

Township of South Hackensack
Bergen County, New Jersey
January 13, 2011 7:30 P.M.
Regular Meeting
MINUTES

Walter Eckel Jr. MayorPresent
Gary Brugger, Deputy MayorPresent
James AnzevinoPresent
Frank CagasPresent (arrived 7:33 p.m.)
Vincent Stefano.....Present

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

Call of Meeting to Order

Mayor Eckel called the Regular 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 deputy clerk called the roll.

Correspondence & Reports

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept the correspondence from Edmunds & Associates regarding the 2011 Software Support Agreement and discuss under new business.

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to accept and approve the request dated December 22, 2010, from Mary Terraccino, Tax Collector regarding vacation day request.

Eckel motioned; Brugger seconded and the Committee unanimously agreed to accept correspondence dated December 29, 2010 from Steven D. Muhlstock regarding tax appeals and place it on file.

Eckel motioned; Brugger seconded and the Committee unanimously agreed to accept and approve the request dated December 30, 2010 from Filomena Barricella regarding family leave from crossing guard post.

Brugger motioned; Eckel seconded and the Committee unanimously agreed to accept and place on file the letter dated December 30, 2010 from Professional Insurance Associates

regarding the EJIF Audit and to have Larry Paladino report on this matter at the February 3, 2011 worksession.

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to accept the correspondence dated January 1, 2011 from the NJ Dept. of Transportation regarding a proposed Utility Agreement for Route 46 Main Street to Frederick Street in Little Ferry and to have David Nasta report on this matter at the February 3, worksession.

Anzevino motioned; Eckel seconded and the Committee unanimously accepted and placed on file the correspondence dated January 10, 2011 from Perma NJSEM regarding bids for natural gas and to not respond to the opt out deadline of January 18th.

Eckel motioned; Cagas seconded and the Committee unanimously agreed to accept and file General Correspondence – December 2010.

Eckel motioned; Cagas seconded and the Committee unanimously agreed to accept and file Monthly Department Reports – December 2010.

Old Business

First Occupational Proposal/Contract – David Nasta reported to the township committee that the agreement with them is currently on a month to month basis. Mary informed the committee that First Occupational will not place containers at the school or fire house until they have a commitment from us. The committee would like to discuss this further at the worksession in February.

New Business

Edmunds & Associates 2011 Software Support Agreement

The committee requested that Mary Terraccino contact Edmunds to see if the bill for 2011 could be reduced. Mary informed the committee that they already reduce our bill every year by \$1200 because our utility program does not have many accounts. Mary will report on their response by the February worksession.

Curb Cut Application for 33 Garfield Place Block 101 Lot 1.02

The committee reviewed the application and response letters from Chief Michael Frew and Traffic Officer Ptl. Robert Chinchar with regards to the curb cut.

Eckel motioned; Anzevino seconded and the Committee agreed to approve the curb cut for 33 Garfield Place.

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

Appointment of Plumbing Sub-Code Official

Walter reported that he met with Charles Flenner and stated that he has the credentials to fill the position as plumbing code inspector. He would replace Richard Vannatta who resigned from that position. This will be a temporary position for 60 days.

Eckel motioned; Anzevino seconded to appoint Richard Flenner as Plumbing Sub-Code Official for a 60 day temporary position with a salary as it is in the current salary ordinance (\$7788).

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

Ordinances

Resolutions

Authorize Closed Session

Offered: Anzevino

Second: Brugger

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

Consent Resolution 2011-01a

Offered: Brugger

Second: Eckel

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

Resolution No. 2011-056 Person to Person Transfer #0259-44-006-002

Offered: Anzevino

Second: Brugger

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

Committee Reports

Walter Eckel-

Thanked Michael Nasta and the fire department for their quick response to the fire at the Super 8 hotel on January 11th. He also thanked Larry Paladino and his department for a great job on the snow removal.

Jim Anzevino-

He commended the fire department for their professional services and thanked Mr. Nasta Jr. and Leo Rossi for taking the time to repair the snow plow to get it up and running for the December storm. Jim asked David V. Nasta to get in touch with Michael Kauker to attend the worksession in February so that the committee can discuss how it is going to handle this matter. He informed the public about the recreation ice skating trip to the Ice House on January 16th. He extended his prayers to the families for the loss of Lydia's father and Linda's father-in-law. Jim told Bill Regan that he heard from an outsider that he does his job well.

Frank Cagas-

He reported that the recycling program is off to a great start for the year. He informed the public that the cardboard needs to be folded bundled and tied together. He thanked the DPW for a good job these past three snow storms and indicated that the residents need to move their cars when there is chance of snow. This past week Larry and his men used the bucket loader to remove some of the snow piles.

