

February 9, 2010

MINUTES of the a Regular Meeting of the Mayor and Board of Council of the Town of Secaucus, County of Hudson, State of New Jersey held on the 9th day of February, 2010 at 7:00 P.M. in the Council Chambers of the Municipal Government Center, Secaucus, NJ.

Present: Mayor Michael Gonnelli
Councilmembers: Gary Jeffas
John Shinnick
Nick Costantino
William Mc Keever
James Clancy
John Bueckner

Pledge of Allegiance

The following statement was read by Town Clerk Michael Marra:

"Adequate notice for this meeting, as required by the Open Public Meetings Act, has been provided by the filing of the notice of Meetings with the Municipal Clerk, the posting of said notice on the official bulletin board in the Municipal Building, and the delivery of same to the Secaucus Home News on December 31, 2009."

This body wishes to advise you that in accordance with N.J.A.C. 5:23-11.1, et seq. of the Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, smoking anywhere in this public building is prohibited by law.

In the event of a fire or other emergency, please note that there are two exits in the rear of the Council Chamber which may be used."

Town Clerk, Michael Marra read the following Proclamation:

PROCLAMATION

WHEREAS, the Boy Scouts of America was established February 8, 1910 and for one hundred years has created a strong foundation of leadership, service an community for millions of American youth; and

WHEREAS, the Boy Scouts of America provides a program that builds character, trains Scouts in the responsibilities of participating citizenship and develops personal fitness; and

WHEREAS, with every rank advancement comes new challenges, new adventures and new friends for Scouts and those Scouters who accompany them along the way; and

WHEREAS, the Boy Scouts of America has nurtured and honored over two million Eagle Scouts; and

WHEREAS, the Boy Scouts of America alumni share memories that last a lifetime; and

WHEREAS, Scouting celebrates its legacy and reaffirms its commitment to inspire and prepare future generations.

NOW, THEREFORE, BE IT Proclaimed, that the Boy Scouts of America and the Town of Secaucus Cub Scouts and Boy Scouts and-their leaders and sponsors organizations- are hereby honored by the Town of Secaucus Municipal Council for making a difference in Secaucus by their dedication of Scouting's core values-leadership, character, community service, achievements and stewardship of the environment.

Presentation was made to the Town of Secaucus Volunteer Fire Department from the Borough of Carlstadt in recognition of heroic deeds pertaining to a fire in Secaucus.

Mayor Gonnelli also recognized all the fire fighters that were in attendance at a fire on Franklin Street. He thanked them all for their heroism.

The Secaucus Volunteer Fire Department raised \$11,500 in their "Boot Drive" that was presented by Fire Fighter Brian Schoch for donation to the Bush Clinton Foundation.

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COMMUNICATIONS REQUIRING ACTION BY MAYOR AND COUNCIL

The following correspondence was received:

Dear Mayor Gonnelli and Town Council:

On behalf of the Members of Engine Company # 1, I am writing this letter to inform you that at the Company meeting held on February 4, 2010 Edward J. Borgono was accepted as a member of Engine Company No. 1.

Sincerely,
Sean M. O'Connor
Secretary

Councilman Costantino moved to approve the membership of Edward Borgono as a member of Engine Co. # 1, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli

NAYS: None

ABSENT: None

Motion carried.

Michael Marra performed the swearing in of Fire Fighter Borgono.

ACCEPTANCE OF THE REINSTATEMENT OF
MAYOR MICHAEL GONNELLI TO BE SWORN IN AS FIRE CHIEF

Councilman Jeffas moved to accept Mayor Michael Gonnelli as Fire Chief for the remainder of the unexpired term, seconded by Councilman Bueckner.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli

NAYS: None

ABSENT: None

Motion carried.

Michael Marra performed the swearing of Mayor Michael Gonnelli as Fire Chief.

Mayor Gonnelli addressed the residents and fellow firefighters and thanked them all for their support.

