

Township of South Hackensack
Bergen County, New Jersey
January 11, 2007 7:30 P.M.
Regular Meeting
MINUTES

Gary C. Brugger, MayorPresent
Walter Eckel, Jr., Deputy MayorPresent
James AnzevinoPresent
Gene Roman.....Present
Rosina Romano.....Present

Also present:

David V. Nasta, Esq., Municipal Attorney
Mary Terraccino, Deputy Clerk

Call of Meeting to Order

Everyone saluted the flag. Mayor Brugger called the Regular Meeting to order at 7:35 p.m. He advised that pursuant to the Open Public Meetings Act adequate notice of the meetings had been provided to *The Record*, *The Herald and News* and by posting a notice on the bulletin board in the clerk's office where notices are customarily posted. The municipal clerk called the role.

Closed Session

At 7:38 p.m. Anzevino motioned; Romano seconded to go into Closed Session with regards to litigation and contract negotiations as requested by Jack Carbone. All in favor.

At 8:15 p.m. Eckel motioned; Romano seconded to re-open the meeting. All in favor.

Gary informed the public that the committee had met for matters concerning the Senior Housing project and the Lighthouse litigation. Anzevino informed the public that both developers are still on equal footing. Both developers will be sent a letter of request to submit their plans to the Planning Board by February 13, 2007 to be heard at the next Regular Planning Board meeting to be held on February 28, 2007. This condition is a further participation of the project for each developer.

At this time Gary opened the meeting to the public on this matter.

Open to the Public

Dolly Montenegro, Phillips Ave- questioned why the senior project would have to come back before the planning board. Carbone advised that time for the Madeline's site plan approval on this project had expired and that both developers are qualified to present their projects. E-Tomic has not yet submitted any site plans to the planning board for approval. Gary stated that Madeline had never been rejected. This project has brought in a lot of financial issues for each developer. The Township would like to see by March 1,

what each developer has to offer. Deadlines are now in place to move the project along. Dolly also questioned Section 208-52 from the Township Code Book.

Jack Carbone, Esq. - When Madeline first submitted, there was no RFP/RFQ process because they were a non-profit designated without competitive bidding for up to 50 years. Madeline indicated they needed more than 50 years and that they needed to change to a for-profit developer to obtain their credits. At this point Madeline was set aside. At the RFP/RFQ process there were three proposal and Madeline and E-Tomic were found to be qualified. The town chooses E-Tomic subject to financing and a lease agreement acceptable to the community along with site plan approval. E-Tomic at this time has to re-apply to the NJHMFA and offered other ways of financing. Madeline at this time has requested an extension of their financing and tax credits with the NJHMFA for completion of the project by December 31, 2007.

Ken Porro, Esq. – represents E-Tomic, questioned the open public meetings act and noted that the closed session on the agenda was with regards to personnel only. Porro also indicated that the resolution from South Hackensack states the Madeline was out of the process and that is why they applied to the state for their funding. After applying to the state, E-Tomic could not get their tax credits because Madeline had extended their financing. E-Tomic did comply with the bid requirements and they will be sending a letter setting forth the issues on this matter. Carbone advised Porro that the committee can go into closed session at any time with regards to any matter. He also advised that Madeline was approved by resolution in 2003 and that they were going to abide with the COAH requirements, but then they changed the status of the corporation to semi-profit.

Author Neiss, Esq. – from the office of Dennis Oury represents Madeline Corporation. He stated that Madeline did not interfere with E-Tomic on getting the tax credits and financing because they had nothing to do with E-Tomic's application. Proprietary documents prepared by Madeline may have been used by E-Tomic to file. He indicated that Madeline was not the second bidder. There was a for-profit corporation that was created by Madeline that became the bidder. He wanted the public to know that Madeline was not a bidder, it was a related corporation.

Lonnie Bedell, 51 Grove St – asked the committee if they had received the documents that he delivered to town hall today and asked if Roman and Romano could review everything. He would like some answers. The committee advised him that they did receive them, but have not had time to review them.

Anzevino motioned; Brugger seconded to authorize Carbone to send a letter to both developers to apply to the planning board with regards to the senior citizens housing project. All in favor.

Correspondence

Anzevino motioned; Romano seconded to accept the Monthly Department Reports for 2006 along with the Annual Reports and place them on file. All in favor.

