

Township of South Hackensack
Bergen County, New Jersey
December 2, 2010 7:30 P.M.
Regular Meeting
MINUTES

James Anzevino, Mayor.....Present
Walter Eckel, Jr., Deputy MayorPresent
Gary BruggerPresent
Frank CagasPresent
Gregorio Maceri.....Present

Also present:

David V. Nasta, Esq., Municipal Attorney
Linda LoPiccolo, Municipal Clerk
17 members of the public

Call of Meeting to Order

Mayor Anzevino called the Worksession Meeting to order at 7:30 p.m. He advised that pursuant to the Open Public Meetings Act Annual Notice of the meetings had been provided to *The Record, the Herald and News* and by posting the Annual Notice on the bulletin board in the clerk's office where notices are customarily posted. Everyone saluted the flag. The municipal clerk called the roll.

Correspondence & Reports

Report – (Michael D. Kauker, PP, AICP, Kauker & Kauker - Block 103, Lots 12.01 12.02 & 40 (Conдеми Motors Concept Plan)

Mr. Michael Kauker appeared before the Township Committee at their request to discuss a zoning change to the Garfield Park section of the township. A planning board study was conducted of the Garfield Park neighborhood at the request and expense of the above property owner commonly known as Conдеми. Kauker's opinion is that a rezone of section 4 is appropriate at this time. Future re-zoning of the other sections of the study area would be possible. Mr. Kauker further commented that the Conдеми property is ripe for re-development. Committee member Brugger was concerned about the adequacy of the infrastructure (sewer system) and the overall impact of new development on it. Kauker replied that those issues will have to be dealt with at some point and that steps may be necessary to remedy that if it becomes an issue. Mr. Kauker was authorized to prepare a draft ordinance and forward to David Nasta for review and then review and consideration by the governing body early in 2011.

Anzevino motioned; Eckel seconded to accept correspondence dated November 8, 2010, from Michael D. Frew, Chief of Police Re: part time dispatchers and to instruct the clerk

to list an appointing resolution appointing Stephen Matonti and Matthew Orefice as part time dispatchers on the agenda for December 9th meeting.

Anzevino motioned; Cagas seconded and the Committee unanimously agreed to accept correspondence dated November 19, 2010, from Frank Wetzelberger, First Occupational Center of NJ Re: proposal/contract to continue service at current level and rate and to continue the current Agreement on a month to month basis until the Committee has had time to review the proposal submitted for a new Agreement. Mr. Nasta advised that FORWI is exempt from bid laws because they hire and employ disabled workers. In addition, the township's threshold for bidding is \$36,000 therefore the contract would not require bidding.

Brugger motioned; Cagas seconded to accept correspondence, and authorize the expenditure, funds permitted, dated November 30, 2010, from Francesco Maceri, Fire Chief Re: Requisition to Purchase (3) three generators @ \$1,149.00 each. Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Maceri Abstain: Eckel

Brugger motioned; Anzevino seconded to accept correspondence and authorize the expenditure, funds permitted, dated November 17, 2010, from Francesco Maceri, Fire Chief Re: Requisition to Purchase 1 MSA Evolution 5800 Imagine Camera @ 10,900 and 1 MSA Evolution Truck kit @ 865.00. Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Maceri Abstain: Eckel

Old Business

Recycling Agreement – FORWI proposal to continue Agreement at current rate – The Committee discussed and will continue the current Agreement on a month to month basis until they have had an opportunity to review the current recycling program and visit other options.

EECBG Grant – Receipt of Energy Audit and Participation Agreement for Direct Install Program with Scope of Work Attachment – The clerk provided the Committee with documents provided to her by the state approved vendor. The Committee was asked if they would authorize an out of pocket expense of approximately \$4-\$6,000 or would rather remove one HVAC unit from the project and re-submit another application in 2011. The Committee felt that it would be best to continue with the current application and authorized the clerk to proceed with the grant agreement in its current form; replacement of 3 rooftop HVAC units and the retrofitting of all lighting within the building.

Repair of Sidewalk at 9 Sievers Lane – Proposal from Garden State @1,600; John Sortino & Son Co. @ 1,500 (tabled from a previous meeting). The Committee decided that the project should be added to the list of other sidewalks that need repair in priority order

New Business

Appointment of Sub-Committee to recommend 2011 appointments/ Award of Professional Contracts in 2011 by the "Fair and Open" process or "Non-Fair" and Open Process.