The first item on the agenda is as follows:

The following ordinance was read for public hearing: No. 2010-1

AN ORDINANCE AMENDING SECTION 127-58B OF THE CODE OF THE TOWN OF SECAUCUS
ENTITLED "DESIGNATION
OF LOCATIONS AT OR NEAR PRIVATE RESIDENCES"

SECTION 1

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus that Section 127-58B - "Designation of Locations at or Near Private Residences" shall be amended by deleting the following location:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Centre Avenue	South	On the south side of Centre Avenue
	directly in front of 371 Centre Avenue for a distance	of 22 feet

SECTION 2

BE IT FURTHER ORDAINED, by the Mayor and Council of the Town of Secaucus that Section 127-58B - "Designation of Locations at or Near Private Residences" shall be amended by adding the following locations:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Huber Street	North	On the north side of Huber Street, beginning at a point 690 feet east of the northeast corner of Huber Street & Paterson Plank Road continuing east for a distance of 22 feet directly in front of 164 Huber Street

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<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Centre Avenue	North	On the north side of Centre Avenue, beginning at a point 25 feet east of the northeast corner of Second Street & Centre Avenue continuing east for a distance of 22 feet directly in front of 194 Centre Avenue

SECTION 2

That the parking space designated for 164 Huber Street adopted by Ordinance is to be personalized for Placard No. P455552.

That the parking space designated for 194 Centre Avenue adopted by Ordinance is to be personalized for Placard No. P914742.

If the license plate for the person utilizing the parking space(s) at the above listed address changes, then the parking space designation(s) shall be changed to the new plate with proof from the resident that it is for the same person that the person is still entitled to handicapped parking.

SECTION 3

SEVERABILITY

BE IT FURTHER ORDAINED, that the provisions of this ordinance are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such persons or circumstances, to which the ordinance or part thereof is held inapplicable, had been specifically exempted therefrom.

SECTION 4

REPEALER

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency.

SECTION 5

EFFECTIVE DATE

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication as provided by law.

Mayor Gonnelli asked if anyone wished to be heard regarding the foregoing ordinance. There being no one requesting the floor, Councilman Clancy moved that public hearing be closed, seconded by Councilman Jeffas.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

Councilman Clancy moved that the foregoing ordinance be finally adopted, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

The following ordinance was read for public hearing: No. 2010-2

TOWN OF SECAUCUS ORDINANCE AMENDING CHAPTER 30 ENTITLED
"DEPARTMENT OF RECREATION"

BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus that the following sections of Chapter 30 shall be amended as follows:

SECTION 1

30-7. Secaucus Recreation Center fees.

SECTION 2

SEVERABILITY

BE IT FURTHER ORDAINED, that the provisions of this ordinance are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such persons or circumstances, to which the ordinance or part thereof is held inapplicable, had been specifically exempted therefrom.

SECTION 3

REPEALER

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency.

SECTION 4

EFFECTIVE DATE

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication as provided by law.

Mayor Gonnelli asked that Town Administrator explain the need for the changes.

Mr. Drumeler explained that there was a misunderstanding regarding fees for residents and continued to explain the new charges including a month to month plan.

Mayor Gonnelli asked if anyone wished to be heard regarding the foregoing ordinance. There being no one requesting the floor, Councilman Jeffas moved that public hearing be closed, seconded by Councilman Clancy.

Councilman Jeffas spoke about the opportunity for people working in the Town being allowed to join the Rec Center. He said that he was originally in opposition, but sees that more revenue is necessary and this is probably the most restrictive way to do it.

Councilman Shinnick also agreed with the necessity to raise some revenue.

Councilman Costantino stated that the Town needs to find ways to raise revenue and he feels that this is a controlled way to do that. He stated that cutting expenses in the future is what will help more.

Mayor Gonnelli stated that he agreed with the plan and stated that there are some plans to cut costs.

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AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

Councilman Bueckner moved that the foregoing ordinance be finally adopted, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

The following ordinance was read for public hearing: No. 2010-3

AN ORDINANCE AMENDING CHAPTER 135 OF THE CODE OF THE TOWN OF SECAUCUS
ENTITLED "ZONING"

Section 1

BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey that Section 135-7.1A be amended to read as follows:

(15) Residential Zone A - Single Family Zone: 35%

(16) There shall be compliance with 135-7.2 [Added 11-14-88 by Ord. No. 88-43]

BE IT FURTHER ORDAINED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey that Section 135-7.1B be amended to read as follows:

(15) Residential Zone B - One and Two Family Zone: 40%

(16) There shall be compliance with 135-7.2 [Added 11-14-88 by Ord. No. 88-43]

BE IT FURTHER ORDAINED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey that Section 135-9 be amended to read as follows:

(L) Where an industrial use is proposed abutting a roadway, a 25-foot landscaped buffer shall be provided.

