

November 12, 2008

MINUTES of 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 12th day of November, 2008 at 7:00 P.M. in the Council Chamber of the Municipal Government Center, Secaucus, N.J.

Present: Mayor Dennis Elwell  
Councilmembers: John Bueckner  
Richard Kane  
Michael Gonnelli  
Gary Jeffas  
John Shinnick  
John Reilly

**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 January 4, 2008."

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 first item on the agenda is as follows:

**APPROVAL OF MINUTES**

The following resolution was read: No. 2008-140

**TOWN OF SECAUCUS, COUNTY OF HUDSON  
RESOLUTION**

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, that the minutes of the Regular Meeting of August 26, 2008, the Regular Meeting of September 9, 2008 and the Regular Meeting of September 23, 2008 are hereby approved.

Councilman Gonnelli moved that the foregoing resolution be adopted, seconded by Councilman Kane.

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell  
NAYS: None  
ABSENT: None Motion carried.

The following ordinance was read for introduction: No. 2008-31

**REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWN OF SECAUCUS, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$2,200,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,200,000 BONDS OR NOTES OF THE TOWN FOR FINANCING THE COST THEREOF.**

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

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell  
NAYS: None  
ABSENT: None Motion carried.

Public Hearing will be on November 25, 2008.

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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. 2008-14

TOWN OF SECAUCUS, HUDSON COUNTY  
RESOLUTION

BE IT RESOLVED , by the Mayor and Council of the Town of Secaucus that Kathleen Ittariello is hereby appointed as a part-time driver for various vehicles and for various assignments including, but not limited to, medical escort, school buses and senior buses.

BE IT FURTHER RESOLVED, that the effective date will be October 14, 2008 with an hourly salary of 415.08.

The following resolution was read: No. 2008-142

RESOLUTION AUTHORIZING THE INSERTION OF A SPECIAL ITEM OF REVENUE AND AN APPROPRIATION OF EQUAL AMOUNT

Council offered and moved adoption of the following resolution:

WHEREAS, the N.J.S.A. 47A-4-87 provides the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Secaucus hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$20,401.44 which item is now available as revenue from:

STATE OF NEW JERSEY  
DIVISION OF MOTOR VEHICLES  
DRUNK DRIVING ENFORCEMENT FUND

pursuant to the provision of the statute and,

BE IT FURTHER RESOLVED, that a like sum of \$20,401.44 be and same hereby appropriated under the following caption:

BREATHALYZER EQUIPMENT-POLICE DEPT.

RESOLVED that two certified copies of this resolution be filed with the Division of Local Government Services.

The following resolution was read: No. 2008-143

RESOLUTION OF THE TOWN OF SECAUCUS IN THE COUNTY OF HUDSON , NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A 40A:2-51

WHEREAS, the Town of Secaucus, in the County of Hudson, New Jersey ("the "Town") desires to make application to the Local Finance Board for its approval of a refunding bond ordinance providing for amounts owed to others for taxes levied, pursuant to the provisions of N.J.S.A. 40A-2-51; AND

WHEREAS, the Town believes that:

(a) it is in the public interest to accomplish such purpose;

(b) said purpose or improvements are for the health welfare, convenience or betterment of the inhabitants of the local unit or

units;

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( c) the amounts to be expended for said purpose or improvement are not unreasonable or exorbitant;

(d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be place upon the local unit aor units:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SECAUCUS, IN THE COUNTY OF HUDSON, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Town's Bond Counsel and auditor, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

Section 2. The Clerk of the Town is hereby directed to prepares and file a copy of the refunding bond ordinance and this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

The following resolution was read:

No. 2008-146

**RESOLUTION AUTHORIZING APPLICATION TO  
NJDOT FOR ROUTE 3 INFORMATION SIGNS**

WHEREAS, patrons of the Hartz Mountain Industries, Inc., ("Hartz") Harmon Meadow Boulevard Complex ("Complex") continue to cause undue congestion because of their unfamiliarity with access to the Complex; and

WHEREAS, it is the opinion of the Hudson County Department of Engineering (HCDE) that a number of accident occur at the intersection of Paterson Plank Road and Park Place because drivers on NJ Route 3, who are destined to Harmon Meadow, are not aware that left turns into the site are prohibited from eastbound Paterson Plank Road and ignore the restriction and make an illegal left turn; and