Mayor Anzevino suggested that the Township Committee award its professional contracts through a Fair and Open Process rather than a Non-Fair and Open Process as has been the past practice. Governor Christie has proposed this method in his Best Practices Toolkit and Anzevino wants to implement it. He suggested the formation of a sub-committee consisting of himself and former Mayor Gary Brugger. The sub-committee is charged with the responsibility of review the RFQ submissions and making a recommendation to the Committee by December 20th. In addition, the sub-committee shall review current appointments and those terms that will expire December 31, 2010 and make recommendation to the full Committee in writing by December 20th. The clerk will notify all those who have and have not been recommended by the sub-committee for re-appointment by December 27, 2010.

Electronic Waste Management Act – Effective January 1, 2011, televisions, computers, monitors and portable/laptop computers can no longer be disposed of as solid waste and must be disposed of alternatively. Mr. Paladino suggested notifying all residents that when they have an item that can not be discarded as solid waste that they contact him and he will pick up the item and dispose of it properly. He will prepare a notice and circulate it to all homeowners within the next few weeks along with a new recycling schedule listing all items that must be recycled.

Resolutions

Resolution Authorizing Executive Session – December 2, 2010

Offered: Anzevino Second: Brugger

Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Eckel, Maceri

Resolution No. 2010-207 Authorize Tax Appeal Settlement – 22 Florence Street

Offered: Anzevino Second: Brugger

Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Eckel, Maceri

Committee Reports

Walter Eckel wished everyone a Happy New Year and Merry Christmas.

Gregorio Maceri suggested that everyone get out and enjoy the upcoming community based activities that will be held over the weekend.

Frank Cagas suggested purchasing recycling cans and splitting the cost with residents. The issues are can size and cost.

Gary Brugger reported that there was a preliminary communications meeting last week, unfortunately, the representative from Motorola was not able to attend. Fortunately, all others were in attendance and began discussions of their needs, etc. so that the Township may begin planning for this radio frequency change that will take effect in 2012 requiring the Township to purchase all new radio equipment. Brugger will continue to report on this matter in the upcoming months.

Mayor Anzevino suggested that the Township request an extension from the federal government for the COPS grant funding available to us. He asked the chief for assistance and to provide the clerk with any necessary information. He instructed the clerk to prepare and distribute the correspondence.

Public Comments

Lonnie Bedell, 51 Grove Street – Reminded everyone that they should remove their vehicles from the roadway when it snows to facilitate snow removal by the dpw.

Closed Session

Anzevino motioned; Brugger seconded and the Committee unanimously agreed to go into closed executive session at 9:30 for the specific purposes outlines in the resolution duly adopted.

Minutes were recorded of the closed session matter and will be released when authorized by the governing body and permitted by law.

Eckel motioned; Brugger seconded and the Committee unanimously agreed to end closed session at 10:15 p.m.

Adjournment

Prior to adjournment, the Committee adopted the following resolution as a result of the matter discussed in closed session:

Resolution No. 2010-207 Tax Appeal Settlement – 22 Florence Street

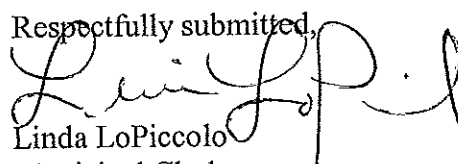
Offered: Anzevino

Second: Brugger

Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Eckel, Maceri

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to adjourn the meeting at 10:17 p.m.

Respectfully submitted,


Linda LoPiccolo
Municipal Clerk

Resolution Authorizing Executive Session – December 2, 2010

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 require in order for the attorney to exercise his ethical duties as a lawyer.

**Tax Appeal Litigation – Wholesale Auto Supply vs. South Hackensack Premises
Located at 22 Florence Street**

Teamsters Local Union No. 11 Grievance B40112 – Angelo Sortino

(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 2, 2010.

Linda LoPiccolo
Township Clerk

Resolution No. 2010-207 Authorize Tax Appeal Settlement – 22 Florence Street

WHEREAS, Wholesale Auto Supply Co. is the owner and taxpayer of property located at 22 Florence Street, also known as Block 24, Lot 11; and

WHEREAS, the taxpayer filed tax appeals for the years 2009 and 2010 against the Township of South Hackensack in a matter entitled Wholesale Auto Supply Co. vs. Township of South Hackensack, which is presently pending in the Tax Court; and

WHEREAS, it is has been recommended by the Tax Appeal Attorney, the Township Appraiser and the Township Assessor that the matter be settled at this time, and that such settlement is in the best interests of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of South Hackensack that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Wholesale Auto Supply Co. vs. Township of South Hackensack, so

that the assessment for tax year 2009 will be reduced from \$1,170,400 to \$826,000, and for tax year 2010, the assessment will be reduced from \$1,780,100 to \$1,585,000, and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon a waiver of any and all pre-judgment interest by the taxpayer.

Offered: Anzevino

Second: Brugger

Roll Call Vote: Ayes: Anzevino, Brugger, Cagas, Eckel, Maceri