase 2 police vehicles

Old Business~

- ❑ Shade Tree Ordinance Revision- *Report by Mayor Cagas*

New Business~

- ❑ Passaic Valley Sewerage Commission- 2017 User Charge- *Forward to Sewer Operator- Walter Paul for review & comment*
- ❑ Preconstruction Meeting for The Rehabilitation of The Grove Street Pump Station, Monday, January 23, 2017 at 9:00PM- Boswell Engineering
- ❑ Chief of Police Request to purchase 2 new vehicles in 2017- *Forward to CFO & Police Commissioner for Review*
- ❑ Appoint Jon Luca Morzetta as DPW Winter Seasonal Help 2017

Ordinances~ Introduction- N/A

Ordinances~ Adoption- N/A

Resolutions~

- ❑ Closed Executive Session Resolution
- ❑ Consent Agenda 2017-01A

Mayor's Report~

Committee Reports~

Public Comments~

Adjournment~

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Resolution Authorizing Executive Session January 12, 2017
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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.

~~XX~~____(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.

~~XX~~____(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.

XX (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.

Robert Licamara

(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 January 12, 2017.

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Consent Resolution 2017-01A

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 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. 2017-055 – Cancellation of 2016 Tax Balances

Resolution No. 2017-056 – Cancellation of Sewer User Charges

Resolution No 2017-057 –Authorizing submission of NJDOT Grant for Leuning Street Rehabilitation

Resolution No. 2017-058- December 2016 License Report

Resolution No. 2017-059- Little Ferry 2016 Sewer Billing- 2 Alsan Way

Resolution No. 2017-060- Authorizing Mutual Aid & Rapid Deployment Force

Resolution No. 2017-061- Approve CDA/SEC Agreement

Resolution No. 2017-062- Authorize Service Agreement for Web Hosting- Webmaster

Resolution No. 2017-063- Appoint Recreation Commissioner

Resolution No. 2017-064- Authorize Memorandum of Agreement for PBA Contract for 2017*

Resolution No. 2017-065- Authorize Developers Agreement for 400 Huyler Street*

Motion:

Second:

January 12, 2017

ATTEST:

APPROVED:

Donna L. Gambutti, Township Clerk

Frank Cagas, Mayor

Township of South Hackensack
County of Bergen

Resolution No. 2017– 055 Cancellation of 2016 Tax Balances

WHEREAS N.J.S.A 54:4-91.1 requires that the Tax Collector file with the Township Committee, a list of delinquent taxes for 2016 which she believes are not collectible, and

WHEREAS, the Township Committee of the Township of South Hackensack on being satisfied that the taxes listed below are not collectible, shall by resolution release the Tax Collector from the collection thereof and order the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following balances and overpayments be cancelled pursuant to N.J.S.A. 54:4-91-1.

<u>Overpayments</u>			<u>Balance Adjustment</u>		
<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
2.01	1.04	.10	2.01	3.02	.06
2.01	8.02	.27	5.01	3	1.77
3	12	1.22	7.03	9	.03
7.01	25.05	.08	10	41	.01
9	5	2.23	13.03	3.04	.75
9	23	4.43	16	29	.06
13.03	3.01	7.57	20.02	30	.56
13.04	1.10	.10	38	16.02	.28
13.05	6	.05	39	11	.07

13.06	13	.15	41	11	.33
13.07	10	.97	44	21	.24
19	3	1.86	45.01	6	1.60
21.01	58	7.30	50	17.03	.38
33.01	1	.20	51	1	.09
33.01	4	.19	56	7	.01
33.02	9	5.24	58	18	.28
38	12	2.21			
47	2	.25			
48	3	6.04			
52	1.02	.01			
105	3	1.21			

Consent Agenda Resolution 2017-01(a)

Dated: January 12, 2017

Resolution No. 2017 –056 Cancellation of 2016 Sewer User Charges Balances
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WHEREAS certain Sewer Account balances exist at year-end,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following balances and overpayments under \$10 be cancelled:

<u>Balance Adjustment</u>		<u>Overpayments</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
16520400-0	3.87	16521000-0	.02
16522955-0	.96	16521150-0	.03
41005000-0	.10	16521150-1	.29
41008700-1	1.67	16521305-4	.24
41011800-0	.22	16522500-0	.69
41012000-0	.07	16522990-0	.78
41013000-0	.79	16523175-0	.64
41015700-0	.47	16529700-0	.05
41017700-1	.09	16529850-0	.03
41017700-2	.34	16530050-3	.02
42500800-0	.38	41000400-1	1.95
42501400-0	4.54	41000400-2	1.98
42505500-0	.01	41003600-2	.22
46127900-0	.53	41007400-0	.05
		41008400-0	.18
		41010500-0	.20
		41012400-0	.37
		41012900-0	.03
		41019000-0	.06

41501200-0	.61
42502100-0	1.79
42502800-0	.06
46127850-0	.50

Consent Agenda Resolution 2017-01A
Date: January 12, 2017

RESOLUTION NO. 2017- 057
RESOLUTION APPROVING THE SUBMISSION OF A 2017 NEW JERSEY
DEPARTMENT OF TRANSPORTATION – MUNICIPAL AID GRANT APPLICATION
AND EXECUTION OF A GRANT AGREEMENT FOR THE LEUNING STREET
REHABILITATION PROJECT.