(M) Where a light industrial use abuts a residential use or zone, a 25-foot landscaped buffer shall be provided.

SECTION 2

SEVERABILITY

BE IT FURTHER ORDAINED, that the provisions of this ordinance are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such persons or circumstances, to which the ordinance or part thereof is held inapplicable, had been specifically exempted therefrom.

SECTION 3

REPEALER

BE IT FURTHER ORDAINED, that all other ordinances or parts of

ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency.

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SECTION 4

EFFECTIVE DATE

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication as provided by law.

Mayor Gonnelli asked if anyone wished to be heard regarding the foregoing ordinance. There being no one requesting the floor, Councilman Bueckner moved that public hearing be closed, seconded by Councilman Shinnick.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

Councilman Jeffas moved that the foregoing ordinance be finally adopted, seconded by Councilman Bueckner.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

The following ordinance was read for public hearing: No. 2010-4

**AN ORDINANCE PROHIBITING THE USE OF
CASH FOR PAYMENT OF MUNICIPAL TAXES**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF SECAUCUS, in the County of Hudson, State of New Jersey, as follows:

Section 1. Finding and Purpose

The Mayor and Council of the Town of Secaucus hereby finds that the acceptance of large amounts of cash for the payment of municipal property taxes has created difficulties in the Tax Collector's office.

The Mayor and Council further finds that in order to establish stronger revenue control policies to safeguard funds paid by the residents of the town, it would in the best interest of the taxpayers of the town to accept checks and money orders for the payment of taxes, rather than cash.

Section 2. Prohibition of Cash Payments

No payment shall be accepted for the payment of property taxes in the Town of Secaucus by cash, but, but the means of payment shall be limited to checks, money orders and credit cards.

Section 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole of any thereof.

Section 4. All ordinance or parts of Ordinance of the Town of Secaucus heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect immediately upon final passage. Notice of adoption shall be published as provided by law.

Mayor Gonnelli asked if anyone wished to be heard regarding the foregoing ordinance. There being no one requesting the floor, Councilman Bueckner moved that public hearing be closed, seconded by Councilman McKeever.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

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Councilman Bueckner moved that the foregoing ordinance be finally adopted, seconded by Councilman Jeffas.

Councilman Jeffas explained the need for this ordinance.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

The following ordinance was read for public hearing: No. 2010-5

**AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF THE TOWN OF SECAUCUS TO
REGULATE AND ENFORCE THE PAYMENT OF FEES FOR DUMPSTERS
RENTED TO RESIDENTS BY THE TOWN**

Be it ordained by the Mayor and Council of the Town of Secaucus, in the County of Hudson, State of New Jersey, as follows:

Section 1. Chapter 70 of the Code of the Town of Secaucus is amended as follows: (new provisions shown as underlines text).

70.1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

DUMPSTER/CONSTRUCTION CONTAINER- Any contained used in the normal course of demolition or construction for the purpose of storing, containing and/or carting debris, or similar container provided to property owners by the Town on a temporary basis for a rental fee.

(New Section)

70-8 In the event the renter of dumpster from the Town of Secaucus fails to pay the rental fee, the amount of the unpaid rental fee shall be certified by the Director of the Department of Public Works and to the mayor and Council. The Mayor and Council shall examine such certification and, if found to be correct, shall cause such cost to be charged against any real estate owned by the renter in the Town of Secaucus. The amount charged shall become a lien and a tax upon the real estate of land and be added to, recorded and collected in the manner as the taxes next to be levied and assessed upon the premises and shall bear interest and be enforced and collected by the same officers and in the same manner as taxes.

Section 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole of any thereof.

Section 3. All ordinance or parts of Ordinance of the Town of Secaucus heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon final passage. Notice of adoption shall be published as provided by law.

Mayor Gonnelli asked if anyone wished to be heard regarding the foregoing ordinance. There being no one requesting the floor, Councilman Bueckner moved that public hearing be closed, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

Councilman Bueckner moved that the foregoing ordinance be finally adopted, seconded by Councilman Jeffas.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

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The following ordinance was read for public hearing: No. 2010-6

**ORDINANCE AMENDING CHAPTER 28 OF THE TOWN CODE MODIFYING THE
ORGANIZATIONAL CHART OF THE POLICE DEPARTMENT**

WHEREAS, the Town of Secaucus has an ordinance that specifies the organization and hierarchy of the Secaucus Police Department; and

WHEREAS, the Mayor and Council of the Town of Secaucus have determined that it would be in the best interest of the town to modify the current Police Department organization and hierarchy to include the position of Chief of detectives.

