

Township of South Hackensack
Bergen County, New Jersey
January 12, 2023 7:00 PM **CLOSED SESSION**
7:30 PM PUBLIC MEETING

AGENDA
Regular Meeting

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

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

Call of Meeting to Order~

Flag Salute~

Sunshine Statement~

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~

- General Correspondence and Reports for January 2023

- Joseph Barbiera, Patrol Officer, December 8, 2022- Letter of Resignation Effective January 1, 2023
- Lydia Heinzelman- Technical Assistant & Shade Tree Secretary , December 23, 2022- Letter of Intent to Retire on May 31, 2023
- Fire Chief, Carmine Maceri, December 27, 2022- Letter of Resignation for Fire Department Member, Jason Quinones

Old Business~

- Neglia Engineering 2022 Engineers Report
- Application for Sidewalk Replacement at 14 Grove Street- including drainage pipes- ** Carried over from December 2022**
- Phillips Avenue Traffic Calming Project- *Follow up Report by Mayor Brugger*
- Issuance of New Overnight Parking Stickers 2023 - *Follow up Report by Mayor Brugger*
- Revision of Parking Ordinance- *Follow up Report by Mayor Brugger*

New Business~

- Approve LOSAP Report for 2022 Year of Service
- Approve 2022 Clothing Allowance for Qualified Fire Department Members
- Approve 2022 Clothing Allowance for Qualified Retired Fire Department*
- Appoint Joseph Niosi as Regular Guard for 2023
- RFP for Ambulance Services

Resolutions~

- Closed Executive Session Resolution
- Consent Agenda Resolution 2023-01A
- Ordinances~ Introduction-
- **ORDINANCE NO. 2023-01 -** *Introduction - Public Hearing on February 9, 2023 at 7:30PM- Roll Call Vote*

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 52 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “POLICE DEPARTMENT”

By:

2nd:

RC:

- Ordinances~ Adoption~ N/A

Committee Reports~

Public Comments~

Adjournment~

Consent Agenda Resolution 2023-01A – January 12, 2023

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. 2023-063- December License Report

Resolution No. 2023-064- Cancellation of 2022 Tax Balances

Resolution No. 2023-065- Cancellation of 2022 Sewer User Charge Balances

Resolution No. 2023-066 – Approval of Township Minutes

Resolution No. 2023-067- Authorize the Combination of Certain Bonds Series 2023

Resolution No. 2023-068- Authorizing the Form and Other Details Not to Exceed \$3,475.000 for Bonds Series 2023 and Providing for Their Sale

Resolution No. 2023-069- Authorize of Accumulated Sick Pay for Chief of Police- Joseph Terraccino

Resolution No. 2023-070- Authorize the PBA Contract for 2023-2027- REMOVED FROM CONSENT AGENDA AND TABLED

Motion:

Second:

January 13, 2022

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Resolution Authorizing Executive Session January 12, 2023

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.

XX (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.

PBA Negotiations

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.

**Joseph Marrella
Personnel**

____(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, 2023.



Resolution No. 2023 – 063 Licenses – December 2022

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

12/05/22 Entertainment	30067	The Great Story	\$ 300	5298	Place of
12/05/22 Entertainment	30068	The Players Club	\$ 300	5299	Place of
12/06/22 Entertainment	30069	Blush	\$ 300	5300	Place of
12/16/22	30070	Terry Zito	\$ 5	5301	Garage Sale
12/21/22 Entertainment	30071	Lococinde Restaurant	\$ 300	5302	Place of

TOTAL: \$ 1,205

GRAND TOTAL ALL LICENSES/PERMITS: \$1,205.00

Consent Agenda Resolution No. 2023-1A

Date: January 12, 2023

Resolution No. 2023 –064 Cancellation of 2022 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 2022 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>
1.01	4.19	3.28	16	21	3.69
7.05	25.04	.02	16	33.01	.14
9	3	.21	21.01	59	.52
15	5	.89	21.02	37.02	1.87
17	7	.33	29	1	.21
17	9	8.42	38	25	.29
20.02	34	2.76	52	2.05	.10
21.02	23	4.12	102	24	.17
41	11	2.46			
42	13	1.24			
48	26	.67			
56	3	.16			

Consent Agenda Resolution 2023-01A

Dated: January 12, 2022

Resolution No. 2023 – 064 Cancellation of 2022 Sewer User Charge Balances

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>Overpayments</u>		<u>Balance Adjustments</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
16520300-0	5.93	16521000-0	.20
16520500-0	5.80	16521150-0	.02
16521100-0	.93	16523150-0	8.82
16521305-1	.49	41004600-0	2.20
16522100-0	1.39	41004600-2	5.75
16522250-1	2.47	41501700-0	.02
16522600-0	.52	42505800-0	.53
16522990-0	.05	46127750-0	.20
16528950-0	.29	46128400-0	.10
28324450-0	1.48	46128550-2	.02
41001200-0	.05	46128850-0	.10
41006900-0	.92	46128900-0	.04
42500500-0	.07		
46127900-0	.68		
46128050-0	.06		
48228155-0	1.01		
49501500-0	.50		