WHEREAS, the Township of South Hackensack wishes to apply for and obtain funding through the New Jersey Department of Transportation – Municipal Aid grant program for the completion of the Leuning Street Rehabilitation Project.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of South Hackensack do hereby authorize the submission of such a grant application, for the said project, titled *MA-2017-Leuning Street Rehabilitation-00267*.

BE IT FURTHER RESOLVED, that upon the receipt of a grant award the Mayor and Clerk are hereby authorized to sign the grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

Consent Agenda 2017-01A
January 12, 2017

I hereby certify that this is a true and exact copy of
a resolution adopted by the Township Committee of
the Township of South Hackensack on the 12th day of
January, 2017.

Donna L. Gambutti, RMC, CMR
Municipal Clerk

Resolution No. 2017 – 058 Licenses – December 2016

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

<u>Received</u>	<u>Business</u>	<u>License #</u>	<u>Fee</u>	<u>Type</u>
12/01/16	The Good Sazon	4568	\$ 125	Restaurant
12/06/16	Void	4569	-----	Printing Error
12/06/16	Congress Inn	4570	3,620	Motel-pending
12/06/16	Horizon Inn	4571	3,460	Motel-pending
12/09/16	Players Club	4572	300	Place of Entertainment
12/14/16	Blush	4573	300	Place of Entertainment
12/28/16	AT&T	4574	1,000	Communications Cable

TOTAL: \$ 8,805

FIRE PERMITS

<u>Received</u>	<u>Business</u>	<u>License #</u>	<u>Fee</u>
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TOTAL FIRE: \$ 0

GRAND TOTAL ALL LICENSES/PERMITS: \$ 8,805

Consent Agenda Resolution No. 2017-01A

Date: January 12, 2017

Resolution No. 2017 -059 Little Ferry 2016 Sewer Billing – 2 Alsan Way

WHEREAS, the Tax Collector billed the Borough of Little Ferry in 2016 for consumption in 2015 totaling \$26,081.68; and

WHEREAS, the Borough of Little Ferry has submitted the payment of \$26,081.68 to the Township of South Hackensack with check number 29207 dated June 15, 2016; and

WHEREAS, the Chief Financial Officer of Little Ferry - Lori Mudry along with the property owner of 2 Alsan Way have expressed a concern about the high reading of 2821 ccf's; and

WHEREAS, the CFO from Little Ferry and the South Hackensack Tax Collector have been in communication to resolve this matter of such a high reading at this property and have agreed that the total reading should be at 152 ccf's with proof from Suez indicating that the meter was malfunctioning and was replaced; and

NOW, THEREFORE, BE IT RESOLVED that the revised reading would reflect a refund of \$5464.48; and

BE IT FURTHER RESOLVED that the CFO from South Hackensack and the CFO from Little Ferry have agreed that it best be resolved by issuing a credit to the 2017 Little Ferry Sewer Billing in the amount of \$5464.48

Consent Agenda Resolution No. 2017-01A

Date: January 12, 2017

Resolution No. 2017- 060 Interlocal Services Agreement Mutual Aid Plan & Rapid Deployment Force

WHEREAS, the police departments in Bergen County have a day to day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order, and

WHEREAS, Law Enforcement Officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc., man-made causes, civil unrest, and civil disobedience such as riot, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, riots, terrorist incidents and bombings, state and national emergencies, and

WHEREAS, the Bergen County Police Chief's Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies, and

WHEREAS, this Plan is adopted in accordance with the provisions of N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1, N.J.S.A. 40A:14-156.4 and N.J.S.A. App. A:9-40.6, and

WHEREAS, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property, and

WHEREAS, it is also recognized that the South Hackensack Chief of Police, in accordance with the provisions of N.J.S.A. 40A:14-118 and under the authority of the Bergen County Prosecutor, has the authority to assign officers to a Task Force, Rapid Deployment Team, or Regional SWAT Team operated in conjunction with the Bergen County Prosecutor's Office, and

WHEREAS, it is the desire of the Mayor and Township Committee of the Township of South Hackensack to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of South Hackensack that the police Department of the Township of South Hackensack under the direction of the Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force, and

BE IT FURTHER RESOLVED that a copy of the Resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor, and all municipalities in the County of Bergen.

Consent Agenda 2017-01A

January 12, 2017

Resolution No. 2017-061
South Hackensack Township to enter into an AGREEMENT covering CONTINUING DISCLOSURE AGENT SERVICES and appointment as INDEPENDENT REGISTERED MUNICIPAL ADVISOR "of record"

THIS AGREEMENT, made and entered into on this 1st day of January 2017 (“Agreement”) by and between the **South Hackensack Township, 227 Phillips Avenue, South Hackensack, NJ 07606-1600** (hereinafter referred to as the “Bond Issuer”), and Phoenix Advisors, LLC (“Phoenix Advisors”), 4 West Park Street, Bordentown, NJ 08505.