Old Business

Sump Pump Discharge – Walter Tretiak, P.E., Boswell Engineering, reported that some municipalities allow the discharge of water by way of the street to the storm drains. He said that South Hackensack has an ordinance that prohibits the discharge of

uncontaminated water into the sanitary sewer system. Walter stated that Englewood Cliffs has an ordinance in place that prohibits the discharge of the water by way of the street. Walter Tretiak from Boswell Engineering reported that it should be the responsibility of the homeowner to either discharge the water to their lawn, hook up to the storm drain, raise the sump pump, or put in a low profile seepage pit. Gary requested that Walter compose some guidelines before the town introduces an ordinance.

Police Overtime – Gene questioned Mike Frew about the police over-time and sick time. Frew had given Walter some reports on scheduling. Eckel stated that the township committee needs to analyze all aspects of the over-time and the covering of shifts. Frew advised that they are down 2 officers, salary increases and that the township committee has made decisions that have affected the moral of the department. Frew indicated that the administrative work has been neglected because all the officers are on a 4-2 schedule with the exception of the two detectives. As the years pass, each officer is acquiring more vacation time. Gene requested that the dispatchers be scheduled only when needed. Frew requested to return two officers to the 5-2 schedule. Eckel advised that Frew's request will be on a trial basis for three months with the hopes that it will save money, boost the moral, and that the safety of the residents continues. After the trial period Frew is to report back to the committee. Frew commended all the officers for their help with the Bank of New York robbery. Gary had concerns with the contract only allowing men to work the 5-2 schedule and that this request may initiate a grievance. Frew also asked if the committee would consider allowing comp-time for the department. Nasta advised that comp-time may be negotiated with the committee as a revision to the PBA contract. The committee would like to review this at the February worksession. Eckel and Anzevino would like to set a date with the police department to hear some of the officers' issues.

Ordinances

Brugger motioned; Anzevino seconded to Introduce Ordinance 2007-01 and set the date for public hearing as February 8, 2007. Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

ORDINANCE NO. 2007-01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED "FEE" SO AS ESTABLISH LEGAL SERVICE RATES FOR LAND USE BOARD APPLICANTS

Brugger motioned; Eckel seconded to Introduce Ordinance 2007-02 and set the date for public hearing as February 8, 2007. Roll Call Vote: Ayes: Anzevino, Eckel, Roman, Romano, Brugger

ORDINANCE No. 2007-02

"AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE VI OF CHAPTER 208 OF THE CODE OF THE TOWNSHIP OF SOUTH HACKENSACK ENTITLED ZONING"

Resolutions

Consent Resolution No. 2007-1(a)

Brugger motioned; Anzevino seconded to remove Resolution No. 2007-053 from the Consent Resolution. All in favor.

Anzevino motioned; Eckel seconded to approve the Consent Resolution No. 2007-1(a). All in favor.

Resolution No. 2007-061 was read in full

Brugger motioned; Anzevino seconded to approve Resolution No. 2007-061 authorizing the settlement of certain litigation entitled Brando V. Township of South Hackensack

4 Ayes: Anzevino, Eckel, Romano, Brugger - 1 Abstain: Roman

Resolution No. 2007-053 was read in full

Brugger motioned; Eckel seconded to approve Resolution No. 2007-053 authorizing to settle and resolve litigation for Lighthouse Restaurant Services Inc – BER L-3910-05

5 Ayes: Anzevino, Eckel, Roman, Romano, Brugger

Committee Reports

Rosina Romano – she received her ICS 100 training. She indicated that there are several grants available for our town. DPW offered to research some of these grants to offset some of the DPW costs to help out with the budget for 2007. The Mahwah Training Center has courses for grant writing. Dan Breslin showed an interest in doing the research for these grants. Rosina advised Mike Ward to look into these grant writing sessions. She toured the flooding area by the Green Street pipes with Gary. Gary has a meeting with Paul Busch from Teterboro and he will report back to the committee on March 1st.

Jim Anzevino - The NJMC has used the sewer jet to clean the ditch by Green Street, but the pipe needs something else to clear the debris. This sewer jet is always available 24/7, even in emergency situations. Memorial School is currently holding their first basketball tournament. Night gym should start in February. Roller skating trip is planned for next week. He would like our recreation to talk with Hackensack about their recreational activities. There will be a new process to sign up for recreation trips. Dan Breslin will be inducted into the Little Ferry Boy's Club *Wall of Fame* on February 2, 2007 at the Empire Club.

