

March 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 March, 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."

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

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

SECTION 1

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus that Chapter 124 - "Taxicabs" shall be amended as follows:

124-5 License fees; terms; renewal.

A. Each taxicab or limosine registered in the Town of Secaucus shall pay a franchise fee ("White Card") of ten dollars (\$10) per year.

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

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

The following ordinance was read for public hearing: No. 2010-10

AN ORDINANCE TO PROVIDE FOR THE FABRICATION OF NEW WATER TANK FOR ENGINE CO. # 5 AND TO PROVIDE THE NECESSARY FUNDS TO PAY THE COSTS THEREOF

BE IT ORDAINED , by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey as follows:

Section 1. The fabrication of a new water and for Engine Co. #5 is hereby approved.

Section2. There is hereby appropriated the sum of \$12,685 from the following source:

Capital Improvement Fund \$12,685

to pay the cost thereof and incidental expenses connected therewith.

Section 3. The funds hereby appropriated are authorized to be expended by the proper officers of the Town of Secaucus for the purpose hereby authorized when obligations to expend said funds have been created in form and manner as permitted by law.

Section 4. This ordinance shall take effect following adoption and publications as required by law.

Financial officers
Certification attached.

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 Shinnick 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.

The following ordinance was read for introduction: No. 2010-14

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

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

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

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. 2010-43

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Governing Body of the Town of Secaucus that the Town Clerk is hereby authorized to advertise for and receive bids for the following project:

Paterson Plank Road and Secaucus Road Roadway Improvements

BE IT RESOLVED, that bids shall be received on March 25, 2010.

The following resolution was read: No. 2010-44

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, that Christopher Snyder is hereby appointed to the position of Part Time Dispatcher for the Police Department effective Wednesday, March 10, 2010 with a salary \$15.65 per hour.

The following resolution was read: No. 2010-45

RESOLUTION AUTHORIZING ADVERTISEMENT FOR AND RECEIPT OF BIDS FOR VARIOUS
PRINTED ITEMS

WHEREAS, the Town of Secaucus has previously set aside funds for the purchase of various printed items; and

WHEREAS, the Town Attorney has prepared specifications and contract documents for the purchase of various printed items.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is hereby authorized to advertise and accept bids for the purchase of various printed items.

BE IT FURHTER RESOLVED, that bids for the purchase of various printed items shall be received on April 22, 2010 at 10:00am.

The following resolution was read: No. 2010-46

RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL REGARDING LOT 2.01
IN BLOCK 46 AS SET FORTH ON THE OFFICIAL TAX MAPS OF THE TOWN OF SECAUCUS
FOR PROPERTY OWNED BY SINAI ASSOCIATES, INC.

WHEREAS, Sinai Associates, Inc., the owner of property located at 700 Penhorn Ave., designated as Lot 2.01 in Block 46 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the assessed value of said property for tax year 2008; and

WHEREAS, the parties have agreed to a reduction in the property's assessment from a total of \$8,465,800.00 to a total of \$6,492,230 for tax year 2008; and

WHEREAS, the property owner has further agreed to waive statutory pre-judgement interest on the tax refund; and

WHEREAS, the Town Tax Assessor has agreed to the reduction in value on the property for the 2008 tax year in accordance with the settlement; and

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WHEREAS, the settlement results in an approximate aggregate total tax refund of \$63,728.00 for the tax year 2008; and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interest of the Town to adjust the assessment on the aforesaid property for the 2008 tax year in accordance with the settlement.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

1. The tax assessment on the property located at 700 Penhorn Ave., and otherwise designated as Lot 2.01 in Block 46 on the official tax map of the Town of Secaucus shall be reduced from a total of \$8,465,800.00 to a total of \$6,492,300.00 for tax year 2008.
2. The Town Tax Collector is hereby authorized to pay the tax refund attributable to the reduction in the assessment for the 2008 tax year upon receipt of the tax Court Judgement.
3. This resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read: No. 2010-47

RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEALS REGARDING LOT
2.01 IN BLOCK 99 AS SET FORTH ON THE OFFICIAL TAX MAPS OF THE TOWN OF
SECAUCUS
FOR PROPERTY OWNED BY MEJOR CONSTRUCTION CO.