NOW, THEREFORE, pursuant to the rights and powers afforded to the Town's governing body as provided by law;

BE IT ORDAINED by the Mayor and Council of the Town of Secaucus as follows:

1. Chapter 28 is hereby amended as follows (new or modified text is underlines)

28-3 Composition

The Police Department of the Town of Secaucus may consist of one (1) Chief of Police , one (1) Chief of Detectives, one (1) Deputy Chief of Police and such Captains, Lieutenants, Sergeants and police officers as the Mayor and Council may appoint from time to time.

28-5.1 Duties of the Deputy Police Chief (Added 8-22-06 by Ord. No 2006-18)

The Deputy Police Chief shall report to the Chief of Detectives. The duties of the Deputy Police shall be to assist the Police Chief in management and discipline of the Secaucus Police Department, and such other duties as may be assigned by the Chief of Police, including:

M. Act as the police chief in the absence of the Police Chief, Chief of Detectives and/or their designee.

(All other subsections of 28-5.1 shall remain the same)

(New Section)

28-5.2 Duties of the Chief of Detectives

The Chief of Detectives will be responsible to oversee, supervise and coordinate investigations of all felonies and other such misdemeanors that require extended investigation. The Chief of Detectives shall perform such other duties as may be assigned by the Chief of Police and shall report directly to the Chief of Police. In the absence of the Chief of Police, the Chief of Detective shall be in charge of the operation of the police department. Included in the duties of the Chief of Detectives shall be the following responsibilities:

- A. Coordinate and supervise the activities of the Investigation Division responsible for the investigation and solution of criminal offenses. The lack of his physical presence does not relieve him of his supervisory responsibility.
- B. Oversee the Services Division of the Police Department.
- C. Plan work for follow-up investigation for self and subordinates.
- D. Assign work and give instructions on follow-up investigations.
- E. Review reports of subordinate officers and approve final reports.
- F. Review case folders for court preparation.
- G. Submit monthly report to the Chief of Police outlining monthly crime activities.
- H. Establish a stand-by list for hours and days, in which no one is assigned work.
- I. Safeguard all property recovered and follows procedure for evidence.
- J. Communicate to the Chief of Police all information received or known, which may affect the safety of other members of the Department in the execution of their duties.
- K. Endure full cooperation with the other units or shifts within the Department and agencies in other jurisdictions. Make investigations

for them and provide criminal records and other information to them when such actions does not conflict with any investigation being held in the Department. In addition, be prepared to aid them in the apprehension of suspects or offenders, and generally act as liaison officer between this Department and all similar bureaus or units in other Police Departments and law enforcement Agencies.

L. See that all recovered money is properly recorded and secured.

M. See that all controlled substances coming into possession of this Department are properly recorded and secured, and transported to the Crime lab.

N. Be available when requested by a civic, church, or fraternal organization, with permission of the Chief of Police.

O. See that assigned investigation division motor vehicles are well maintained mechanically and left clean both inside and out.

P. Be fully familiar with the law and departmental procedures and policies surrounding the handling of suspects, crime scene control, the care of prisoner, and presentation of evidence in court.

Q. Make the Chief aware in writing when an officer renders exceptional assistance in order that the officer rendering such assistance may receive die credit for his efforts.

R. See that prisoners are processed as soon as possible.

S. See that all stolen property, missing persons, criminal suspects, and wanted persons are entered into the computer as soon as possible.

T. Recommend disciplinary action for corrective measures for subordinates.

U. Be responsible for ensuring the prompt and effective service of all summons, subpoenas, warrants and other official documents forwarded by proper authority.

V. Attend staff meetings as required.

W. Review and appraise the performance of subordinates.

X. Ensure required court attendance for self and subordinates.

Y. Ensure that all required local, state and federal records are maintained (fingerprints, photos, arrest cards, etc) properly handled, and filed.

Z. Make sure that cases being investigated is kept confidential and only discussed with people who have a need to know.

2. Repeal of Conflicting Ordinance

That if any existing Ordinance or any part thereof be deemed inconsistent with the provisions of the within Ordinance, that said conflicting ordinance or part there of be hereby repealed.