Gene Roman – The salt shed had to be erected by April 1, 2007 or the salt has to be removed from the property. Gary requested Gene to discuss a shared service with other towns for use of their salt shed.

Walter Eckel – Informed Larry to fix the light in locker room and to replace the ceiling tiles in office area of the police department. The police are in need of radios. He

requested that every effort be made to pay the LOSAP and clothing allowance for the ambulance and fire members in February.

Gary Brugger – The Fire Department will be renovating their catering hall. A Mayors conference is scheduled this month in Trenton with regards to budget cuts and taxes. Department budgets have been submitted and he will meet with Rosina on the process of the 2007 budget. There was discussion on the GIS laptop.

Open to the Public

Jim Sylvestri – Screens must be put in front of the openings of the pipes on Green Street to prevent debris from entering. He presented a VFW apron to thank Jim Anzevino for continuously making pizzas for their yearly Christmas parties. The school and the VFW made a donation of 800 pairs of socks to the veterans.

Dolly Montenegro, Phillips Ave – She questioned if the out-of town people would be reimbursing the town for their trip to Radio City. It was not known at this time. She questioned a section under the code for the Board of Adjustment 208-18 (c). David Nasta will review and report back to the committee.

Renee Czarnecki, Dyer Ave – She was please to see two republicans are now part of the township committee and she has confidence in them.

Ray DeRiso, Zoning Enforcement Officer – The Planning Board held up memorializing the resolution for 490 Huyler Street to see what decision the township committee was going to make with regards to the property owner purchasing a right-of-way on Bruce Court. Jim indicated that the township committee had requested a map or survey on the area to be purchased. To date, no documents have been submitted.

Joann DeGrosa, 51 Grove St. – She requested that the committee review the packet that they received today and for the respect of some answers to their questions as they have been long time residents of the town.

Lonnie Bedell, 51 Grove St. – He has attended many hearings with regards to the Madeline litigation.

He indicated that he was the only deposed on this case. He stated a letter had been sent to the town from Community Development with regards to \$750,000 and be open to the public.

At 10:30 p.m. Anzevino motioned; Brugger seconded to go into Closed Session. All in favor.

At 10:55 p.m. Brugger motioned; Eckel seconded to re-open the meeting. All in favor.

At 10:56 p.m. Brugger motioned; Anzevino seconded to adjourn the meeting. All in favor.

Consent Resolution No. 2007-1(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/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:

2007-051 Correct Previous Resolutions

2007-052 Redemption of Tax Sale Certificate No. 06-06 262-268 Green Street

2007-053 Settle and Resolve Litigation *

2007-054 Appoint Sub-Committees

2007-055 Bills \$1,218,636.40

2007-056 Authorizing the Township Committee to Investigate the Feasibility of an Interlocal Service Agreement or Measures to Consolidate the Department of Public Works

2007-057 Cancellation of 2006 Sewer & Tax Overpayments

2007-058 Authorize Website – Phase II

2007-059 Authorizing Payment of Accumulated Unused Sick Time to Rosemarie Giotis

2007-060 Closed Session – Personnel Domenick Brando

*Removed for individual voting

Offered: Anzevino

Second: Eckel

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Roman, Romano

Date: January 11, 2007

Resolution No. 2007-051 Correct Previous Resolutions

WHEREAS in his correspondence dated December 13, 2006, Chief Frew recommended Joseph DePiero as a regular crossing guard for 2007 but his name was not listed on Resolution No. 2007-031 Appointing Crossing Guards, and

WHEREAS that same correspondence incorrectly omitted Maria Regan as a recommended crossing guard and has since been corrected by resubmission of that correspondence, and

WHEREAS Herbert “Butch” Walsh was incorrectly listed as an appointee on Resolution No. 2007-022 and should have been listed on Resolution No. 2007-010, and

WHEREAS Robert Serio should have been listed as the 1st Lieutenant of the South Hackensack Ambulance Corps,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, Bergen County, New Jersey the following:

1. Joseph DePiero be and he is hereby appointed as a regular crossing guard for 2007;
2. Herbert "Butch" Walsh be and he is hereby appointed to the Planning Board (Class IV member) for a 4-year term expiring December 31, 2010;
3. Robert Serio be and he is hereby appointed as 1st Lieutenant of the South Hackensack Ambulance Corps for the year 2007.

BE IT FURTHER RESOLVED that the clerk be and she is hereby directed to correct the errors/omissions in the corresponding resolutions that were previously adopted on January 1, 2007.

