

November 25, 2014

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 25th day of November, 2014 at 7:00 P.M. in the Council Chambers of the Municipal Government Center, Secaucus, NJ.

Present: Councilmembers: Michael Gonnelli  
Gary Jeffas  
Robert Costantino  
William McKeever  
Susan Pirro  
Mark Dehnert  
ABSENT: James Clancy

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 26, 2013".

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.

The following ordinance was read for public hearing: No. 2014-33

AN ORDINANCE AMENDING CHAPTER 104 OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED "PROPERTY MAINTENANCE" TO INCORPORATE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO UPDATE SNOW REMOVAL AND RESIDENTIAL STRUCTURE SECTIONS.

WHEREAS, the Town wants to ensure that the conditions and maintenance of all property, buildings and structures are safe, sanitary and fit for occupation and use by regulating standards and conditions for the protection of residents, occupants, visitors, pedestrians and the general community; and

WHEREAS, the Town has previously adopted an Ordinance, Chapter 104, setting forth interior and exterior property maintenance standards for properties within its bounds; and

WHEREAS, the Mayor and Council have determined that changes to the Town's Ordinance are warranted by supplementing and integrating the most recent edition of the *International Property Maintenance Code* (currently year 2012) and updating snow removal and residential structure specifications; and

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

1. Chapter 104 entitled "Property Maintenance" of the Code of the Town of Secaucus be supplemented by the most current version of the *International Property Maintenance Code*, Chapters 1, 2 and 3 as published by the International Code Council. Sections 103, 104, 106, 107, 111, 307, 308 and 309 of said Chapters shall be excluded. Accordingly, §104-5 and -6 shall read as follows (additions are indicated in bold; deletions are indicated by a ~~cross-out~~):

§ 104-5. Compliance with code required.

Every residential and nonresidential building and the premises on which it is situated in the Town of Secaucus, previously or presently used or intended to be used for dwelling, commercial, business or industrial occupancy, shall comply with the provisions of this code, whether or not such building ~~shall have been~~ was constructed, altered or repaired before or after the enactment of this code, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building, or for the installation or repair of equipment or facilities prior to the effective date of this code. This code

established minimum standards for the initial and continued occupancy and use of all such buildings, and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained therein, except as provided in § 104-6. Further, compliance with the laws of the State of New Jersey and the most current version of the *International Property Maintenance Code*, Chapters 1 through 3, excluding Sections 103, 104, 106, 107, 111, 307, 308 and 309, shall occur. A copy of the *International Property Maintenance Code* along with a list of any insertions shall be kept on file in the Town's Building Department and the Clerk's Office.

§ 104-6. Conflict with other standards.

In any case where the provisions of this code impose a higher standard than set forth in any other ordinance of the Town of Secaucus, in the *International Property Maintenance Code* or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail, but if the provisions of this code impose a lower standard than any other ordinance of the Town of Secaucus, or the *International Property Maintenance Code* or ~~than~~ the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

2. In the case of any definitions contained both in the Code of the Town of Secaucus and in the *International Property Maintenance Code*, the definition as set forth in §104-4 of Code of the Town of Secaucus shall prevail. §104-4 of Code of the Town of Secaucus shall be amended accordingly (additions are indicated in bold; deletions are indicated by a ~~cross-out~~):

§ 104-4. Definitions.

The following terms wherever used herein or referred to in this code shall have the respective meanings assigned to them unless a different meaning clearly appears from the context. In the case of any definitions contained both in this code and in the *International Property Maintenance Code*, the definition as set forth in this code shall prevail.

...

**HABITABLE ROOM** - A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, utility spaces, ~~or~~ communicating corridors, closets, ~~and~~ storage spaces and similar spaces not considered habitable spaces. [Added 5-14-85 by Ord. No. 85-14]

...

**OCCUPANT** - Any person or persons in actual possession of, ~~and~~ or living in the building or dwelling unit, including the owner. [Amended 5-14-85 by Ord. No. 85-14]

...

**PERSON** - ~~The same meaning as defined in R.S. 1:1-2 of the Revised Statutes of New Jersey. [Added 5-14-85 by Ord. No. 85-14]~~ Any individual, corporation, partnership, association or any other organization or group acting as a unit.

...

**REFUSE** (see also "garbage," and "rubbish") - All putrescible and nonputrescible solid wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, furniture, refrigerators, appliances, building material and solid market and industrial wastes.

- ...
3. §104-11 of the Code of the Town of Secaucus be, and is hereby amended and supplemented to read as follows (additions are indicated in bold; deletions are indicated by a ~~cross-out~~):

§104-11 ...

C. Snow removal.

(1) Responsibility of property owner. Every owner of property in the Town of Secaucus on any street that is paved, curbed and/or flagged shall remove the snow and ice from the sidewalk abutting or bordering such property, within twenty-four (24) ~~daylight~~ hours after the snowfall or ice forms upon the aforesaid sidewalk..

4. §104-13 of the Code of the Town of Secaucus be, and is hereby amended and supplemented to read as follows (additions are indicated in bold; deletions are indicated by a ~~cross-out~~):

§ 104-13. Structural soundness.

