

Township of South Hackensack
Bergen County, New Jersey
January 12, 2012 7:30 P.M.
Regular Meeting
AGENDA

Gary C. Brugger, Mayor
Frank Cagas
Walter Eckel, Jr.
William Regan
Vincent Stefano

Linda LoPiccolo, Municipal Clerk
David V. Nasta, Esq., Municipal Attorney

Call of Meeting to Order

Correspondence & Reports

- ☐ General Correspondence – December 2011
- ☐ Monthly/Annual Department Reports – December 2011
- ☐ January 5, 2012, Michael Nasta, Fire Chief Re: Inspection of all non-owner occupied one and two family homes
- ☐ January 9, 2012, Michael Nasta, Fire Chief Re: 449 Chestnut Avenue
- ☐ January 10, 2012, Michael Montenegro, Deputy Chief Re: Sgt. Garris Retirement

Old Business

- ☐ 68 Franklin Street – Requesting Reimbursement for street side of sewer repair

New Business

Ordinances

Introduction of and set the date for public hearing and adoption (February 9, 2012)

- ☐ Ordinance 2012-01
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 205 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKNESACK ENTITLED VEHICLES AND TRAFFIC TO ESTABLISH A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM

Resolutions

- ☐ Consent Agenda Resolution No. 2012-01(a)

Committee Reports

Public Comments

Closed Session

- ☐ Pending Tax Appeals – Report from Steven D. Muhlstock, Esq.
- ☐ AEP Industries v. Township of South Hackensack

Adjournment

Consent Resolution 2012-01(a)

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. 2012-052 Appoint Deputy Court Administrator

Resolution No. 2012-053 Annual Meeting Notice - Revised

Resolution No. 2012-054 Authorizing the Donation of Obsolete Fire Hose to the Township of Blirstown

Resolution Authorizing Executive Session – January 12, 2012

Resolution No. 201-055 Cancellation of 2011 Tax Balances

**Resolution No. 2012-056 Redemption of Tax Sale Certificate No. 11-00001
323 Chestnut Avenue-Block 20.02 Lot 38**

**Resolution No. 2012-057 Redemption of Tax Sale Certificate No. 11-00002
5 James Street-Block 52 Lot 2.01**

Resolution No. 2012-058 Cancellation of 2011 Sewer User Charges Balances

**Resolution No. 2012-059 Redemption of Tax Sale Certificate No. 11-00004 (Tax) and
Tax Sale Certificate No. 11-00005 (Tax) – 89 Leuning Street - C00A1 & C00B1**

Resolution No. 2012-060 Transfer Budget Reserve Appropriations

Resolution No. 2012-061 Bills \$1,215,566.40

Resolution No. 2012-062 Temporary Budget Amendment #1

Offered:

Second:

Roll Call Vote:

Date: January 12, 2012

Resolution No. 2012-052 Appoint Deputy Court Administrator

BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that Richard Salierno is hereby appointed as part time deputy court administrator and violations clerk at an hourly rate of \$15.00 per hour.

Consent Agenda Resolution No. 2012-01(a)

Date: January 12, 2012

Resolution No. 2012-053 Annual Meeting Notice - Revised

WHEREAS the Open Public Meetings Act requires that appropriate notice be given in conjunction with the scheduled meetings of all bodies; and

WHEREAS the Township Committee of the Township of South Hackensack desires to comply with the aforesaid law,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following schedule of meetings is published in accordance with the Open Public Meetings Act:

Township of South Hackensack
2012 Schedule of Municipal Board Meetings (revised)

Place: Municipal Building, 227 Phillips Avenue, South Hackensack, New Jersey

OFFICIAL ACTION MAY OR MAY NOT TAKE PLACE AT ANY MEETING

<u>Township Committee</u>	Reorganization Meeting – January 2, 2012 –12 noon Purpose: Statutory Requirement
Time: 7:30 p.m.	Worksession: First Thursday of Every Month
Time: 7:30 p.m.	Regular Meetings: Second Thursday of Every Month
<u>Board of Health</u>	Reorganization Meeting - January 12, 2012 - 7:00 p.m. Purpose: Statutory Requirement
<u>Zoning Board Adjustment</u>	Reorganization: January 30, 2012 – 7:30 p.m. Purpose: Statutory Requirement
Time: 7:30 p.m.	Regular Meetings: Fourth Monday of Every Month Exceptions: May meeting – May 21, 2012 December meeting – December 17, 2012
<u>Planning Board*</u>	Reorganization: January 26, 2012 – 7:30 p.m. Purpose: Statutory Requirement
Time: 7:30 p.m.	Regular Meetings: Fourth Thursday of Every Month Exception: November meeting – November 29, 2012
<u>Recreation Commission</u>	Reorganization: January 11, 2012 - 7:00 p.m. Purpose: Statutory Requirement
Time: 7:00 p.m.	Regular Meetings: Second Wednesday of Every Month

Shade Tree Commission

Reorganization: January 19, 2012 – 7:30 p.m.