Gary Brugger-

He gave his condolences to the families for their loss. He thanked Michael Nasta and the Fire Department volunteers for a great job on their response to the Super 8 motel fire. He would like the town to keep an eye on the hotels to make sure that they are playing by the rules. Gary reported that Tony Maceri retired as Chief from the Ambulance Corp and that the ambulance squad is discussing the possibility of a youth squad. He told the

ambulance members that it would be a good idea if they would include in their monthly report the number of times that South Hackensack has to rely on other towns for mutual aid. He thanked the other towns that helped and responded to the fire.

Vincent Stefano-

He gave his condolences to the families and thanked the DPW for a good job on the snow removal. He reported that he was away on the day of the fire and thanked all the volunteers who responded. He asked Bill Regan to address the graffiti on the Artcast building on Green Street.

Public Comments

Michael Nasta, Maple Avenue Thanked his men for a job well done at the Super 8 fire. The fire department always has openings for volunteers. A lot of residents don't realize what it takes to be a volunteer. He will send the Thank You letters to all of the surrounding towns that responded to the fire. He would like to see the town enforce more inspections on illegal apartments and 3 family residential units. He feels that the inspectors are under staffed. Cagas indicated that the 3 family units are affecting our tax dollars. Anzevino will ask Reggo to get a report of the 3 family homes that should be listed in the last revaluation report. Leo Rossi said that legal 3 families are inspected by the State of NJ. Ray DeRiso indicated that there are a lot of legalities with this matter. He also indicated that the code only addresses dwelling units and you have people sharing rooms and living together. The homeowners only comply with the codes temporarily until the inspections are done. David Nasta feels that there are a lot of legal issues with this matter and that he will attend the sub-committee meeting.

Walter Eckel organized a sub-committee with the Mayor, Fire Chief, Fire Commissioner, Zoning Officer, Police Chief, Construction Official, Property Maintenance Officer and the Township Attorney to meet on Monday January 17th at 7 p.m. to further discuss this matter.

Michael Nasta Jr., Kinzley Street would like to see the fines for illegal apartments be increased. He would like to see the town have a change the code to have zero tolerance for anyone that puts the snow back on the streets.

Closed Session

Minutes were recorded of the closed session discussions and will be made available to the public when approved by the governing body and authorized by law.

Anzevino motioned; Cagas seconded and the Committee unanimously agreed to re-open the meeting at 9:25 p.m.

Adjournment

Prior to adjournment, the Committee adopted the following resolution as a result of discussions held in closed session.

Resolution No. 2011-058 Authorize Tax Appeal Settlement – 250 Huyler Street – Wachovia Bank

Date: January 13, 2011

Offered: Anzevino

Second: Eckel

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

Stefano motioned; Brugger seconded and the Committee unanimously agreed to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Mary Terraccino

Deputy Clerk

Consent Resolution 2011-01a

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 Authorizing Executive Session – January 13, 2011

Resolution No. 2011-051 Tax Refunds to Dec. 15th Tax Sale Bidders

Resolution No. 2011-052 Redemption of TSC #10-00003

Resolution No. 2011-053 Cancellation of 2010 Tax Balances

Resolution No. 2011-054 Cancellation of 2010 Sewer Balances

Resolution No. 2011-055 Bills List

Resolution No. 2011-057 Licenses

Resolution No. 2011- 051 Refund Payments from 2010 Tax Sale Bidders

WHEREAS, on December 15, 2010 the following tax sale bidders made payment of good funds for the sale of properties sold at the 2010 Tax Sale,

Stonefield Investment Fund I, LLC	B 37 Lot 42	\$2428.45
Isaac Moradi	B 15 Lot 19	\$2076.59
Isaac Moradi	B 24 Lot 28	53.26

WHEREAS, the property owners have satisfied the payments within 10 days after the sale for the delinquent municipal charges before the Tax Sale Certificates were issued,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that a refund of \$2428.45 be issued to Stonefield Investment Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952 and a refund of \$2129.85 be issued to Isaac Moradi, 520 Elm Street, Kearny, NJ 07032.