- A. Residential. Every dwelling and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety or health hazards, including but not limited to:

...

(8) All structures shall be free from rodents, vermin and insects. Rodent or vermin extermination and proper precautions to prevent infestation/reinfestation may be required by the Board of Health.

(9) From May 1 until October 1 of each year, windows, doors, skylights and other openings to the outdoors required for ventilation of habitable rooms, food preparation or service areas or other similar areas shall be supplied with properly fitting screens. Screens shall be maintained in good repair, and have a mesh of not less than No. 16, as per mesh industry standards.

~~B. Every dwelling shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodent proofing and vermin proofing may be required by the Board of Health. Every openable window, exterior door, skylight, and other opening to the outdoors shall be supplied with properly fitting screens in good repair from May 1 until October 1 of each year. Such screens shall have a mesh of not less than No. 16, as per mesh industry standards.~~

5. There are no other changes to this Chapter of the Code of the Town of Secaucus.
6. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
7. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective.
8. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

IT IS FURTHER ORDAINED that the remainder of this Chapter 104 of the Code of the Town of Secaucus shall remain in full force and effect.

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

AYES: Jeffas, Costantino, McKeever, Pirro, Clancy, Dehnert, Gonnelli  
NAYS: None  
ABSENT:

None  
Motion carried.

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

AYES: Jeffas, Costantino, McKeever, Pirro, Clancy, Dehnert, Gonnelli  
NAYS: None  
ABSENT:

None  
Motion carried.

The following ordinance was read for public hearing: No. 2014-34

AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED  
"DUMPSTER/CONSTRUCTION CONTAINERS" TO INCORPORATE PROVISIONS REGULATING  
PORTABLE STORAGE CONTAINERS

WHEREAS, the unregulated use and placement of portable storage containers can constitute a danger to the safety, health and welfare of residents, including, but not limited to, interference with the efficient movement of traffic, hindering of motorists' view, nature of the contents, proper securing of the portable storage container to prevent access to children or others, and duration of placement on the property; and

WHEREAS, the Town has previously adopted Chapter 70 of the Code of the Town of Secaucus setting forth standards for the permitting, placement and permitted duration of use of dumpsters/construction containers on properties within its bounds; and

WHEREAS, the Mayor and Council have determined that changes to the Town's Ordinance are warranted to address the permitting, location, use and duration of placement for portable storage containers in the interest of the safety, health and welfare of all residents; and

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

- Chapter 70 entitled "Dumpsters/Construction Containers" of the Code of the Town of Secaucus is hereby amended and supplemented to read as follows (additions are indicated in bold; deletions are indicated by a ~~cross-out~~):

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Ch. 70 DUMPSTERS/CONSTRUCTION CONTAINERS  
AND PORTABLE STORAGE CONTAINERS

- § 70-1. Definitions.
- § 70-2. Permit required.
- § 70-3. Issuance of permits; display; revocation; duration.
- § 70-4. Fees.
- § 70-5. Use and maintenance regulations for dumpsters/construction containers.
- § 70-5A. Use and maintenance regulations for portable storage containers.
- § 70-6. Applicability.
- § 70-7. Violations and penalties.
- § 70-8. Unpaid rental fee to become lien.
- § 70-9. Repealer.
- § 70-10. Severability.

[HISTORY: Adopted by the Mayor and Council of the Town of Secaucus 11-23-82 as Ord. No. 82-36. Amendments noted where applicable.]

§ 70-1. Definitions.

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

DUMPSTER/CONSTRUCTION CONTAINER - Any container 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. [Amended 2-9-10 by Ord. No. 2010-5]

PERSON - Any natural person or persons, corporation, partnership, association or any other organizations.

PORTABLE STORAGE CONTAINER - Any container, storage unit, bulk storage container, portable on-demand storage container (PODS) or other similar container that can or is used for the storage of personal or household belongings on a temporary basis during a period of home repair, construction, renovation or relocation which is located for such purpose in a designated location on private property or a public street.

§ 70-2. Permit required.

- A. Dumpsters/Construction Containers: No person may place a dumpster/construction container on any public street, ~~sidewalk or public right-of-way~~ without first obtaining a dumpster/construction container permit from ~~the office of~~ the Construction Department of the Town of Secaucus. No person shall permit a dumpster/construction container to remain on any public street ~~or sidewalk~~ after the expiration date of said permit issued by the Construction Department.
- B. Portable Storage Containers: No person may place a portable storage container on any private property or public street without first obtaining a portable storage container permit from the Construction Department of the Town of Secaucus. No person shall permit a portable storage container to remain on any private property or public street after the expiration date of said permit issued by the Construction Department.

§ 70-3. Issuance of permits; display; revocation; duration.

- A. All permits required by this chapter shall be in writing and shall be issued by the Construction Department of the Town of Secaucus. The Construction Department of the Town of Secaucus shall issue such permits after an applicant

fully completes a written application provided by the Construction Department of the Town of Secaucus, provides any fees set forth in this chapter and, if applicable, demonstrates that he or she has applicable permits for any construction or renovation. ~~for which dumpsters/construction containers shall be used.~~ The application shall set forth the location of the proposed dumpster/construction container or portable storage container, the reason for its use, the proposed nature of the contents, and the duration of the use of said container.