Purpose: Statutory Requirement

Time: 7:30 p.m.

Regular Meetings: Third Thursday of Every Month

*revision

Consent Resolution No. 2012-01(a)

Date: January 12, 2012

Resolution No. 2012-054 Authorizing the Donation of Obsolete Fire Hose to the Township of Blairstown

WHEREAS, the Township of South Hackensack (Township) currently possesses various fire hose which has been determined by the fire department to be obsolete and of no value to the Township fire service; and

WHEREAS, the Township of Blairstown (Blairstown), County of Warren, through the request of its Mayor Richard A. Mach, desires to utilize said obsolete fire hose for non fire fighting activity; and

WHEREAS, the said fire hose is of no economic value and therefore an auction of the same would be fruitless and is not required by law; and

WHEREAS, the Township Committee desires to assist Blairstown in its need.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the DPW Superintendent shall inspect the hose approved for donation by the Fire Department, retain those lengths that may be of use to the Township for flood relief and ready the remainder for donation to the Township of Blairstown as said donation is approved herein.

Consent Agenda Resolution No. 2012-01(a)

Date: January 12, 2012

Resolution No. 2012 – 055 Cancellation of 2011 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 2011 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	4.12	.75	1.05	1	3.40
1.02	1.02	.69	7.01	23	6.33
2.01	8.02	.53	7.03	5	.80
3	20	.78	9	35	1.06
3	23.02	1.59	15	51	4.51
7.05	28.02	.78	17	31	.79
13.03	3.04	.20	45.01	7.04-C000A	.01
20.02	34	.55	57	13	.01
37	6	4.00	102	62	.43
37	32	2.99			
38	23	.62			
52	1.02	.31			
52	2.02	.91			
58	18	.80			
102	1	.15			

Consent Agenda Resolution 2012-01(a)

Dated: January 12, 2012

Resolution No. 2012 – 056 Redemption of Tax Sale Certificate No. 11-00001 323 Chestnut Avenue – Block 20.02 Lot 38
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WHEREAS, Victor & John Aguilar have an interest in the property at 323 Chestnut Avenue known as Block 20.02, Lot 32 and has provided the moneys for redemption of Tax Sale Certificate No 11-00001,

WHEREAS, the lienholder, Michael Guerra has agreed to the amount of the redemption,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that the redemption moneys of \$1491.12 be paid to Michael Guerra, 680 President Street, Brooklyn, NY 11215.

Consent Agenda Resolution No. 2012-01(a)

Date: January 12, 2012

**Resolution No. 2012 – 057 Redemption of Tax Sale Certificate No. 11-00002
5 James Street – Block 52 Lot 2.01**

WHEREAS, U.S.A.R. Holding, LLC has an interest in the property at 5 James Street known as Block 52, Lot 2.01 and has provided the moneys for redemption of Tax Sale Certificate No 11-00002,

WHEREAS, the lienholder, Robert Rothman has agreed to the amount of the redemption,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that the redemption moneys of \$3876.19 be paid to Robert Rothman, 411 Grand Avenue, Englewood, NJ 07631.

Consent Agenda Resolution No. 2012-(a)

Date: January 12, 2012

Resolution No. 2012 –058 Cancellation of 2011 Sewer User Charges Balances

WHEREAS certain sewer user 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 be cancelled:

<u>Balance Adjustment</u>		<u>Overpayments</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
16520850-0	.02	16522955-0	2.14
16521100-0	.02	16524450-1	.04
16521650-0	.77	16529750-0	.33
16521700-2	.14	41000300-0	.91
16521700-3	.22	41008400-0	.31
41002500-2	1.14	41012200-0	.06
41003600-1	2.40	41012500-0	2.69
41003600-2	.34	41500200-0	.13
41017800-0	.23	41502800-0	1.11
41009600-0	.18	41503700-0	.03
41015800-0	1.98	42502000-0	.59
41500500-2	.71	42505500-0	.08
41501700-0	.19	42505700-0	1.51
42006400-0	.04	43501700-0	1.61
42502700-0	.01	46127800-2	3.10
46128050-0	4.63	46128700-0	.10
46128200-0	.12	48228000-0	.36