Consent Agenda Resolution 2023-01A
 Date: January 12, 2022

Resolution No. 2023- 066 Approval of Township Minutes

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 8, 2022

Consent Resolution No. 2023-1A
January 12, 2023

Resolution No. 2023-067

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE TOWNSHIP OF SOUTH HACKENSACK INTO AN INDIVIDUAL ISSUE OF GENERAL IMPROVEMENT BONDS, SERIES 2023 AGGREGATING \$3,475,000 IN PRINCIPAL AMOUNT

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF SOUTH HACKENSACK AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the obligations of the Township of South Hackensack, a municipal corporation of the State of New Jersey (the “Township”) authorized pursuant to the individual bond ordinances heretofore adopted and described as follows, shall be combined and issued as a single series of General Improvement Bonds, Series 2023 in the principal amount of \$3,475,000:

Principal Amount of Bonds To Be Sold	Bond Ordinance Number	Improvements Authorized and Bond Ordinance Adoption Date	Useful Life (years)
\$1,095,500	18-08	Various Capital Imps. Finally adopted on 11/08/18	8.66
\$1,332,500	19-08 / 21-07	Various Imps. and Acquisitions Finally adopted on 12/11/19 and 08/05/21	12.48
\$245,500	21-01	Various Capital Imps. Finally adopted on 02/11/21	20
\$801,500	21-03	Various Capital Imps. Finally adopted on 04/08/21	17.98
<hr/> \$3,485,000			<hr/> 13.07

Section 2. None of the obligations described herein have been sold or issued. Further, the individual bond ordinances described herein have not been rescinded and remain in full force and effect as authorizations for the respective amounts of bonds described.

Section 3. This resolution shall take effect immediately.

Consent Agenda 2023-01A
January 12, 2023

Resolution No. 2023-068

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$3,475,000 GENERAL OBLIGATION BONDS, SERIES 2023 OF THE TOWNSHIP OF SOUTH HACKENSACK AND PROVIDING FOR THEIR SALE

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF SOUTH HACKENSACK AS FOLLOWS:

Section 1. The \$3,475,000 principal amount of bonds of the Township of South Hackensack, a municipal corporation of the State of New Jersey (the “Township”) referred to and described in the resolution adopted on January 12, 2023 and entitled “RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE TOWNSHIP OF SOUTH HACKENSACK INTO AN INDIVIDUAL ISSUE OF GENERAL OBLIGATION BONDS, SERIES 2023 AGGREGATING \$3,475,000 IN PRINCIPAL AMOUNT” (the “Combination Resolution”), shall be issued as general improvement bonds (the “Bonds”). The Bonds will be dated the date of delivery thereof, and will mature on February 15 of each year until maturity, in the approximate principal amounts and form of amortization schedule as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2024	\$200,000	2031	\$240,000
2025	\$210,000	2032	\$240,000
2026	\$220,000	2033	\$240,000
2027	\$230,000	2034	\$390,000
2028	\$235,000	2035	\$390,000
2029	\$240,000	2036	\$400,000
2030	\$240,000		

Section 2. The Bonds will bear interest at the interest rates per annum as set forth therein, payable on August 15, 2023 and semiannually thereafter on February 15 and August 15 of each year until maturity (each, an “Interest Payment Date”).

Section 3. The Bonds maturing on or after February 15, 2031 will be redeemable at the option of the Township in whole or in part on any date on or after February 15, 2030 at a redemption price equal to the principal amount thereof, plus accrued interest to the date fixed for redemption.

Section 4. The Bonds shall be issued in fully registered form to The Depository Trust Company, New York, New York (“DTC”), and registered in the name of DTC’s nominee, Cede & Co. One bond certificate shall be issued for each year of maturity of the Bonds, numbered GO-1 to GO-13 in order of maturity. DTC will hold the Bonds and not physically distribute bond certificates to the DTC participants or beneficial owners of the Bonds.

Section 5. Principal of and interest on the Bonds will be paid by the Township (or its designee) in its capacity as paying agent (the “Paying Agent”), to DTC as of each February 1 and August 1 (whether or not a business day) immediately preceding the respective Interest Payment Date (each, a “Record Date”). DTC will in turn remit the principal and interest payments received from the Township to the DTC participants, which will remit such payments to the beneficial owners of the Bonds.