B. Duration

~~(1) No permit authorized by this chapter shall be granted except pursuant to an application, in writing, signed by the person requesting such permit, or his agent. The application, which must be submitted on forms provided by the Construction Department of the Town of Secaucus, shall set forth the location of the proposed dumpster/construction container, the nature, the reason for its use and the duration of the use of said container.~~

~~(2)~~

(1) Dumpsters/Construction Containers: Notwithstanding any other section of this chapter, the permit issued hereunder shall be valid for a period not to exceed seven (7) days. Any person seeking to extend such period beyond seven (7) days may do so by filing a new application for an additional, continuous seven (7) day period; a maximum of two (2) seven (7) days periods within a sixty (60) day period may be granted upon the filing of the proper applications. No permit shall be issued for the use of a dumpster at the same location or by the same applicant for more than twenty-one (21) days in any sixty (60) day period. Any person seeking to have a permit issued for a period in excess of said maximum period shall file an application with the Construction Official citing such special circumstances, whereupon the Mayor and Council or their designee shall determine whether or not such extra period shall be granted.

(2) Portable Storage Containers:

(a) An initial permit for a portable storage container shall be issued for no more than thirty (30) days when the container is located on a private driveway. A property owner may apply for up to two (2) extensions of thirty (30) days each to the Construction Department for good cause, for a total time period not to exceed ninety (90) days from the date of the initial permit to the date of removal of the portable storage container.

Any person seeking to have a permit issued for a period in excess of said maximum period shall file an application with the Construction Official citing such special circumstances, whereupon the Mayor and Council or their designee shall determine whether or not an extra period of time shall be granted. The applicant seeking such an extension shall notify all property owners within a one hundred (100) foot radius of the center of the portable storage container in writing of their request prior to the application being presented to the Council.

(b) A permit for a portable storage container shall be issued for no more than thirty (30) days when the container is located on a public street. Any person seeking to have a permit issued for a period in excess of said maximum period shall file an application with the Construction Official citing such special circumstances, whereupon the Mayor and Council or their designee shall determine whether or not an extra period of time shall be granted. The applicant seeking an extension shall notify all property owners within a one hundred (100) foot radius of the center of the portable storage container in writing of their request prior to the application being presented to the Council.

B. No permit shall be issued until ~~the~~ any fees hereinafter described ~~shall be~~ are paid to the Town of Secaucus.

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- D. The permit shall be placed in a conspicuous position on the dumpster/ construction container or portable storage container during the period of its use.
- E. The Construction Department shall have the power to revoke any permit if the person named in the permit, or his agent, fails to follow the use and maintenance regulations ~~of § 70-5~~ of this chapter. Whenever the Construction Department revokes a permit as defined herein, said dumpster/construction container or portable storage container must be removed within twenty-four (24) hours after notice to the person named in the permit. If the person in whose name the permit is issued fails to remove same within said period, the Construction Department may arrange to have said dumpster/construction container or portable storage container removed and stored at ~~the owner's~~ said person's cost and expense. If the Construction Department shall at any time determine that an emergency situation exists with regard to said container, it shall order same removed without notice at the owner's expense.
- F. The Construction Department, by the Construction Code Official of the Town of Secaucus or his designee, is hereby authorized to issue said dumpster/ construction container and portable storage container permits in accordance with this chapter.

§ 70-4. Fees.

- A. Dumpsters/Construction Containers: The fees payable for permits issued under this chapter shall be seventy-five dollars (\$75.) for seven (7) days or part thereof for each dumpster/construction container's use at the location stated in the permit. For each seven (7) days or part thereof thereafter, the fee shall be seventy-five dollars (\$75.), subject to the maximum periods set forth in this chapter. [Amended 9-22-92 by Ord. No. 92-37; 12-27-94 by Ord. No. 94-43; 9-23-08 by Ord. No. 2008-24; 3-23-10 by Ord. No. 2010-11]
- ~~B. Should a dumpster/construction container be located in an area where parking meters are located, the fee shall be double that fee which is established in § 70-4A hereof.~~
- B. Portable storage containers: The fees payable for permits issued under this chapter shall be as follows: initial permit fee of one hundred fifty Dollars (\$150.) for thirty (30) days or part thereof for each portable storage container's use at the location stated in the permit. For each extension or part thereof for portable storage containers located on private driveways, the fee shall be one hundred fifty dollars (\$150.), subject to the maximum periods set forth in this chapter. For any extension over ninety (90) days for portable storage containers on driveways or over thirty (30) days for portable storage containers on public streets, the fee shall be two hundred fifty dollars (\$250.).
- C. If a dumpster/construction container or portable storage container is permitted to be placed in an area where parking meters are located, the fee shall be double that fee which is established this section.