3. Impact of Invalid Language

That if any section, paragraph, subsection, clause or provision of the within Ordinance be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remained of the written newly enacted Ordinance be deemed fully valid and effective.

4. Effective Date

That the within Ordinance shall take effect upon final passage and publication pursuant to law.

Mayor Gonnelli asked if anyone wished to be heard regarding the foregoing ordinance. There being no one requesting the floor, Councilman Bueckner moved that public hearing be closed, seconded by Councilman McKeever.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli

NAYS: None

ABSENT: None

Motion carried.

Councilman Bueckner moved that the foregoing ordinance be finally adopted, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli

NAYS: None

ABSENT: None

Motion carried.

The following ordinance was read for public hearing: No. 2010-7

**AN ORDINANCE AMENDING SECTION 127-58B OF THE CODE OF THE TOWN OF SECAUCUS
ENTITLED "DESIGNATION OF LOCATIONS AT OR NEAR PRIVATE RESIDENCES"**

SECTION 1

BE IT FURTHER ORDAINED, by the Mayor and Council of the Town of Secaucus that Section 127-58B - "Designation of Locations at or Near Private Residences" shall be amended by adding the following location:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Mansfield Avenue	South	On the south side of Mansfield Avenue, beginning at a point 115 feet west of the northwest corner of Eighth Street & Mansfield Avenue continuing west for a distance of 22 feet directly in front of 347 Mansfield Avenue

SECTION 2

That the parking space designated for 347 Mansfield Avenue adopted by Ordinance is to be personalized for Placard No. P780490.

If the license plate for the person utilizing the parking space at the above listed address changes, then the parking space designation shall be changed to the new plate with proof from the resident that it is for the same person that the person is still entitled to handicapped parking.

SECTION 3

SEVERABILITY

BE IT FURTHER ORDAINED, that the provisions of this ordinance are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such persons or circumstances, to which the ordinance or part thereof is held inapplicable, had been specifically exempted therefrom.

SECTION 4

REPEALER

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency.

SECTION 5

EFFECTIVE DATE

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication as provided by law.

Mayor Bueckner asked if anyone wished to be heard regarding the foregoing ordinance. There being no one requesting the floor, Councilman Shinnick moved that public hearing be closed, seconded by Councilman Bueckner.

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AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

Councilman Shinnick moved that the foregoing ordinance be finally adopted, seconded by Councilman Bueckner.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

The following ordinance was read for introduction: No. 2010-9

AN ORDINANCE AMENDING CHAPTER 124 OF THE CODE OF THE TOWN OF SECAUCUS
ENTITLED "TAXICABS"

Councilman Clancy moved that the foregoing ordinance be introduced and passed on first reading, seconded by Councilman McKeever.

Mr. Drumeler explained the change to the ordinance.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

Michael Marra announced that the public hearing on this ordinance will be on March 9, 2010.

CONSENT AGENDA-RESOLUTIONS

All matters listed under Consent Agenda are considered to be routine by the Mayor and Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

The following resolution was read: No. 2010-22

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Mayor and Council of the Town of Secaucus awarded a Professional Service Contract in regards to the Fair and Open Public Solicitation Process on March 24, 2009 to Rogut McCarthy Troy LLC, for Services of Bond Counsel in the amount of \$21,500 on November 11, 2009.

WHEREAS, an amendment is needed for an increase to the Bond Counsel Contract for Tax Anticipation Note Sale.

WHEREAS, an additional amount of \$6,500.00 is needed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Secaucus amend the contract for the firm of Rogut and Mc Carthy Troy, LLC to \$43,000.00.

Financial Officers
Certification attached.

The following resolution was read: No. 2010-23

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Mayor and Council of the Town of Secaucus awarded a Professional Service Contract in regards to the Fair and Open Public Solicitation Process on March 24, 2009 to Weiner Lesniak, LLP, for Special Tax Counsel in the amount of \$90,000.00.

WHEREAS, an amendment is needed for an increase to the Special Tax Counsel Contract.

WHEREAS, an additional amount of \$25,000.00 is needed.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Secaucus amend the contract for the firm of Weiner Lesniak, LLC to \$115,000.00.

