

Township of South Hackensack
Bergen County, New Jersey
February 1, 2007 7:30 P.M.
Worksession 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
Linda LoPiccolo, Municipal Clerk

Call of Meeting to Order

Mayor Brugger called the Regular Meeting to order at 7:30 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. Everyone saluted the flag. The municipal clerk called the roll.

Correspondence

Eckel motioned; Anzevino seconded and the committee unanimously agreed to accept and place on file: January 22, 2007, Maureen D. Cherubini, LOSAP Officer Ambulance Corps – LOSAP Report for 2006 service.

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to accept and place on file: January 18, 2007, Michael Nasta, LOSAP Officer Fire Dept. – LOSAP Report for 2006 service.

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to accept and place on file: January 14, 2007, Michael Cherubini, Chief Ambulance Corps – Clothing Allowance for 2006

Eckel motioned; Anzevino seconded and the Committee unanimously agreed to accept the following correspondence and place it on file: January 22, 2007, Michael D. Frew, Chief of Police – Request to hire 2 police officers.

Anzevino motioned; Eckel seconded and the Committee unanimously agreed to accept the following correspondence and place it on file: January 29, 2007, William DeFabiis,

Ed.D., Chief School Administrator – Request endorsement of FY2007 CDBG application.

Eckel motioned; Romano seconded and the Committee unanimously agreed to accept the following correspondence and place it on file: January 29, 2007, Frank Covelli, Mgr. Public Entities Dept. – Civil Unions Coverage Alert

Old Business

Driscoll Foods – Request to purchase land

Santo Alampi, Esq. appeared on behalf of Driscoll Foods, Inc. regarding their request to purchase a portion of the Township right-of-way along Bruce Court. Mr. Alampi indicated that his client would like to purchase a 20' wide portion of the right-of-way 7' as originally requested. The Committee referred the matter to Boswell Engineering for their review and recommendation. Mr. Alampi advised that his client would pay for the costs associated with that review. The clerk was instructed to forward the request and sketch provided to the police and fire departments for their recommendation.

Ordinance to license businesses

Mr. Anzevino distributed an ordinance recently adopted by the Borough of Paramus and he suggested that the committee review that ordinance and further suggested that perhaps the Township could adopt a similar ordinance to license businesses

Municipal Court

The Township Committee reviewed the recommendation by Judge Padovano and requested that he interview the 13th applicant in addition to the others he intended or had already interviewed before making his final recommendation.

New Business

Solid Waste Agreement – Expires 6/30/07

Mr. Nasta was authorized and instructed to prepare bid specifications for solid waste removal.

Municipal Clerks' Conference – March 5-8, 2007

Anzevino motioned; Brugger seconded to authorize the clerk to attend the Municipal Clerks' Conference and to provide the funds for such purpose. All in favor.

Ordinances

LOSAP Ordinance Amendment

The Committee instructed Mr. Nasta to prepare an amendment to the current LOSAP ordinance to permit prorating.

Resolutions

Resolution Authorizing Executive Session

Offered: Eckel

Second: Romano

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

Resolution No. 2007-062 LOSAP

Offered: Anzevino

Second: Eckel

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

Resolution No. 2007-063 Referral of a Matter to the Planning Board

Offered: Anzevino

Second: Brugger

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

Resolution No. 2007-064 Endorse Community Development Grant Application – Memorial School Water Retention Project

Offered: Anzevino

Second: Brugger

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

Committee Reports

James Anzevino –

Mr. Anzevino reported that 1 additional month was added to night gym this year. He would like to reserve the park in the evenings for use by recreation department during the months of June, July and August. Regarding CDBG Funds, Anzevino advised that Memorial School received \$62,000 last year and he understands that an additional \$40,000 may become available and he would try to secure those funds for the school as well. Regarding recent legislation pending at the state level, Jim reported that there is an emphasis to support towns that merge.

Gene Roman –

Mr. Roman asked for a status update on Chief Frew's contract. Mr. Nasta advised that he received an email earlier that day and that he referred it to the sub-committee. Perhaps the sub-committee will be prepared to discuss in closed session at next week's meeting, once they have had an opportunity to review the submission. Mr. Roman asked Mr. Nasta to research the procedure for CDL drivers who are involved in automobile accidents and whether or not testing of them is required.

Walter Eckel –

Mr. Eckel reported that he would be willing to meet with each police officer individually and expects to begin doing that in the upcoming weeks.

Rosina Romano –

Ms. Romano reported that she and Mayor Brugger have been working on the preparation of the 2007 Municipal Budget. She understands that Boswell will present their

recommendation regarding sump pump discharge by next week's meeting. The reorganization of the Hackensack Meadowlands Municipal Committee is scheduled for next week and she plans to attend.

Gary Brugger –

Mayor Brugger reported that he recently attended the Fire Department meeting wherein they discussed the adoption of an ordinance that would require commercial properties to install a “knock box” that permits key access by firefighters or other emergency service personnel. He further reported that according to a recent TANAAC report, air traffic is down 5% over last year to less than 200,000 flights.

Regarding the removal of debris that is clogging the pipe in the Green Street ditch, Brugger advised that he met with Paul Busch, Teterboro's Administrator who advised that he Teterboro requested and has scheduled the NJMC truck to clear the line February 13-15th, weather permitting. Mr. Paladino was asked to go down there during the cleaning and report back regarding the progress.

Brugger reported that the redevelopment advisory board met preliminarily with Maser Consulting who is preparing a redevelopment study with smart growth grant funds received for that purpose. Maser representatives will be looking at various areas of the township including the Garfield Park section for areas that may suit the criteria of areas in need of redevelopment. Regarding the budget, funds will need to be appropriated for the re-examination of the master plan.