WHEREAS, Mejor Construction Co., the owner of property located at 100 Dorigo Lane, otherwise designated as Lot 2.01 in Block 99 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the assessed value of said property for tax years 2008 and 2009; and

WHEREAS, the parties have agreed that the tax appeal for tax year 2008 will be withdrawn and there will be a reduction in the property's assessment for the tax year 2009 from a total of \$1,649,900.00 to a total of \$1,402,415.00 and the parties agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment for tax year 2010; and

WHEREAS, the property owner has further agreed to waive statutory pre-judgement interest on the tax refund; and

WHEREAS, the Town Tax Assessor has agreed to the reduction in value on the property for the tax year 2009 and in accordance with the settlement; and

WHEREAS, the settlement results in an approximate aggregate total tax refund of \$8,412.82 for 2009; and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interest of the Town to adjust the assessment on the aforesaid property for the 2009 and 2010 tax years in accordance with the settlement.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

1. The tax assessment on the property located at 100 Dorigo Lane., and otherwise designated as Lot 2.01 in Block 99 on the official tax maps of the Town of Secaucus shall be reduced from a total of \$1,649,900.00 to a total of \$1,402,415.00 for tax year 2009 and the provisions of the Freeze Act shall apply for tax year 2010.
2. The Town Tax Collector is hereby authorized to pay the tax refund attributable to the reduction in the assessment for the tax year 2009 and 2010 upon receipt of the Tax Court Judgement.
3. This resolution shall take effect immediately or as otherwise provided by law.

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The following resolution was read:

No. 2010-48

**RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEALS REGARDING LOT
5.04 IN BLOCK 44 AS SET FORTH ON THE OFFICIAL TAX MAPS OF THE TOWN OF
SECAUCUS
FOR PROPERTY OWNED BY 801 PENHORN AVE., LLC**

WHEREAS, 801 Penhorn Ave., LLC., the owner of property located at 801 Penhorn Ave., designated as Lot 5.04 in Block 44 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the assessed value of said property for tax years 2008 and 2009; and

WHEREAS, the parties have agreed that the appeal of the 2008 assessment will be withdrawn and the parties have further agreed to a reduction in the property's assessment from a total of \$8,241,000.00 to a total of \$6,593,000.00 for the tax year 2009 and the assessment for the tax year 2010 shall be in the amount of \$6,193,000.00; and

WHEREAS, the property owner has further agreed to waive statutory pre-judgement interest on the tax refund; and

WHEREAS, the Town Tax Assessor has agreed to the withdrawal of the 2008 appeal and to the reduction in value on the property for the 2009 and 2010 tax years in accordance with the settlement; and

WHEREAS, the settlement results in an approximate aggregate total tax refund of \$56,130.00 for tax year 2009; and based upon the reduced assessment for 2010 of \$6,193,000.00 there will be a tax credit of \$13,624.00 based on the 2009 tax rate; and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interest of the Town to adjust the assessment on the aforesaid property for the 2009 and 2010 tax years in accordance with the settlement.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

1. The tax assessment on the property located at 801 Penhorn Ave., and otherwise designated as Lot 5.04 in Block 44 on the official tax map of the Town of Secaucus shall be reduced from a total of \$8,241,000.00 to a total of \$6,593,000.00 for tax year 2009 and the assessment for tax year 2010 shall be \$6,193,000.00.

2. The Town Tax Collector is hereby authorized to pay the tax refund attributable to the reduction in the assessment for the 2009 and 2010 tax years upon receipt of the tax Court Judgement.