Consent Agenda Resolution No. 2007-01a

Date: January 11, 2007

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| Resolution No. 2007-052 Redemption of Tax Sale Certificate No. 06-06 262-268 Green Street |
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WHEREAS, A&E Green Realty LLC c/o Hanson, owner of the property at 262-268 Green Street, commonly known as Block 52, Lot 2.04 has provided the moneys for redemption of Tax Sale Certificate No 06-06,

WHEREAS, the lienholder, Royal Tax Lien Services LLC has agreed to this amount,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that the redemption moneys of \$ 74.41 be paid to Royal Tax Lien Services, 179 Washington Lane, Jenkintown, PA 19046.

Consent Agenda Resolution No. 2007-01a

Date: January 11, 2007

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| Resolution No 2007-053 Settle and Resolve Litigation |
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WHEREAS, the Township of South Hackensack has been involved in litigation entitled Lighthouse Restaurant Services Inc and James Macagna v. Township of South Hackensack and Ronald Dario, Esq. the Municipal Prosecutor, BER L-3910-05 before the Honorable Jonathan N. Harris, J.S.C., which challenged the action of the Police Department in issuing violations against them under N.J.S.A. 2C: 33-27; its application and legality, its constitutionality and claims of violation of freedom of speech, the First Amendment and civil rights violations for themselves and their dancers; a challenge to legality and constitutionality of the Township of South Hackensack's Entertainment Licensing Ordinance; and, the actions of the Township in denying the renewal of the liquor license of the Plaintiffs; and,

WHEREAS, Judge Harris in ruling on a motion for summary judgment found that the alleged protected speech of the Plaintiffs was false speech and therefore unprotected under the U.S. Supreme Court decision in the matter of Central Hudson v. NY, U.S. Supreme Court, 1980 and no protections were afforded therein to the Plaintiffs; and, WHEREAS, the parties entered into discussions for settlement of all outstanding issues between the parties which resulted in a settlement agreement being placed upon the record in Court by all counsel and in the presence of the individual Plaintiff James Macagna and the Mayor Gary Brugger, on the following terms and conditions, predicated on the Plaintiffs paying to the Township the sum of \$45,000.00 as reimbursement for legal fees, litigation costs, enforcement expenses; and,

NOW THEREFORE BE IT RESOLVED, that the Township Committee of South Hackensack acknowledges payment and receipt of said monies and therefore does hereby approve the settlement on the terms and conditions set forth below and authorizes municipal officials to do all acts to carry the terms of this agreement as follows:

1. The Plaintiffs have previously and unconditionally paid to the Township of South Hackensack the sum of forty-five thousand dollars (\$45,000) as a condition precedent to the settlement and dismissal of this matter;
2. The Township of South Hackensack will dismiss all but one complaint filed by the South Hackensack Police Department for violations of N.J.S.A. 2C: 33-27 against James Macagna;
3. The single remaining complaint shall be amended to have the Defendant James Macagna substituted with the corporate Defendant Lighthouse Restaurant Services Inc. and the violation shall be amended to a violation of a Township of South Hackensack Municipal Ordinance, Sec. 158 Violation of the Peace and Good Order of the Township of South Hackensack, the Corporate Defendant shall plead guilty, and a recommendation by the Township of South Hackensack for the imposition of the minimal fine shall be made to the Court;
4. The Plenary Retail Consumption License 025933011004 of the Plaintiffs shall immediately be renewed and issued by the Township through June 30, 2007 without condition;
5. Plaintiffs shall immediately withdraw and dismiss with prejudice the appeal of the actions of the Township Committee with regard to the license to the New Jersey Division of Alcoholic Beverage Control, now pending in the Office of Administrative Law;
6. Plaintiffs counsel shall immediately notify and serve a copy of this order on the N.J. Department of Law and Public Safety, DAG Tamara Rudow who shall then dismiss their appeal of the order of the Honorable Jonathan N.Harris dated October 31, 2006.