~~E.~~

- D. Additional fees for dumpster/construction containers. [Added 9-23-08 by Ord. No. 2008-24]

- (1) Rubbish dumpster: \$105.00 per ton.
- (2) Concrete: 10 yards - \$170.00  
18 yards - \$200.00
- (3) Mixed load: 10 yards - \$210.00  
18 yards - \$245.00
- (4) Mason dump: Concrete - \$120.00  
Asphalt - \$140.00  
Mixed - \$140.00

E. All fees are non-refundable.

§ 70-5. Use and maintenance regulations for dumpsters/construction containers.

- A. All dumpster/construction containers shall have displayed in a conspicuous place on the dumpster/construction container a copy of the permit authorizing its use. In addition to such permit being displayed, all dumpster/construction containers shall bear the name, address and telephone number of the person named on the permit, and it shall be deemed that such person is responsible for such dumpsters/construction containers.
- B. All such dumpsters/construction containers which remain on a public street, ~~sidewalk or right-of-way~~ during the hours from sunset of one day to sunrise of the next day shall be equipped with suitable reflective or other warning devices (such as flashers, etc.) as follows: on the top corner of each dumpster/construction container that is within three (3) feet of a roadway. Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of five hundred (500) feet.
- C. Whenever such a dumpster/construction container is placed on the public street, ~~highway or right-of-way~~, placement shall not be closer than within twenty-five (25) feet of a corner, fifty (50) feet of a stop sign or ten (10) feet of a fire hydrant or in any other way constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.

§ 70-5A. Use and maintenance regulations for portable storage containers.

- A. All permits shall specify the location for placement of the portable storage container. All portable storage containers shall be placed in a driveway or upon a paved surface in a location approved by the Construction Department or its designee and in compliance with all safety and traffic requirements imposed by law, regulation, ordinance and Town of Secaucus Police Department.
- B. If the portable storage container is deemed to create a safety or traffic concern by the Town of Secaucus Police Department or Construction Department once placed on the property, street or location in the application, the permittee will be required to re-locate or remove the portable storage container.
- C. All portable storage containers which remain on a public street during the hours from sunset of one day to sunrise of the next day shall be equipped with suitable reflective or other warning devices (such as flashers, etc.) as follows: on the top corner of the portable storage container that is within three (3) feet of a roadway. Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of five hundred (500) feet.
- D. Whenever such a portable storage container is placed on the public street, placement shall not be closer than within twenty-five (25) feet of a corner, fifty (50) feet of a stop sign or ten (10) feet of a fire hydrant, or in any other way constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- E. When not in use, portable storage containers shall be kept locked.
- F. There shall not be more than one (1) portable storage container located on a property at a given time.
- G. No portable storage container shall contain flammable, combustible, toxic or hazardous materials.
- H. All portable storage containers are subject to periodic inspection by the Town of Secaucus Construction Department, Bureau of Fire Prevention or Property Maintenance Department to insure compliance with the permit and all applicable laws, regulations, ordinances and health codes.

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§ 70-6. Applicability.

This chapter is not intended to apply to containers or other receptacles used for normal garbage collections.

§ 70-7. Violations and penalties. [Amended 12-27-94 by Ord. No. 94-43]

- A. Any person who shall violate any of the provisions of this chapter, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.) and not exceeding ~~one~~ two thousand dollars (~~\$1,000~~2,000.), or by imprisonment in the county jail for a period not to exceed ninety (90) days, or shall be required to perform community service for a period not to exceed (90) days, or both. The continuation of such violation for each successive day shall constitute a separate offense.
- B. Enforcement of this Chapter may be completed by the Construction Official, Secaucus Police Department or their designees.

§ 70-8. Unpaid rental fee to become lien. [Added 2-9-10 by Ord. No. 2010-5]

In the event the renter of a 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 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 or 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.

§ 70-9. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this chapter are hereby repealed as to said inconsistencies or conflicts.

§ 70-10. Severability.

If any provision or portion of a provision of this chapter is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

10. There are no other changes to this Chapter of the Code of the Town of Secaucus.
11. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
12. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective.
13. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

IT IS FURTHER ORDAINED that the remainder of this Chapter 70 of the Code of the Town of Secaucus shall remain in full force and effect.

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

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli  
NAYS: None

ABSENT: Clancy

Motion  
carried.

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

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli

NAYS: None

ABSENT: Clancy

Motion carried.

The following ordinance was read for public hearing:

No. 2014-35

AN ORDINANCE AMENDING SECTION 127-57B OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED  
"DESIGNATION OF LOCATIONS AT OR NEAR PRIVATE RESIDENCES"

SECTION 1

BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus that Section 127-58B - A 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>
Ninth Street	West	285 feet from the southwest corner of Centre Avenue and Ninth Street heading south for 21 feet
Second Avenue	North	105 feet from the northeast corner of Roosevelt Avenue heading east for 21 feet

That the parking space designated for 723 Ninth Street adopted by Ordinance is to be personalized for Placard No. P1313284.

That the parking space designated for 52 Second Avenue adopted by Ordinance is to be personalized for Placard No. P1355698.