Consent Agenda Resolution No. 2011-01a

Date: January 13, 2011

Resolution No. 2011-052 Redemption of Tax Sale Certificate No. 10-00003 (Tax/Sewer) – 21 SaddleRiver Ave

WHEREAS, Dragan Dinic, leasee of the property at 21 SaddleRiver Avenue, commonly known as Block 101 Lot 10 owned by L.H.K LLC has provided the moneys for redemption of Tax Sale Certificate No. 10-00003,

WHEREAS, the lienholder, Paul Denninger has agreed to this redemption amount,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of South Hackensack, County of Bergen that the redemption moneys of \$2414.53 be paid to Paul Denninger, 25 Colonial Road, Morristown, NJ 07960

Consent Agenda Resolution No. 2011-01a

Date: January 13, 2011

Resolution No. 2011 – 053 Cancellation of 2010 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 2010 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>BALANCES</u>		
<u>Block</u>	<u>Lot</u>	<u>Amount</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
1.05	1	5.31	2.02	1.02	5.54
3	17.01	9.46	9	1	.07
3	17.04	3.01	16	29	.01
3	17.05	1.51	21.03	36.01	.63
6	23	.07	37	54	.55
10	27	.07	41	21	.73
10	31	9.43	47	26	1.00
13.03	3.04	.06	101	1.01	.06
16	33	.18	104	1.02	.50
20.02	32	3.17			
24	28	4.73			
43	1	2.78			
52	2.02	.20			
58	11	.38			
58	18	3.52			
101	1.02	8.38			
102	62	1.01			

Consent Agenda Resolution No. 2011-01a

Date: January 13, 2011

Resolution No. 2011 – 054 Cancellation of 2010 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>Balances</u>		<u>Overpayments</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
16521100-0	3.64	16522500-0	.08
16521150-0	1.33	16522950-0	2.30
16521700-2	.03	16522955-0	1.26

16521700-3	.11	16523175-0	1.59
16522450-0	.24	16529575-0	1.20
16529950-0	.02	16529700-0	.81
41005000-0	.06	28324450-0	1.87
41006600-0	.53	41002500-2	.11
41017500-0	.13	41004700-0	3.59
41500500-1	.96	41001600-0	.08
42006400-0	.04	41008400-0	.27
42501600-0	1.58	41009200-0	.05
42501600-2	.14	41012200-0	.04
46128850-0	.60	41501800-3	.09
		41503700-0	.06
		42500500-0	1.55
		42501200-0	1.95
		42502000-0	.66
		42505500-0	.20
		42505700-0	.26
		42505800-0	6.74
		42505900-0	.02
		46127600-2	1.17
		46127725-0	.61
		46127850-0	.31
		46127900-0	.54
		46128700-0	.34
		48228150-0	1.16
		49501400-0	.80

Consent Agenda Resolution No. 2011-01a
Date: January 13, 2011

Resolution No. 2011-056 Person-To-Person Transfer 0259-44-006-002

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 0259-44-006-002, heretofore issued to Cromwell Liquors Inc. 75 Saddle River Avenue, South Hackensack, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of South Hackensack does hereby approve, effective January 13, 2011, the transfer of the aforesaid Plenary Retail Distribution License to Puni Liquors LLC, and does hereby direct the Township Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Puni Liquors LLC, effective January 13,, 2011 ".

Offered: Second:
Roll Call Vote:
Date: January 13, 2011

Approved: Attest:

Walter Eckel Jr.

Linda LoPiccolo, Township Clerk

Resolution No. 2011-057 Licenses – December 2010

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

<u>Received</u>	<u>Business</u>	<u>License #</u>	<u>Fee</u>	<u>Type</u>
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12/22/10	Angle's Taxi/Limo	3479A	\$ 50	Limousine Only
01/04/11	AT&T	3480A	\$ 1,000	Teleport/Communications

TOTAL: \$ 1,050

FIRE PERMITS

<u>Received</u>	<u>Business</u>	<u>License #</u>	<u>Fee</u>
12/17/10	Artistic Marble	2375	\$ 166

TOTAL FIRE: \$ 166

GRAND TOTAL ALL LICENSES/PERMITS: \$ 1,216

Consent Agenda Resolution No. 2011-01a

Date: January 13, 2011

Resolution Authorizing Executive Session – January 13, 2011
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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 require in order for the attorney to exercise his ethical duties as a lawyer.

Tax Appeal Litigation – Wachovia Bank vs. South Hackensack – Wachovia Bank at 250 Huyler Street

PBA Local 102 Grievance for General Order#2010-03 Vacation Leave

____(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.

Mary Terraccino
Deputy Clerk

Resolution No. 2011-058 Authorize Tax Appeal Settlement – 250 Huyler Street

WHEREAS, Wachovia Bank is the owner and taxpayer of property located at 250 Huyler Street, also known as Block 45.01, Lot 1; and

WHEREAS, the taxpayer filed tax appeals for the years 2009 and 2010 entitled Wachovia Bank 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 Wachovia Bank vs. Township of South Hackensack, so that the appeal for tax year 2009 will be withdrawn, and for tax year 2010, the assessment will be reduced from \$2,300,100 to \$1,950,000, and

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

Date: January 13, 2011

Offered: Anzevino

Second: Eckel

Roll Call Vote: Anzevino, Brugger, Cagas, Stefano, Eckel