3. This resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read:

No. 2010-49

**RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEALS REGARDING LOT
2.03 IN BLOCK 45 AS SET FORTH ON THE OFFICIAL TAX MAPS OF THE TOWN OF
SECAUCUS
FOR PROPERTY OWNED BY 501 & 601 PENHORN AVE., LLC**

WHEREAS, Sinai Associates, Inc., the owner of property located at 501 Penhorn Ave. designated as Lot 2.03 in Block 45 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the assessed value of said property for tax years 2008 and 2009; and

WHEREAS, the parties have agreed that the appeal of the 2008 assessment will be withdrawn and the parties have further agreed to a reduction in the property's assessment from a total of \$6,463,300.00 to a total of \$5,170,600.00 for tax year 2009 and the assessment for tax year 2010 shall

be in the amount of \$4,870,600.00; and

WHEREAS, the property owner has further agreed to waive statutory pre-judgement interest on the tax refund; and

WHEREAS, the Town Tax Assessor has agreed to the withdrawal of the 2008 appeal and to the reduction in value on the property for the 2009 and 2010 tax years in accordance with the settlement; and

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WHEREAS, the settlement results in an approximate aggregate total tax refund of \$44,039.00 for the tax year 2009; and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interest of the Town to adjust the assessment on the aforesaid property for the 2009 and 2010 tax years in accordance with the settlement.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

1. The tax assessment on the property located at 501 Penhorn Ave., and otherwise designated as Lot 2.03 in Block 45 on the official tax map of the Town of Secaucus shall be reduced from a total of \$6,463,300.00 to a total of \$5,170,600.00 for tax year 2009 and the assessment for the tax year 2010 shall be \$4,870,600.00.
2. The Town Tax Collector is hereby authorized to pay the tax refund attributable to the reduction in the assessment for the 2009 and 2010 tax years upon receipt of the tax Court Judgement.
3. This resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read: No. 2010-50

RESOLUTION AUTHORIZING ADVERTISEMENT FOR AND RECEIPT OF BIDS FOR HVAC SYSTEM MAINTENANCE AND REPAIR

WHEREAS, the Town of Secaucus has an annual need for and has a budgeted for HVAC Maintenance and Repair; and

WHEREAS, the Town Attorney has prepared specifications and contract documents for HVAC system maintenance and repair.

NOW, THEREFORE BE IT RESOLVED, that the Town Clerk is authorized to advertise and accept bids for HVAC maintenance and repair in the Town of Secaucus.

BE IT FURTHER RESOLVED, that proposals for HVAC System Maintenance and Repair shall be received on April 20, 2010.

The following resolution was read: No. 2010-51

RESOLUTION AWARDING CONTRACT FOR ELEVATOR SUBCODE SERVICES

WHEREAS, the Mayor and Council advertised for and received the following bids on March 9, 2010 for Elevator Subcode Services pursuant to The Local Public Contracts Law:

<u>BIDDER</u>	<u>BID AMOUNT</u>
EIC Inspection Agency, Inc.	49% of DCA fees
Municipal Inspection Corp.	65% of DCA fees

WHEREAS, the Town Attorney has determined that the bid of EIC Inspection Agency, Inc. is lowest responsive bid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Secaucus that a contract for Elevator Subcode Services in the amount of 49% of the scheduled New Jersey Department of Community Affairs fees be awarded to EIC Inspection Agency, Inc., for three years, not to exceed \$50,000.00, \$55,000.00 and \$60,000.00 in years 1, 2 and 3, respectively.

BE IT FURTHER RESOLVED that the Mayor and Town Clerk shall be authorized to execute a contract for Elevator Subcode Services in the amount of 49% of the scheduled New Jersey Department of Community Affairs fees with EIC Inspection Agency, Inc.