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

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

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 proposed ordinance. There being no one requesting the floor, Councilman Jeffas moved that the public hearing be closed, seconded by Councilwoman Pirro.

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli

NAYS: None  
ABSENT: Clancy

Motion carried.

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

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli  
NAYS: None  
ABSENT: Clancy

Motion carried.

The following ordinance was read for introduction: No. 2014-36

AN ORDINANCE AMENDING CHAPTER 127 OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED "VEHCILES AND TRAFFIC" TO UPDATE LOCATIONS WIHTIN THE TOWN WHERE PARKING IS PROHIBITED DURING SNOW EMERGENICIES

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

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli  
NAYS: None  
ABSENT: Clancy

Motion carried.

The following ordinance was read for introduction: No. 2014-37

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

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

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli  
NAYS: None  
ABSENT: Clancy

Motion carried.

Public hearing on the foregoing ordinances will be held on December 16, 2014.

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. 2014-406

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS  
APPROVING VETERAN AND SENIOR CITIZEN/DISABLED DEDUCTIONS  
FOR SPECIFIED PERSONS

WHEREAS, it has been determined by the Tax Assessor that the below listed taxpayer within the Town of Secaucus is entitled to a Veteran Deduction and/or a Senior Citizen/Disabled Person Deduction for the year 2014; and

WHEREAS, the total deduction approved by the Tax Assessor was in the amount of \$250.00 for the year 2014; and

WHEREAS, the Mayor and Council understand that the person listed below previously paid their 4th Quarter Final Bill for 2014 in full without the benefit of any deductions.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council for the Town of Secaucus that approval is given for the Tax Collector to adjust the 4<sup>th</sup> Quarter Final Bill for 2014 to reflect the Veteran Deduction and/or the Senior Citizen/Disabled Person Deduction; and

BE IT FURTHER RESOLVED that approval is given for the Tax Collector to refund the overpayment in the amount listed below to the specified taxpayer; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Tax Collector and Chief Financial Officer of the Town of Secaucus.

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BLOCK	LOT	QUAL.	NAME/ADDRESS	TYPE OF	AMOUNT DEDUCTION
193	1	C0007	HIRA, RAMESH	SENIOR	\$ 250.00

7 RIVERVIEW CT.

The following resolution was read: No. 2014-407

RESOLUTION APPROVING TAX OVERPAYMENT REFUND

WHEREAS, it has been determined by the Tax Collector that the taxpayers(s) for the property indicated on the attached schedule "A", totaling \$ 2,856.13 are entitled to tax overpayment refund(s), for the 4<sup>th</sup> Quarter 2014 and;

WHEREAS it is the desire of the Mayor and Council to have these overpayment(s) returned to the respective taxpayer(s) and/or their agent(s);

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Secaucus that the requested overpayment refund(s) be made.

The Tax Collector is hereby authorized to make overpayment refund(s) and/or apply these overpayments to taxpayer(s) future quarters, as appropriate, in the amount shown to the taxpayer(s), as appears on Schedule "A".

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Tax Collector and Chief Financial Officer.

The following resolution was read: No. 2014-408

RESOLUTION AUTHORIZING SALE OF VEHICLES AND EQUIPMENT

WHEREAS, the Town wishes to auction off vehicles and/or equipment that are no longer needed for public use; and

WHEREAS, the sale is being conducted pursuant to Local Finance Notice 2008-9.

NOW, THEREFORE, BE IT RESOLVED, that the following vehicles and equipment shall be put up for auction at the following minimum bid prices:

<u>Equipment</u>	<u>Minimum Bid</u>
1) 1996 Dodge Truck VIN# 1B6MF3651TS698815	\$500.00
2) 2005 Dodge SUV VIN# 1D4HB48W82F237619	\$500.00

BE IT FURTHER RESOLVED, that the auction of this item shall occur online on the auction site govdeals.com.

BE IT FURTHER RESOLVED, that the auction for the above listed items will start on Friday, November 28, 2014 and end on Tuesday, December 9, 2014, at 6:00pm.

BE IT FURTHER RESOLVED, that all property will be sold in an "as-is" condition.

The following resolution was read: No. 2014-409

TOWN OF SECAUCUS, COUNTY OF HUDSON  
RESOLUTION

WHEREAS, the Town of Secaucus is in need of a Wheel Chair Lift Replacement, located at Buchmuller Park; and

WHEREAS, the Town Engineer obtained several quotes for the above-captioned project; and

WHEREAS, the vendor: 101 Mobility aka/Savin Group, Inc of Rockaway, NJ quoted the lowest price for the Wheel Chair Lift Replacement in Buchmuller Park; and

WHEREAS, the price quoted by 101 Mobility is \$24,999.00; and

November 25, 2014

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, to award the contract to the lowest responsible vendor: 101 Mobility in the amount of \$24,999.00.

Financial officers  
Certification attached.