Financial Officers
Certification attached

The following resolution was read: No. 2010-24

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that pursuant to the recommendation of John Voli, Recreation Director of the Town of Secaucus, the following person is hereby appointed part time to the Aftercare Center at the following hourly rate and effective date:

Name	Hourly Rate	
Kelly Ann Gettman	\$7.25	February 8, 2010
Paula Bancaya	\$7.25	February 15, 2010

The following resolution was read: No. 2010-26

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that pursuant to the recommendation of John Voli, recreation Director of the Town of Secaucus. The following persons are hereby appointed as, Instructor Personnel at the following hourly wages and rates, effective February 4, 2010:

Fitness Instructor
\$40.00 per class
Maria Carmagnola

The following resolution was read: No. 2010-25

RESOLUTION AUTHORIZING A SERVICE CONTRACT WITH ARCHONIX PUBLIC SAFETY SOFTWARE FOR THE POLICE DEPARTMENT SOFTWARE PROGRAMS

WHEREAS, the Mayor and Council of the Town of Secaucus require the services of Archonix Public Safety to maintain its various proprietary software programs utilized by the Police Department for dispatching, records management, report writing, etc.

WHEREAS, N.J.S.A. 40A:11-5 (dd) exempts from public bidding "the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software....."; and

WHEREAS, the Town of Secaucus has received a proposal from Archonix proprietary software utilized by the Police Department.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that the Mayor and Town Clerk are hereby authorized to execute a contract with Archonix for the maintenance of its proprietary software.

BE IT FURTHER RESOLVED, that Archonix shall be paid an amount not to exceed \$41,960.00 for such services.

Financial Officers
Certification attached.

The following resolution read: No. 2010-29

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus are awarding, for the period of 1 (one year), video taping services of Council

Meeting to Flanagan Productions at the all inclusive rate of \$345.00 for a

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Council meeting lasting no more than 2 (two) hours. Any council meeting in excess of 2(two) hours will be billed at the all inclusive rate of \$60.00 hour ½ (half) hour. This resolution shall be effective with the Council Meeting of Tuesday, February 23, 2010.

Financial officers
Certification attached.

The following resolution was read: No. 2010-30

**RESOLUTION AUTHORIZING APPOINTMENT AWARD
OF VARIOUS PROFESSIONAL SERVICES CONTRACTS**

WHEREAS, the Mayor and Council received responses to its Fair & Open Solicitation Process for Professional and other services on January 20, 2010; and

WHEREAS, after review and discussion of such responses the Mayor and Council has determined to whom contracts should be awarded.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Secaucus that contracts for Professional and other services be awarded as set forth below.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk shall be authorized to execute contracts for Professional and other services as follows:

1. Bond Counsel-Rogut McCarthy troy, LLC pursuant to rate schedule in their proposal in an amount not to exceed \$22,000.
2. Special Bond Counsel-McManimon & Scotland, LLP pursuant to rate schedule in their proposal in an amount not to exceed \$10,000.
3. Special Counsel/Federal Regulatory Specialist-Krivot & Krivot, P.C. \$155 per hour in an amount not to exceed \$45,000.
4. Real Property Appraiser-Cooney Bovasso Realty Advisor, Inc., \$150 an hour in amount not to exceed \$42,000.

Financial officers
Certification attached.

Councilman Shinnick moved to approve the resolutions on the Consent Agenda, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

REPORTS AND CORRESPONDENCE REGISTER

Councilman Jeffas moved to approve the Reports and Correspondence Register, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

MOTION TO GO INTO CLOSED SESSION

Councilman Jeffas moved to go into closed session, seconded by Councilman Clancy at 7:44pm.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

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Councilman Jeffas moved to go back into open session, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None Motion carried.

The following resolution was read: No. 2010-27

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that, Albert Kosky is hereby appointed to the position of Full Time Foreperson/Motor Pool for the Department of Public Works effective Wednesday, February 10, 2010 with an annual salary of \$81,667.00.

Councilman Bueckner moved that the foregoing resolution be adopted, seconded by Councilman Clancy.

Councilman Jeffas stated that there was a discussion regarding the resolution and explained how the move will save money in the DPW Department with the restructuring.

Councilman Shinnick offered his opinion on the restructuring.

Councilman Costantino offered his opinion on the resolutions and the impact on finances.

Councilman McKeever offered his opinion and spoke about doing much of the work in house at a cost savings.

Councilman Clancy offered his opinion.

Councilman Bueckner offered his opinion and the opportunity and how this choice will impact the Town.