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The following resolution was read:

No. 2010-52

**RESOLUTION AUTHORIZING APPOINTMENT AWARD OR
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 FURHTER RESOLVED, that the Mayor and Town Clerk shall be authorized to execute contracts for Professional and other services as follows:

1. Planning Board Attorney - Chasan, Leyner & Lamparello, P.C. pursuant to rate schedule in their proposal in an amount not to exceed \$7,500.
2. Zoning Board of Adjustment Counsel - Florio, Perrucci, Steinhardt & Fader, L.L.C. pursuant to rate schedule in their proposal in an amount not to exceed \$7,500.

Financial officers
Certification attached.

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

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

NAYS: None

ABSENT: None

Motion carried.

BINGO/RAFFLE APPLICATION

Councilman Jeffas moved that the following application for Raffle/Bingo License be approved, seconded by Councilman Clancy.

R-1112 Secaucus High School Marching Band Parents Association - On Premise
50/50

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

NAYS: None

ABSENT: None

Motion carried.

REPORTS AND CORRESPONDENCE REGISTER

Councilman Bueckner 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.

COMMITTEE REPORTS

Councilman Jeffas reported that the Televised Committee had the tapes run on Monday and Wednesday at 7:00pm and Thursday at 1:00pm. He said that the week after each council meeting. He noted that the schedule will be available on the website. He also gave an update on the Traffic Committee and stated that they are looking at road stripping and painting of curbs and speed bumps in some areas.

Councilman Shinnick reported on the Interlocal Committee and that there was a meeting with the Board of Education regarding some of the budget cuts that are forthcoming. He said there will be another meeting in the near future that will provide additional information.

Councilman Clancy spoke about Scott Packs received by the Fire Department and spoke about an organization that takes in old fire equipment and sends it off to poor countries. He said that 34 older bottles were donated to a Dominican Republic Fire Service.

Councilman Bueckner spoke about a St. Patrick's Day affair on Saturday at the Secaucus High School Cafeteria. He also spoke about the Summer Concert Series.

Mayor Gonnelli noted that the Town is trying in every way to cut costs and said that Councilman Bueckner took on the entire Concert Series and all the work that goes with in on his own. He noted that there should be a substantial savings. He spoke about the St. Patty's luncheon and the savings from that.

Councilman Costantino stated the Finance Committee met and they are starting to go through each program to see if costs can be lowered without reducing services.

Mayor Gonnelli asked the Town Administrator for an update on the upcoming paving projects and how they are being funded.

Mr. Drumeler explained the plan for the projects and noted that the money was coming from federal stimulus money. He said the intersection at Town Hall is on the list to be done. He said that sections of Secaucus Road will be repaved also with no cost to local taxpayers.

Mayor Gonnelli reported on recycling and gave specific numbers for the year 2009. He said that he proud of the DPW for their work with the recycling.

Councilman Shinnick noted that Secaucus has the highest compliance rate for recycling in the County.

Mayor Gonnelli thanked the DPW workers for job well done during the recent snow storm. He also spoke about the Community Forrest Plan and it was done this year by Mr. Dubiel and has been accepted by the State of New Jersey. He also spoke about the Fraternity Meadows project who awarded a 2010 Smart Growth Bronze Award. He said that he will attend the ceremony on March 24, 2010 at the County offices.

Councilman Clancy said that during the course of the snow storm the was a loss of gas supply on Edna and Schmidts Place of which people were without heat. He said that PSE & G found a water leak in the gas main on Hops Lane. He said there was no danger at that location and PSE&G will finish the repairs.

UNFINISHED BUSINESS

Councilman Jeffas stated that the Town passed a Pay to Play Ordinance and stated that it did not include developers. He said that would be addressed in the next few weeks.

NEW BUSINESS

None

REMARKS OF CITIZENS

Joseph Morano
Richard Steffens
Anthony Aiello

ADJOURNMENT

Councilman Clancy moved to adjourn the meeting at 7:35 pm, seconded by Councilman Jeffas.

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

Motion carried.

Michael Marra, Town Clerk