Public Comments

Larry Paladino, DPW Supt. – Questioned if the grant funds received by the school is part of the money that has to be paid back. Is it part of the total project? He was advised that the school borrows the funds that are not paid through a grant.

Joanne DeGrosa, 51 Grove Street – Asked the Committee to read her correspondence dated January 11, 2007. In it, she asks Mr. Carbone to retract the statements he made to COAH regarding her.

Lonnie Bedell, 51 Grove Street – Advised the Committee that he has been attending school board meetings and objects to the board considering giving away the trailer that is no longer needed by the school.

Closed Session

Anzevino motioned; Brugger seconded to go into closed session at 9:10 p.m. All in favor.

- Litigation – Lighthouse Restaurant Services
- Litigation – E-Tomic General Contracting, Inc. (Intervener)

Eckel motioned; Anzevino seconded to re-open the meeting to the public at 9:55 p.m.
All in favor.

Adjournment

Brugger motioned; Eckel seconded to adjourn the meeting at 9:55 p.m. All in favor.

Respectfully submitted,

Linda LoPiccolo
Municipal Clerk

Resolution No. 2007-062 LOSAP

WHEREAS on August 9, 2001, the Township Committee of the Township of South Hackensack duly adopted Ordinance 17-01, an Ordinance that created and implemented the Emergency Services Volunteer Length of Service Awards Program (LOSAP) in accordance with N.J.S.A. 40A:14-183 et. seq., and

WHEREAS at the November 2001 General Election the non-binding referendum was passed by the voters of the Township of South Hackensack, and

WHEREAS the Township makes an annual contribution on behalf of the members who qualify in accordance with the duly adopted ordinance and in accordance with NJSA 40A:14-183 et seq., and

WHEREAS on January 22, 2007 Michael Nasta, Fire Dept. LOSAP Officer, submitted a report of those firefighters qualified to receive a contribution for the year 2006, and

WHEREAS on January 22, 2007, Maureen Cherubini, Ambulance LOSAP Officer, submitted a report of those ambulance corps members qualified to receive a contribution for the year 2006, and

WHEREAS the Township Committee is desirous of increasing the 2006 contribution of \$1,302.00 by the Consumer Price Index (CPI),

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

1. That the LOSAP reports described in this resolution be and are hereby accepted as submitted;
2. That the 2006 LOSAP contribution of \$1,302.00 be increased by the CPI of 2.0% to \$1,328.00

3. That the funds be remitted to Lincoln Financial Advisors in the name of those who qualify and have filed the proper contract with the financial institution, providing that adequate funds are available for this purpose.

Offered: Anzevino

Second: Eckel

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

Date: February 8, 2007

Resolution No. 2007-063 Referral of a Matter to the Planning Board

Whereas the Township of South Hackensack had received and is considering the proposals and applications of E-Tomic Corporation and Senior Citizens Housing at Grove Street, L.P. for a senior citizen housing project; and,

Whereas, the Township of South Hackensack has directed both E-Tomic Corporation and Senior Citizens Housing at Grove Street, L.P. to submit the necessary applications and documentation for developmental review, site plan approval and reviews to the Planning Board of the Township of South Hackensack for the February meeting agenda; and,

Whereas, it is the intention of the Township of South Hackensack to make a final decision with regards to the project in the near future and it is necessary that the proposals be complete for comparison and review; and,

Whereas, either or both E-Tomic Corporation and Senior Citizens Housing at Grove Street, L.P. may not submit an application and documentation for developmental review, site plan approval and reviews to the Planning Board of the Township of South Hackensack for the February meeting, which would preclude the Township of South Hackensack from considering the matter for final decisions; and,

Whereas the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq. and the Ordinances of the Township of South Hackensack Section 192-5 provides for the referral to the Planning Board by the Township Committee any matter for recommendations, reviews, comments, reports, approvals or disapprovals.

NOW THEREFORE BE IT RESOLVED:

1. Pursuant to the authority of N.J.S.A. 40:55D-1 et seq. and the Ordinances of the Township of South Hackensack Section 192-5 set forth above, the Township Committee does refer to the Planning Board the proposals and applications of E-Tomic Corporation and Senior Citizens Housing at Grove Street, L.P. for a senior citizen housing project, for their review, comment, report and approval or disapproval for zoning, site plan and conceptual design pursuant to their authority under N.J.S.A. 40:55D-1 et seq. and the Ordinances of the Township of South Hackensack Chapter 192 and other appropriate sections;

2. That the Planning Board, together and in consultation with its engineers, planners, and other professionals shall forthwith issue its report and other recommendation to the Township Committee in writing and no later than March 1, 2007.
3. A copy of this resolution shall be immediately provided to the Planning Board together with all materials now in possession of the Township for the use of the Board.

Offered: Anzevino

Second: Brugger

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

Date: February 1, 2007

Resolution No. 2007-064 Endorse Community Development Grant Application – Memorial School Water Retention Project
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WHEREAS a Bergen County Community Development Grant in the amount of \$356,884.00 has been proposed by the Township Committee of the Township of South Hackensack, in the municipality of the Township of South Hackensack, New Jersey, and

WHEREAS pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS the aforesaid project is in the best interest of the people of the Township of South Hackensack and the County of Bergen; and

WHEREAS this Resolution does not obligate the financial resources of the Municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of South Hackensack hereby confirm endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Offered: Anzevino

Second: Brugger

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

Resolution 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.

- ***Lighthouse Restaurant Services, LLC v. Township of South Hackensack***
- ***E-Tomic – Motion to Intervene***

(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 February 1, 2007.

Linda LoPiccolo
Township Clerk