

Township of South Hackensack
Bergen County, New Jersey
November 10, 2022
7:00PM CLOSED SESSION

7:30 PM PUBLIC MEETING
AGENDA
Regular Meeting

Frank Cagas, Mayor
James Anzevino
Gary Brugger
Yris Encarnacion
Luis Perdomo

Donna L. Gambutti, Municipal Clerk
John Schettino, Esq., Municipal Attorney

Call of Meeting to Order~

Flag Salute~

Sunshine Statement~

This is 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~

- General Correspondence and Reports for October 2022

Committee Reports~

Public Comments~

Adjournment~

Resolution Authorizing Executive Session November 10, 2022

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.

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.

Tax Appeal – Vineyard CHR Fellowship of NJ v TSH – 310 Phillips Avenue

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

Personnel

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.

XX (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 10, 2022.

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Consent Agenda Resolution 2022-11- November 10, 2022

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. 2022-179 - Payment of Bills November 2022
- Resolution No. 2022-180 - License Report October 2022
- Resolution No. 2022-181 – Approval of Township Minutes
- Resolution No. 2022-182 – Authorize 2022 NJLM Reimbursement Expenses
- Resolution No. 2022-183 – Authorize SH Employee Share Incentives for Alternative Health Plans
- Resolution No. 2022-184 – Authorize Employee Health Benefits Waiver for 2023
- Resolution No. 2022-185 – Approval for Settlement of Tax Court Appeals- Vineyard CHR Fellowship of NJ v. TSH- 310 Phillips Avenue, Block 1.02, Lot 5
- Resolution No. 2022-186- Authorizing Advertising for 2023 Request for Qualifications for Professional Services

Motion:
Second:
November 10, 2022

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**Township of South Hackensack
 County of Bergen**

Resolution Number 2022-177

RESOLUTION SUPPORTING FLORO S. HACKENSACK, L.L.C., AS THE OPERATOR OF A CLASS 5 CANNABIS DISPENSARY ESTABLISHMENT TO BE LOCATED IN THE TOWNSHIP OF SOUTH HACKENSACK

WHEREAS, Pursuant to *N.J.A.C. 17:30-7.1*, *N.J.A.C. 17:30-7.8*, and *N.J.A.C. 17:30-7.10* Alternative Treatment Centers (“ATCs”) and applicants for cannabis business licenses (“license-applicants”) need to submit proof of local support in the form of municipal approval as part of either their certification (ATCs) or application (cannabis business license applicants).

WHEREAS, if the municipality has a governing body, a resolution by that governing body that includes: a. The license applicant’s legal name under which they are registered to do business in the State of New Jersey; b. A determination that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction; and c. A confirmation that if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license applicant by the Commission would not exceed that limit;

WHEREAS, on December 27, 2021 the governing body of the Township of South Hackensack adopted Ordinance 2021-13, an ordinance to amend Part II, General Legislation, Chapter 208, Zoning, of the revised general ordinances of the Township of South Hackensack;

WHEREAS, Ordinance 2021-13 created three separate cannabis overlay zones permitting adult-use cannabis licenses to operate in the Township;

WHEREAS, the governing body created the Ruta Court Cannabis Overlay Zone (RCOZ) permitting those Cannabis Establishments possessing a Class 5 Cannabis Dispensary License issued by the New Jersey Cannabis Regulatory Commission to operate in the zone;

WHEREAS, Flora S. Hackensack, L.L.C., seeks to operate a Class 5 Cannabis Retail Establishment at 25 Ruta Court, South Hackensack, New Jersey;

WHEREAS, 25 Ruta Court, South Hackensack, New Jersey, is located within the RCOZ;
WHEREAS, the Township of South Hackensack does not have any Class 5 Cannabis Retail Licenses currently operating in the RCOZ;

WHEREAS, the issuance of a license to operate a Class 5 Cannabis Retail License in the RCOZ would not exceed the limit imposed by Ordinance 2021-13;