Mayor Gonnelli explained the changes and the savings to the Town.

AYES: Jeffas, Costantino, McKeever, Clancy, Bueckner, Gonnelli
ABSTAIN: Shinnick
NAYS: None
ABSENT: None Motion carried.

The following resolution was read: No. 2010-28

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, that Kevin O'Connor is hereby appointed to the position of Full Time Assistance Superintendent for the Department of Public Works effective Wednesday, February 10, 2010 with an annual salary of \$83,353.00.0

Councilman Jeffas moved that the foregoing resolution be adopted, seconded by Councilman McKeever.

AYES: Jeffas, Costantino, McKeever, Clancy, Bueckner, Gonnelli
ABSTAIN: Shinnick
NAYS: None
ABSENT: None Motion carried.

COMMITTEE REPORTS

Mayor Gonnelli reported that the new committees that have been formed are working very well. He called on Councilman Jeffas to report on the Police.

Councilman Jeffas reported that the Televised Meeting Contract has been awarded effective February 23, 2010, and will be set in place at the next regular Council meeting. He continued to report on the Police and the

communication system upgrade and the Tough Books. He also reported on the Alternate Energy Committee as well as the Safety and Traffic Committee.

Councilman Costantino spoke about the Financial Committee and said that there was discussion on the budget and that they were ahead of last year.

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He said that they also discussed the possible change of the payroll vendor. He said there will be a large focus on the Recreation Department finances.

Councilman Clancy reported that in 2008 there was an application submitted for the Homeland Security Fire Grant for the purchase of Scott Packs. He stated that the grant did come through for a total of \$253,500. He explained what the Fire Department was able to purchase with the funds.

Councilman Shinnick spoke about the Website and Televised Meetings. He stated that he attended a meeting at the Teterboro Committee and reported that there were no complaints on noise from Secaucus residents.

Councilman Bueckner reported on Recreation Center and noted that the first year is up for those who signed up at the inception. He said letters were sent out to those who are due. He said that the allowing of people who work in the Town to utilize the Rec Center hopefully would increase revenue. He also spoke about the Summer Concert series and improving the entertainment in a cost effective way.

Councilman McKeever stated that there will be an Environmental Report at the next meeting. He also spoke about the Animal Shelter and a meeting next week. He said the last meeting was very productive and spoke about activities at the shelter.

Mayor Gonnelli reported that May 22, 2010 there will be a community parade. He said that he would keep everyone posted.

Dr. Robert Berckes was appointed to the Secaucus Library Board and Robert Campanella was appointed to the Secaucus Housing Authority.

UNFINISHED BUSINESS

Councilman Jeffas spoke about Chestnut Place and redoing an ordinance.

Mayor Gonnelli stated that a survey should be sent to the residents to get feedback on the issue.

Mayor Gonnelli stated that there were Professional Services awarded this evening and stated that this will be an ongoing process over the next few months. _____

NEW BUSINESS

Mayor Gonnelli reported that the Town of Secaucus tax share formula has dropped by \$322,770 and that is attributed to the increase of children in the school system.

The following correspondence was received:

Councilman Jeffas noted that the following letter should be representative of the Boy Scout Council.

Gentlemen,

On behalf of the Secaucus Boy Scout Troop 22, I would like permission to use the Recreation Center pool and Multipurpose Room on March 21, 2010 from 2:00pm til 6:00pm. This would be to give the swim test for Scouts attending National Jamboree. There would be approximately 40 Scouts and Leaders and we will be bringing our own water safety staff. Additionally we would be using the Multipurpose room to have a parents meeting while the test is being given. Please let me know if there is going to be a fee.

Thank you in advance.
Kevin Carpenter
Troop 22 Committee Chairman

Councilman Bueckner moved to approve the foregoing request of the Boy Scout Troop 22 and Council, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None

Motion carried.

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REMARKS OF CITIZENS

Richard Steffens
Chris Snyder
Michael Colangelo
Robert Campanella
John Scheiner
Kevin O'Connor

ADJOURNMENT

Councilman Jeffas moved to adjourn the meeting at 9:15 pm, seconded by Councilman Clancy.

AYES: Jeffas, Shinnick, Costantino, McKeever, Clancy, Bueckner, Gonnelli
NAYS: None
ABSENT: None

Motion carried.

Michael Marra, Town Clerk