7. Plaintiffs shall immediately remove and not display any signs or advertising on exterior of the building or visible from the exterior in the interior of the building now or in the future, however in accordance with a prior order of April 7, 2005, in the matter of Lighthouse Restaurant and Entertainment Inc. et al and South Hackensack, et al Ber-L-5025-04 and BER-L-12173-04 (copy attached hereto as Exhibit "A", under paragraph "K", Plaintiffs are permitted and may continue the one (1) free standing sign on the premises, limited to the terms of these orders;

8. Under the prior order of April 7, 2005 in Lighthouse Restaurant and Entertainment Inc. et al and South Hackensack, et al Ber-L-5025-04 and BER-L-12173-04, paragraph "E" of the prior order of April 7, 2005 is extended until June 30, 2007

9. Under the prior order of April 7, 2005 in Lighthouse Restaurant and Entertainment Inc. et al and South Hackensack, et al Ber-L-5025-04 and BER-L-12173-04, paragraph "F" of the prior order of April 7, 2005 is amended to correct the spelling error of prior counsel Ira Weiner, Esq., such that the unknown word "champagn" is replaced with the word "champagne"

10 Unless the plenary retail consumption license is reactivated and placed at this premises as a licensed premise, under the provisions of N.J.S.A. 2C:33-27 and the prior order of April 7, 2005 in Lighthouse Restaurant and Entertainment Inc. et al and South Hackensack, et al Ber-L-5025-04 and BER-L-12173-04, all consumption of beer, wine and malt beverages brought on the premises by patrons must be in fully observable and public areas of the building and premises;

11. Plaintiffs shall comply with all terms of the Township of South Hackensack Entertainment License Ordinance, 2006-15 and the time periods for application and compliance are extended until January 31, 2007,

12. All terms of the prior orders set forth herein and above remain in full force and effect, unless modified or changed herein;

13. Any violation of the terms of this order or the prior order may be enforced by a Motion in Aid of Litigants rights under R. 1:10-3;

14. The parties hereto shall after execution and filing of this Consent order and the occurrence of all events herein, prepare and file with the Court a Stipulation of dismissal with prejudice as to all matters pending before the Court and an exchange of mutual releases for subject matter of this litigation; and,

15. The Municipal Excess Liability Insurance Fund for the Township of South Hackensack has waived its claim for any reimbursement for any deductible under the policy of insurance where the Township is responsible for the payment of the first \$10,000.00 in legal fees for the carrier's legal counsel.

Offered: Brugger

Second: Eckel

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Roman, Romano

Date: January 11, 2007

Resolution No. 2007-054 Appoint Sub-Committees

BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the following Sub-Committees be and are hereby formed and established for the Township Committee for the year 2007.

Sub-Committees:

- ZoningWalter Eckel, Jr.
.....Gary Brugger
- DPW NegotiationsGene Roman
.....James Anzevino
- Police Chief ContractWalter Eckel, Jr.
.....Gary Brugger
- DPW Facility Repair/RenovationRosina Romano
.....Gene Roman
- Senior Housing ProjectJames Anzevino
.....Rosina Romano
- Tax Settlement CommitteeRosina Romano
.....James Anzevino
- Redevelopment Advisory Board to Maser Consulting
.....John Falato
.....William Regan
.....Al D’Ambrosio
.....Frank Cagas
.....Walter Eckel, Jr.
.....Gary Brugger

Consent Agenda Resolution No. 2007-01a

Date: January 11, 2007

Resolution No. 2007-055 Bills \$1,218,636.40

Resolution No. 2007-056 Authorizing the Township Committee to Investigate the Feasibility of an Interlocal Service Agreement or Measures to Consolidate the Department of Public Works

WHEREAS, the citizens of the State of New Jersey and the Township of South Hackensack are ever cognizant of the burden that property taxes places upon all taxpayers; and

WHEREAS, Governor Corzine and the New Jersey State Legislature have determined that the issue of property taxes is of such importance to the citizens of the State of New Jersey that a special constitutional convention and committees are being convened to address the problem; and

WHEREAS, it is expected that each governing body will take measures to analyze all aspects of its municipal government to determine whether and where efficiencies may be found; and

WHEREAS, it is anticipated in the future that State aid may be dependent upon municipal government taking actions such as consolidating its municipal services with other local governments; and

WHEREAS, the Township Committee has deemed it responsible and prudent to analyze all of its departments and services and has determined to begin with the Department of Public Works

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the Township Committee immediately orders the following actions to be undertaken;

1. That the committee appoint two of its members to a sub-committee to analyze and report back to the full committee within ninety (90) days various methods and options in which the Department of Public Works may be consolidated with or its services performed by neighboring municipalities by Interlocal service agreement and/or private industry.
2. That the sub-committee shall undertake in conjunction with its professionals and municipal staff an analysis of all costs to operate the department including but not limited to labor, benefits, equipment and building operations.
3. The sub-committee shall meet with and consult with the Superintendent of the Department of Public Work who shall assist in the analysis of information and options obtained by virtue of the directions set forth in Township Resolution 2006-140.