WHEREAS, all prospective applicants must apply for a Cannabis License, comply with the application requirements, and comply with the zoning requirements set forth in the Township Code;

WHEREAS, the proposed use and business activities are welcomed and are likely to have a positive impact on economic activity in the area with the creation of new long- term job opportunities, new tax ratables, and general economic health promoting commerce.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of South Hackensack, County of Bergen and State of New Jersey, that the application of Flora S. Hackensack LLC for a license to operate a Class 5 Cannabis Retail Establishment at 25 Ruta Court in the Township of South Hackensack be and is hereby approved; and

BE IT FURTHER RESOLVED, that Flora S. Hackensack, LLC shall comply with all application requirements and zoning requirements of the Township of South Hackensack and in accord with Ordinance No. 2021-13; and

BE IT FURTHER RESOLVED, that the Township Clerk be and is hereby authorized and directed to take all steps necessary to effectuate this resolution.

Motion:

Second:

Roll Call Vote:

November 10, 2022

RESOLUTION NO. 2022-178

Special Emergency Appropriation- Preparation of a Tax Map

WHEREAS, an ordinance has been introduced creating a special emergency appropriation of \$75,000 to meet certain extraordinary expenses to be incurred for the engagement of the Township Engineer for the preparation of a tax map, and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of the special emergency appropriation created including the appropriation to be created by this resolution is..... \$75,000

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, of the Township of South Hackensack in the County of Bergen, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

1. A Special Emergency Appropriation be and the same is hereby made for:

Special Emergency Appropriation

Preparation of a Tax Map\$75,000

2. Total amount of the resolution and ordinance is for \$75,000 and the Township of South Hackensack hereby requests that an exclusion from the "CAP" be granted by the Director of Local Government Services in accordance with P.L. 1981, Chapter 56, in the amount of \$15,000 per year in the budgets of the next five succeeding years commencing with the budget of 2023 in accordance with 40A:4-55(c).
3. That a special emergency note be authorized not in excess of \$75,000, the amount appropriated by ordinance as stated above.
4. That said note may be renewed from time to time and at least 1/5 of all such notes and renewals thereof shall mature and be paid in each year thereafter until all are paid.
5. The Mayor and Chief Financial Officer is hereby authorized to execute said notes, and the Township Clerk is hereby authorized to affix the seal of the Township to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.
6. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefore.
7. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
8. This resolution shall take effect immediately.

Motion:
Second:
Roll Call Vote:
November 10, 2022

**Township of South Hackensack
Bergen County, New Jersey**

Resolution No. 2022 -179 – Payment of Bills – November 2022 - \$ 1,309,258.06

WHEREAS there has been presented to the Mayor and Council of the Township of South Hackensack, the attached list of invoices requesting payment of the work, labor, services and materials supplied to the Township and;

WHEREAS said list and certification specify the exact line item in the Budget or Ordinance to be charged therewith;

NOW THEREFORE BE IT RESOLVED that payment of said invoices is hereby approved and authorized and the Chief Financial Officer is hereby approved and directed to draw warrants in payment thereof, same to be signed by the proper officials of the Township who are hereby authorized to sign same, and;

BE IT RESOLVED that certification of the Chief Financial Officer of the availability of funds therefore shall be attached to the original copy of the Resolution and both; are kept in the files of the Municipal Clerk.

Consent Agenda Resolution No. 2022-11
Date: November 10, 2022

ATTEST:

Donna L. Gambutti, Township Clerk

APPROVED:

Frank Cagas, Mayor

The undersigned, being the Chief Financial Officer for the Township of South Hackensack, County of Bergen, New Jersey, and the person charged with the responsibility of maintaining financial records of said Township in accordance with N.J.S.A. 40:4-578 and the rules of the local Finance Board of the State of New Jersey adopted thereunder, does hereby certify that there are adequate funds available for the payment of the attached list of invoices, duly adopted by said Township and which said list indicates the specific line item of said budget to which expenditures shall be charged.

Christopher W. Eilert

Christopher W. Eilert, CFO