The following resolution was read: No. 2014-410

RESOLUTION AUTHORIZING FAIR & OPEN SOLICITATION PROCESS FOR PROFESSIONAL SERVICES

WHEREAS, the Town of Secaucus is desirous of obtaining expert professional services to serve the Town in both statutory and operationally required functions; and

WHEREAS, the Town Attorney has prepared a Fair & open solicitation therefore.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is hereby authorized to post and accept proposals for obtaining such professional services as follows: Town Attorney; Special Attorney Litigation; Town Auditor; Tax Appeal Attorney; Labor Attorney; Town Engineer; Consulting Engineer; Town Surveyor; Bond Counsel; Special Bond Counsel; Risk Management Consultant; Special Counsel/Federal Regulatory Specialist; Real Property Appraiser; Alcoholic Beverage Control Board Counsel; Public Relations Specialist/Local-State Grant Writer; Municipal Prosecutor; Planning Board Attorney; Zoning Board of Adjustment Attorney; Assistant Town Attorney; Public Defender; Architect and Veterinarian.

The following resolution was read: No. 2014-411

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, pursuant to the recommendation of Kevin O'Connor, Superintendent for the Department of Public Works, that Narayan Iyer is hereby appointed to the position of part-time worker at the hourly rate of \$10.00 effective Wednesday, November 26, 2014.

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT  
WITH MCNERNEY & ASSOCIATES, INC.

WHEREAS, the Mayor and Council of the Town of Secaucus ("Secaucus") require appraisal valuation and consulting services on connection with an appraisal report to be administered to the Tax Court of New Jersey concerning a certain pending tax appeal for Linaire Realty (a.k.a. TD Bank, N.A.) Block 142 Lot 2 located at 1262 Paterson Plank Road for tax years 2011, 2012 and 2013 (hereinafter the "appraisal Report"); and

WHEREAS, this type of work constitutes a professional service is defined by N.J.S.A. 40A; 11-2(6) as such is exempted from the bidding requirements pursuant to N.J.S.A. 40A; 11-5; and

WHEREAS, the Town has received a proposal from McNerney & Associates, Inc to perform the proposed work; and

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 McNerney & Associates, Inc., for appraisal, valuation and consulting services in regards to the Appraisal Report.

BE IT FURTHER RESOLVED, that McNerney & Associates, Inc., shall be paid an amount not to exceed \$3,500 for a trial ready appraisal report (inclusive of all out-of-pocket expenses) and additional compensation in the amount of \$100.00 per hour with respect to additional litigation support services including trial [preparation and appearances at depositions and trial.

Financial officers  
Certification attached.

November 25, 2014

The following resolution was read:

No. 2014-413

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 the Chief Financial Official be and is hereby authorized to make the following transfer in accordance with N.J.S.A. 40A: 4-58, two thirds of the full membership of the Town Council concurring:

TRANSFER TO	GENERAL	TRANSFER FROM	
Municipal Clerk Salaries & Wages	5000	Postage	5000
Engineering Other Expenses	30000	Construction Dept. Other Expenses	5000
Office of Inspection Salaries & Wages	10000	Treasurers Office Salaries & Wages	25000
Council of Mayor	20000	Assessment of Taxes Other expenses	5000
School Crossing Guard Salaries & Wages	17000	Collection of Taxes Other Expenses	5000
Electricity	80000	Annual Audit Expenses	2500
Parks & Playgrounds Other Expenses	10000	Fire Dept. Other Expenses	25000
Supervisions of Playgrounds Other Expenses	100000	Police Dept. Salaries & Wages	200000
Supervision of Playgrounds Other Expenses	60000	Sewer Systems Salaries & Wages	5000
Celebration of Public Events	15000	Parks & Playgrounds Salaries & Wages	3500
Total	351000		351000

The following resolution was read:

No. 2014-414

RE: CLARENDON SCHOOL SOFTBALL/LITTLE LEAGUE FIELD IMPROVEMENTS PHASE I

WHEREAS, the Town of Secaucus had advertised, and Bid, the above captioned Improvement project; and

WHEREAS, the Improvement Project Phase I was awarded on Resolution 2014-261, dated June 24, 2014 in the amount of \$570,853.00 to the Landtek Group Inc. of Amityville, New York ; and

WHEREAS, the Payment # 4 from Landtek Group Inc. is in the amount of \$101,762.02; and

WHEREAS, a Change Order #1 is required, in the amount of \$4,914.64; and

WHEREAS, CHANGE ORDER # 1, will increase the contract amount to \$575,767.64 to the Landtek Group, Inc.; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to award Change Order #1, to the Landtek Group, Inc. of Amityville, New York in the amount of \$4,914.64.

Financial officers  
Certification attached.

November 25, 2014

The following resolution was read:

No. 2014-415

RE: 2014 MILL/OVERLAY PROGRAM-METRO WAY

WHEREAS, the Town of Secaucus had the need to Mill and Overlay on Metro Way; and

WHEREAS, the Town Engineer Advertised, and Bid the above project; and

WHEREAS, the Bid was Awarded on Resolution 2014-112, dated March 25, 2014 to Top Line Construction of Somerville, New Jersey, In the amount of \$79,880.60; and

WHEREAS, the above captioned project requires a Change Order in the amount of \$34,099.97 for the completion of the Metro Way Milling and Overlay Program; and

WHEREAS, the Change Order in the amount of \$34,099.97 represents an amount greater than (20) percent of the original awarded amount of \$79,880.60, for the new total amount of \$113,980.57; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, to award Change Order #1 and Final Payment in the amount of \$34,099.97, to Top Line Construction.