The Bonds may be purchased in increments of \$5,000, plus integral multiples of \$1,000 in excess thereof. Purchasers of the Bonds will not receive bond certificates representing their beneficial ownership interest in the amount of Bonds purchased.

Section 6. In the event that DTC determines to discontinue providing its service with respect to the Bonds or is removed by the Township, and if no successor Securities Depository is appointed, the Bonds which were registered in the name of Cede & Co. shall be registered in the names of the beneficial owners to be provided to the Township from the DTC participants. Upon such registration, the beneficial owners will become the registered owners of the Bonds and the following provisions shall apply: (i) the Bonds shall be exchanged for an equal aggregate principal amount of bonds (in any authorized denomination, and in the same maturities of the Bonds) (the “Substitute Bonds”) upon surrender thereof at the office of the Township or the Paying Agent, if any; (ii) the transfer of any Bonds shall be registered on the books maintained by the Township or the Paying Agent, if any, for such purposes upon the surrender of the Bonds to the Township or the Paying Agent, if any, together with duly executed assignments in a form satisfactory to the Township or the Paying Agent, if any; and (iii) for every exchange or registration of transfer of the Bonds, the Paying Agent, if any, shall be reimbursed by the Township for any charges required to be paid by the Paying Agent, if any, with respect to any such Substitute Bonds.

Interest on the Bonds will be payable by check or draft, mailed on each Interest Payment Date to the registered owners thereof as of the close of business on the Record Date next preceding an Interest Payment Date. Principal on the Bonds and redemption price, if any, when due, shall be paid to the registered owners of the Bonds upon surrender thereof to the Township or the Paying Agent, if any.

Section 7. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to deliver the Bonds in accordance with the requirements of DTC, and shall have a copy of the approving opinion of Bond Counsel attached thereto:

Consent Agenda 2023-01A
January 12, 2023

**Resolution No. 2023 - 069 Authorizing the payment of Accumulated Sick Pay for
Police Chief Joseph Terraccino**

WHEREAS, Joseph Terraccino was previously employed by the Township as Chief of Police with the South Hackensack Police Department; and

WHEREAS, Joseph Terraccino's employment with the South Hackensack Police Department terminated upon his retirement from the South Hackensack Police Department effective July 1, 2022; and

WHEREAS, Joseph Terraccino in accordance with the PBA collective bargaining agreement between PBA Local 102 and the Township, and municipal ordinance is entitled to accumulated sick time; and

WHEREAS, the Township Committee and Chief Financial Officer reviewed the records provided by the South Hackensack Police Department and confirmed that Joseph Terraccino is entitled to payment of ninety five (95) days at a rate of \$772.71/day totaling \$73,407.23 to be payable in January of 2023,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the Township's Chief Financial Officer is hereby directed to pay Joseph Terraccino accumulated sick pay in accordance with the aforementioned payment schedule at a rate confirmed by the Chief Financial Officer upon certification of the availability of funds to pay the same.

Consent Agenda 2023-01A
January 12, 2023

NOT VOTED ON REMOVED FROM AGENDA

Resolution No. 2033- 070 Authorizing the Execution of Local PBA 102 Agreement with the Township of South Hackensack for the term January 1, 2023 to December 31, 2027

WHEREAS, the Township of South Hackensack and PBA Local 102 are Parties to a Collective Bargaining Agreement which expires on December 31, 2022; and

WHEREAS, the Parties have negotiated a Successor Agreement for the term January 1, 2023 thru December 31, 2027 subject to ratification by both Parties; and

WHEREAS, the Township Committee and Township Attorney have reviewed the Collective Bargaining Agreement between the Parties and recommends the approval of same.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, that the Agreement between the Township of South Hackensack and the Township of South Hackensack PBA Local 102 for the term January 1, 2023 to December 31, 2027 be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk be and are hereby authorized and directed to execute the Collective Bargaining Agreement between the Parties on behalf of the Township of South Hackensack.

**Consent Agenda 2023-1A
January 12, 2023**

ORDINANCE NO. 2023-01
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 52 OF THE CODE
OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED “POLICE
DEPARTMENT”.

BE IT ENACTED AND ORDAINED, by the Township Committee of the Township of South Hackensack that Chapter 52 entitled “Police Department” be amended and supplemented as follows:

Section I: Chapter 52-8 “Requisites for appointment and continued service” shall be amended as follows:

C. Police Recruit Hiring Credentials:

(2) Educational/Military Requirements:

(b) Possess a Bachelors Degree.

(3) Conditions of Hire:

(d) The requirements of this section shall not apply to the transfer of an individual from another law enforcement agency.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

Motion:

Second:

Roll Call Vote:

January 12, 2023