WITNESSETH:

WHEREAS, the Bond Issuer has heretofore agreed through the execution of Continuing Disclosure Agreements (“CDAs”) in connection with one or more bond issuances to provide certain financial and other information and notices, within specified timeframes, in a manner prescribed by the regulators of the underwriter that purchased said bond issues; and

WHEREAS, but for the execution of the CDAs, the underwriter of such bonds would be prohibited from purchasing the bonds of the Bond Issuer; and

WHEREAS, in order to ascertain its compliance with various CDAs executed in conjunction with the issuance of bonds, the Bond Issuer must identify the requirements stipulated in those various CDAs and compare those requirements with its filings and correct any deficiencies; and

WHEREAS, new rules and regulations promulgated by the Securities and Exchange Commission (“SEC”) restrict the provision of advice concerning the issuance of municipal debt to those that are appropriately registered with SEC; and

WHEREAS, it is beneficial to retain the assistance of appropriately registered experts in the field of municipal bond finance, with knowledge and experience in these matters, to assist in assuring compliance with CDAs and to stand ready to provide advice as needed with the issuance of municipal debt as Municipal Advisor of Record; and

WHEREAS, Phoenix Advisors provides such continuing disclosure services and is an independent registered municipal advisor under SEC regulations and has heretofore been appointed by the Bond Issuer to provide the same until the expiration of this Agreement, as defined in Section 3 herein; and

WHEREAS, the parties desire to set forth herein the terms and conditions under which Phoenix Advisors will provide such services to the Bond Issuer.

NOW, THEREFORE THE PARTIES HERETO, IN CONSIDERATION OF MUTUAL COVENANTS HEREIN CONTAINED AND OTHER GOOD AND VALUABLE CONSIDERATION, EACH INTENDING TO BE LEGALLY BOUND, HEREBY AGREE AS FOLLOWS:

Section 1. Phoenix Advisors will perform, inter alia, the tasks as described in the Scope of Services summarized in Exhibit I and, if further requested, in Exhibit II attached hereto.

Section 2. The Bond Issuer will compensate Phoenix Advisors for services provided in accordance with this agreement, as more particularly set forth below:

Continuing Disclosure Agent Service:

\$950 – All-inclusive fee (for up to three (3) outstanding issues), plus \$100 for each additional outstanding issue, if any, for which filings may be required.

Independent Registered Municipal Advisor of Record

There is **no fee** charged by Phoenix Advisors for being designated as your Independent Registered Municipal Advisor (IRMA). As your IRMA, we will be available to answer general questions concerning outstanding debt issues, market conditions, preliminarily review financing proposals, or prepare preliminary project analyses.

A separate addendum to this Agreement will be provided for your acknowledgement, if you choose to have Phoenix Advisors involved in a debt issuance or to undertake an in-depth evaluation of a proposal or project, perform a consultant service, or assist with rating agency surveillance. Our goal is to be available to you and to add value when you need our expertise.

Section 3. This Agreement, as to the Continuing Disclosure Agent and Independent Registered Municipal Advisor of record, shall be in effect through the Bond Issuer's fiscal year-end and is subject to annual reappointment.

Section 4. This Agreement may be terminated by the Bond Issuer or Phoenix Advisors, Upon giving thirty (30) days prior written notice.

Section 5. This Agreement shall be construed in accordance with and governed by the Laws of the State of New Jersey.

IN WITNESS WHEREOF, the Bond Issuer and Phoenix Advisors have caused this agreement to be duly executed by their authorized representatives as of the day and year first above written.

Consent Agenda 2017-01A
January 12, 2017

Resolution No. 2017-062 Authorize Service Agreement for Web Hosting and Content Maintenance with 905creative

WHEREAS the Township of South Hackensack is desirous of entering into an Agreement with 905creative for web hosting and content maintenance services for the Township of South Hackensack's website; and

WHEREAS the Township Committee of the Township of South Hackensack has reviewed the proposed agreement from Kevin Kopec dba 905creative; and

WHEREAS the term of the agreement is effective as of January 1, 2017 and shall be effective until December 31, 2017; and

WHEREAS the web hosting, domain name renewal, and 2.5 hours per month for web content maintenance will be billed at \$230 per month, where the time will expire at the end of each month with no rollover of time or accruals, and if the allotted hours are exceed there will be a charge at the hourly rate of \$80 per hour,

WHEREAS the four page Service Agreement will be on file in the Municipal Clerk's office describing, terms, monthly time and rate, description of services, payment of fees, rights of cancellation, copyrights and trademark, limitation of liability, and agreement signature page,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the Mayor and Township Clerk be and are hereby authorized to execute an Agreement with 905creative in accordance with the terms set forth therein.

Consent Resolution No. 2016-01A
January 12, 2017

Resolution No. 2017-063 Appoint Recreation Commissioner

BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following be and are hereby appointed as Recreation Commissioner for the terms indicated:

Camille Arrington-Watsonunexpired term of Encarnacion expires 12/31/18

Consent Agenda 2017-01A
January 12, 2017

Resolution No. 2017-064 Authorize Memorandum of Agreement with PBA**

Resolution No. 2017-065 Authorize Developers Agreement for 400 Huyler Street***