Financial officers  
Certification attached.

The following resolution was read:

No. 2014-416

RE: FLANAGAN PRODUCTIONS-VIDEO SERVICES CHANGE ORDER 1

WHEREAS, the Town of Secaucus has the need for Video Production Services; and

WHEREAS, the Town of Secaucus and Flanagan Productions have contracted for a (5) year period for Video Production Services related to Council Meetings, and Special Events; and

WHEREAS, there is a need to increase the 2014 amount for the above captioned services; and

WHEREAS, Change Order # 1, in the amount of \$6,000.00 is necessary, increasing the 2014 contract to \$21,600.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to award Change Order #1, to Flanagan Productions of Secaucus, New Jersey, in the amount of \$6,000.00.

Financial officers  
Certification attached.

The following resolution was read:

No. 2014-417

RE: FRED DEVENS CONSTRUCTION: ACORN PUMP STATION DRAINAGE IMPROVEMENTS

WHEREAS, the Town of Secaucus had the need for DRAINAGE IMPROVEMENTS AT THE ACORN PUMP STATION; and

WHEREAS, the Town Engineer advertised, and Bid the above captioned Improvement Project; and awarded the contract to Fred Devens Construction of Sparta, New Jersey in the amount of \$82,683.00 on Resolution 2014-320 dated 8/26/14; and

WHEREAS, payment # 2 request is submitted, in the amount of \$79,150.14; and

WHEREAS, Change Order # 1, is required in the amount of \$967.14, increasing the contract amount to \$83,650.14; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, to award Change Order #1, to Fred Devens Construction, in the amount of \$967.14.

Financial officers  
Certification attached

November 25, 2014

The following resolution was read:

No. 2014-418

TOWN OF SECAUCUS, COUNTY OF HUDSON  
RESOLUTION

WHEREAS, SECAUCUS 300, LLC is the record owner of property situated at Block 227.01, Lot 2, with street addresses of 250 and 300 Harmon Meadow Boulevard in the Town of Secaucus, New Jersey, and

WHEREAS, SECAUCUS 300, LLC the Plaintiff in legal actions against the Town of Secaucus in the Tax Court of New Jersey, with Docket Nos.: 007670-2009, 000084-2010, 006107-2011, 003945-2012, 000359-2013 and 002550-2014, challenging the actions of the Town of Secaucus with respect to the assessment of its property, and

WHEREAS, the parties now wish to amicably resolve the outstanding issues regarding the assessment of the property and settle the lawsuits between them pending in the Tax Court of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that Florio and Kenny, L.L.P., Special Tax Counsel for the Town of Secaucus in these cases, is hereby authorized to execute on behalf of the Town of Secaucus, a Stipulation of Settlement resolving the Complaints filed by:

1) SECAUCUS 300, LLC situated at Block 227.01, Lot 2, 250 and 300 Harmon Meadow Boulevard, in the Town of Secaucus, New Jersey;

2) For tax years 2009, 2010, 2011, 2012, 2013 and 2014:

Assessment Affirmed:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2009	Land \$2,990,500.00	\$2,990,500.00
	Imp. <u>\$18,329,700.00</u>	<u>\$18,329,700.00</u>
	Tl.: \$21,320,200.00	\$21,320,200.00

Assessment Reduced:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2010	Land \$2,990,500.00	\$2,990,500.00
	Imp. <u>\$18,329,700.00</u>	<u>\$17,009,500.00</u>
	Tl.: \$21,320,200.00	\$20,000,000.00

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2011	Land \$2,990,500.00	\$2,990,500.00
	Imp. <u>\$18,329,700.00</u>	<u>\$16,509,500.00</u>
	Tl.: \$21,320,200.00	\$19,500,000.00

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2012	Land \$2,990,500.00	\$2,990,500.00
	Imp. <u>\$18,394,700.00</u>	<u>\$15,509,500.00</u>
	Tl.: \$21,385,200.00	\$18,500,000.00

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2013	Land \$2,990,500.00	\$2,990,500.00
	Imp. <u>\$18,394,700.00</u>	<u>\$15,009,500.00</u>
	Tl.: \$21,385,200.00	\$18,000,000.00

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2014	Land \$2,990,500.00	\$2,990,500.00
	Imp. <u>\$16,009,500.00</u>	<u>\$14,009,500.00</u>
	\$19,000,000.00	\$17,000,000.00

November 27, 2014

Interest on any refund due is waived, provided the refund is made within 60 days of the date judgment is issued by the Court. All in accordance with the discussions held at a certain meeting of the Town Council on November 25, 2014.

The following resolution was read: No, 2014-419

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 Tania Guaman is hereby appointed as Coalition Coordinator in the Administrative & Executive Department, effective Monday, December 1, 2014, at the rate of \$40,000 per annum.