Consent Agenda Resolution 2012-01(a)

Date: January 12, 2012

Resolution No. 2012-059 Redemption of Tax Sale Certificate No. 11-00004 (Tax) and Tax Sale Certificate No. 11-00005 (Tax) – 89 Leuning Street - C00A1 & C00B1

WHEREAS, the property owner Alnasar Realty LLC (Husam Alnasr, President) at 89 Leuning Street, commonly known as Block 54 Lot 1.01 has provided the moneys for redemption of Tax Sale Certificate No. 11-00004 and Tax Sale Certificate No. 11-00005,

WHEREAS, the lienholder, Robert Rothman has agreed to these redemption amounts,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that the redemption amount of \$20,854.54 for Tax Sale Certificate No. 11-00004 and the redemption amount of \$16,242.42 for Tax Sale Certificate No. 11-00005 be paid to Robert Rothman, 411 Grand Avenue, Englewood, NJ 07631

Consent Agenda Resolution No. 2012-01(a)

Date: January 12, 2012

Resolution No. 2012-060 Transfer Budget Reserve 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 2011 Budget Appropriations.

<u>OPERATIONS "WITHIN CAP"</u>	<u>FROM</u>	<u>TO</u>
Municipal Clerk O/E	\$ 200	
Code Enforcement S/W	6,125	
Employee Group Insurance	25,000	
Finance S/W	300	
Public Works Regular S/W	2,300	
Solid Waste Collection - Recycling	20	
Sewerage Processing Hackensack	50	
Social Security	16,000	
Volunteer Ambulance - Clothing	50	

Finance O/E	75	
Legal O/E		5,000
Code Enforcement O/E		90
Police Regular S/W		2,000
Police OT S/W		20,000
Dispatcher Regular S/W		3,000
Township Committee S/W		1,035
Volunteer Fire - Miscellaneous		300
Public Works - OT		2,300
Solid Waste Collection - Garbage		20
Sewerage/disposal BCUA		50
Landfill/Solid Waste Disposal		16,000
Volunteer Ambulance - Miscellaneous		50
Township Committee S/W		75
 TOTAL	 \$ 50,120.00	 \$ 50,120.00

Consent Agenda Resolution No. 2012-060
Dated: January 12, 2012

Resolution No. 2012-062 Temporary Budget Amendment #1

WHEREAS, an emergent Condition has arisen with respect to current fund appropriations (see list below) and

WHEREAS, no adequate provision has not been made in the 2012 temporary budget for the aforesaid purpose, and NJSA 40A: 4-20, provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2012 pursuant to the provision of Chapter 96, P.S. 1951 (N.J.S.A.40A: 4-20) including this resolution total \$3,600.

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provision of N.J.S.A.40A: 4-20:

1. An emergency temporary appropriation be and the same is hereby made for
Township of South Hackensack
2012 Temporary Budget

Operations excluded from "CAPS"

None	\$00.00
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Operations included in "CAPS"

Liability Insurance	\$3,600.00
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Total	\$3,600.00
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2. That a certified copy of this resolution be forwarded to the Division of Local Government Services.

Consent Agenda Resolution 2012-062

Date: January 12, 2012

Resolution No. 2012-063 Liquor License Renewal 2011-12

WHEREAS, the licenses listed below have made application to the Township Committee of the Township of South Hackensack, in the County of Bergen, for the renewal of their 2011-12 retail licenses; and

WHEREAS, all requirements have been complied with; and

WHEREAS, no objections have been filed with the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey, that the retail license as listed below is renewed for the year 2011-12 effective July 1, 2011:

0259-33-011-004

G.F. 46, LLC

Consent Agenda Resolution No. 2012-01(a)

Date: January 12, 2012

Resolution Authorizing Executive Session – January 12, 2012
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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.

**Pending Tax Appeals – Report from Steven D. Muhlstock, Esq.
AEP Industries v. Township of South Hackensack**

 (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 January 12, 2012.

Linda LoPiccolo
Municipal Clerk