BE IT FUTHER RESOLVED that a copy of this resolution shall be provided to the Superintendent of the Department of Public Works.

Consent Agenda Resolution No. 2007-01a

Date: January 11, 2007

Resolution No. 2007-057 Cancellation of 2006 Sewer & Tax Overpayments

WHEREAS certain sewer user overpayments exist at year-end, and

| <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--------------|------------|---------------|
| 1.01 | 4.10 | .06 |
| 2.01 | 4.02 | .01 |
| 2.01 | 8.04 | .01 |
| 3 | 23.03 | .02 |
| 15 | 27 | .06 |
| 38 | 2 | .01 |
| 39 | 16 (1) | .01 |
| 44 | 4 | .02 |
| 50 | 12 | .01 |
| 58 | 1 | .02 |

WHEREAS certain tax overpayments exist at year end,

| <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--------------|-------------|---------------|
| 2.01 | 12.01 | .01 |
| 2.02 | 5.02 | .08 |
| 4 | 1 | .01 |
| 7.01 | 25.04 | .02 |
| 13.01 | 3.02 | .01 |
| 15 | 7 | 1.12 |
| 54 | 1.01(C00A3) | .02 |
| 59 | 1.07 | .01 |
| 59 | 1.08 | .01 |

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack that the overpayments for sewer and taxes be cancelled.

Consent Agenda Resolution 07-01a

Date: January 11, 2007

Resolution No. 2007-058 Authorize Website – Phase II

WHEREAS the Township of South Hackensack has completed Phase I of the website, and

WHEREAS the Township of South Hackensack is desirous of implementing Phase II of the website that will offer an expansion of the existing site and will provide detailed information about township agencies, departments, and processes, and

WHEREAS the implementation of Phase II will encourage residents to volunteer to get involved in township activities; and

WHEREAS sections will be added for recreation, social programs and education; and

WHEREAS new residents will be welcomed by providing new resident information highlighting township services, and

WHEREAS funds are available for this purpose through a 2007 NJMC MAP Grant.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that the clerk be and she is hereby authorized and directed to execute the necessary purchase order to 905 Creative for Phase II of the South Hackensack Website in an amount not to exceed \$7,000.

Consent Agenda Resolution 07-01a

Date: January 11, 2007

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| Resolution No. 2007-059 Authorizing Payment of Accumulated Unused Sick Time to Rosemarie Giotis |
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WHEREAS Rosemarie Giotis has served as full time Tax Collector for the Township for over ten years; and

WHEREAS the salary ordinance of the Township of South Hackensack requires that upon separation a full time municipal employee with more than ten years of full time service is entitled to payment of accumulated sick time in the maximum amount of forty-five (45) days at a rate of pay at the time of separation; and

WHEREAS a review of the attendance records of Rosemarie Giotis indicate that she has accumulated a sick day bank of at least forty-five days and as a result would be entitled pursuant to salary ordinance for payment for the same upon separation as a full time employee; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that Rosemarie Giotis be compensated for forty-five days of accumulated sick time at her daily rate of pay in effect on her separation date as a full time employee, and that appropriate funds are made available for said purpose.

Consent Agenda Resolution No. 2007-01(a)

Date: January 11, 2007

Resolution No. 2007-060 Authorizing Executive Session

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.

X (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 11, 2007.

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| Resolution No. 2007-061 Authorizing the Settlement of Certain Litigation Entitled Brando V. Township Of South Hackensack |
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WHEREAS, the Township of South Hackensack is currently a defendant in a certain matter entitled Brando v. Township of South Hackensack et.al. venued in the County of Bergen under Docket No.14475-04; and

WHEREAS, the Township Committee deems it to be in the best interest of the Township of South Hackensack to resolve the matter for nuisance value only; and

WHEREAS, the Township has been able to settle said matter at said value without a determination or admission of liability;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack that the above captioned litigation be settled for the sum of \$10,000.00 without admission of any liability whatsoever and that the mayor and township clerk are hereby authorized to execute any and all documents acceptable in form and substance to the township attorney necessary to fully and finally settle said matter.

Date: January 11, 2007

Offered: Brugger

Second: Anzevino

Roll Call Vote: Ayes: Anzevino, Brugger, Eckel, Romano Abstain: Roman