Councilwoman Pirro moved that the foregoing resolutions on the Consent Agenda be approved, seconded by Councilman Dehnert.

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli  
NAYS: None  
ABSENT: Clancy Motion carried.

PAYMENT OF CLAIMS

Councilwoman Pirro moved that the following Salary Vouchers and Claims Fund Register be approved, seconded by Councilman Jeffas.

Town of Secaucus Payroll Acct. w/ending 11/07/14		\$476,368.18
Adm. & Exec	14,448.88	
Mayor & Council	10,004.71	
Municipal Clerk	8,074.85	
Community Shuttle Bus	2,698.73	
Legal Dept.	000.00	
Municipal Court	14,708.40	
Engineering	000.00	
Pub. Bldgs. & Grds.	33,813.40	
Off. Of Inspect.	7,895.06	
Planning Board	64.03	
Bd. Of Adjustments	58.91	
Public Defender	000.00	
Comm. & Security Adm	3,617.21	
Construction	14,989.60	
Treasurer	18,303.79	
Tax Assessor	6,014.96	
Tax Collector	5,196.16	
Police Dept.	333,483.51	
School Cross Grds.	14,576.67	
Office of Emergency Man.	576.92	
Unif. Fire Safety Off.	4,140.10	
Rd. Repair & Maint.	123,331.14	
Sewer System	1,942.80	
Recycling Coord.	8,392.32	
Bd. of Health	3,402.80	
Mosquito Control	00.00	
Social Services	13,596.80	
Pks. & Play Grds.	000.00	
Supv. Of Play Act.	48,477.25	
Rec. Activities	18.00	
Social Security	35,124.74	
Pool Oper.	4,041.50	
Grant Fund (OEM)	000.00	
CDBG	000.00	
Town of Secaucus Tax Escrow Acct. w/ending 11/07/2014		\$238,458.62
Town of Secaucus Payroll Acct. w/ending 11/21/2014		\$416,036.04
Adm. & Exec	13,685.55	
Mayor & Council	2,098.08	
Municipal Clerk	8,392.87	
Legal Dept.	000.00	
Community Shuttle Bus	2,753.57	
Municipal Court	14,637.15	
Engineering	000.00	
Pub. Bldgs. & Grds.	33,646.31	
Off. Of Inspect.	6,892.41	
Planning Board	64.03	

November 25, 2014

Bd. Of Adjustments	58.91
Public Defender	000.00
Comm. & Security Adm	3,461.30
Construction	15,184.48



Mayor Gonnelli spoke about flood control throughout the Town.

UNFINISHED BUSINESS

Councilman Jeffas spoke about the results that were received from the Keystone Property, which were all good.

Councilman Costantino reported, on Mr. Clancy's behalf, and spoke about the clock in the center of Town. He also announced the garbage schedule for Thanksgiving Day.

Councilman Pirro spoke about the volunteers in Town and noted the need for volunteers to spend time with senior citizens. She also stated that the Pet Calendars are available for purchase.

Councilman Dehnert spoke about success in some sporting events. He also spoke about a swap meet to be held at the Recreation Center. He continued with information about the Senior Citizen holiday event.

Councilman McKeever spoke about upcoming events.

Mayor Gonnelli announced that the Schoenrock Family is the family to be honored at the Christmas Parade.

NEW BUSINESS

Councilman Jeffas spoke about an event at the Library. He also spoke about the hard work of the Mayor who is active in getting things donate, especially a large food donation from White Toque.

Mayor Gonnelli mentioned that Lisa Snedeker, Director of Social Services also helped with the donations.

Councilman Costantino noted that the Town is very fortunate to have companies in Town who are always willing to help out when needed.

Councilwoman Pirro spoke about an upcoming events as well as a Toy Drive.

Councilman McKeever spoke about an upcoming showing of "Elf" and the availability of tickets. He also gave details on the Christmas events to be held on December 6, 2014.

Councilman Jeffas stated the traffic light on Wood Avenue is functioning.

Councilman McKeever stated that the cameras at the catwalks are also functioning.

Mayor Gonnelli spoke about a train bridge that needs replacement in Secaucus and the fact that it was mentioned on "60 Minutes". He spoke about the need of funding to repair the bridge. He also noted that there will be one Council Meeting on December 16, 2014. He also wished everyone a Happy Thanksgiving.

REMARKS OF CITIZENS

Lauren Godfrey

Councilman Jeffas to go into closed session at 7:41 pm, seconded by Councilman Costantino.

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli  
NAYS: None  
ABSENT: Clancy Motion carried.

Councilman Costantino moved to go into open session at 8:17 pm, seconded by Councilwoman Pirro.

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli  
NAYS: None  
ABSENT: Clancy Motion carried.

November 25, 2014

Councilwoman Pirro moved to adjourn the meeting at 8:17 pm, seconded by Councilman Costantino.

AYES: Jeffas, Costantino, McKeever, Pirro, Dehnert, Gonnelli  
NAYS: None  
ABSENT: Clancy Motion carried.

Michael Marra, Town Clerk