WHEREAS, often misdirected patrons drive onto local Secaucus streets and create congestion as they search for Harmon Cove Boulevard; and

WHEREAS, Hartz had commissioned Michael Maris Associates, Inc., to develop signage to alleviate these access problems to Harmon Meadow Boulevard and it has developed proposed signage along Paterson Plank Road and Route 3.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Town of Secaucus approve the attached proposed Harmon Meadow Boulevard Signage Plan dated April 19, 2007 by Michael Maris Associates, Inc., and will forward this Resolution, with plans attached, and the October 10, 2008 consent of Hartz to Ms. Jamie Oplinger, New Jersey Transit.

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

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell

NAYS: None

ABSENT: None

Motion carried.

The following resolution was read:

No. 2008-144

**RESOLUTION AUTHORIZING PARTICIPATION IN MOTION BEFORE THE COUNSEL ON  
AFFORDABLE HOUSING TO SUSTAIN FRATERNITY MEADOWS, LLC DEVELOPERS  
AGREEMENT WITH THE TOWN OF SECAUCUS**

WHEREAS, the New Jersey Meadowlands Commission ("NJMC") adopted the Secaucus Transit Village Redevelopment Plan ("Redevelopment Plan"), by Resolution No. 04-20 on April 16, 2004; and

WHEREAS, Fraternity Meadows, LLC is the owner of property designated as Block 5, Lots 3 and (the "Porperty") which Property is subject to the Redevelopment Plan; and

WHEREAS, the property is within the Riverfront Landing Zone of the

Redevelopment Plan, which designates the property for residential

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development; and

WHEREAS, Fraternity Meadows, LLC filed with the NJMC a notice of its intent to proceed with residential development consistent with the Redevelopment Plan (the "Project"), and requested to be formally designated redeveloper of its property; and

WHEREAS, the NJMC by Resolution #04-42, adopted on June 23, 2004, designated Fraternity Meadows as redeveloper of its Property; and

WHEREAS, September 30, 2004, Fraternity Meadows, LLC entered into a Redeveloper Agreement with the NJMC, which provides inter alia for the filing of the NJMC Zoning Certificate Project Impact Assessment; and

WHEREAS, upon approval of the NJMC Zoning Certificate Impact Assessment, NJMC regulations (N.J.A.C. 19:4-10.1) provide that Fraternity Meadows, LLC shall enter into a Developer's Agreement addressing project impacts; and

WHEREAS, the Town of Secaucus and Fraternity Meadows, LLC have entered into a negotiated and project integrated Developer's Agreement, dated September 4, 2007 setting forth the rights and obligations of each party and premised on then existing Council on Affordable Housing ("COAH") regulations; and

WHEREAS, COAH has revised its regulations and now seeks to apply such regulations retroactively to the prior approval which would violate the Developer's Agreement between the Town of Secaucus and Fraternity Meadows, LLC; and

WHEREAS, Fraternity Meadows, LLC plans to moved before COAH to challenge retroactive application of new regulations upon its prior approved project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that it join in the Fraternity Meadows, LLC motion before COAH to preserve the integrity of its contact with Fraternity Meadow, LLC and to secure the bargained for benefit contained therein.

Councilman Shinnick moved that the foregoing resolution be adopted, seconded by Councilman Kane.

Councilman Jeffas explained that there was a lengthy discussion regarding affordable housing at the Caucus and he explained that the Town is joining Fraternity Meadows, and it is at no cost to the Town. He gave a brief explanation of the plan and the reason for the resolution.

Councilman Bueckner qualified his vote in favor of the resolution based on discussion but stated that he was not in favor of Fraternity Meadows because of the size of the development.

AYES: Bueckner, Kane, Jeffas, Shinnick, Reilly, Elwell

NAYS: None

ABSTAIN: Gonnelli

ABSENT: None

Motion carried.

The following resolution was read:

No. 2008-145

**RESOLUTION SUPPORTING THE APPLICATION OF JAM OUTDOOR, LLC TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE STATE HOUSE COMMISSION FOR THE CONSTRUCTION OF A BILLBOARD ON THE PROPERTY OF THE SECAUCUS YOUTH ALLIANCE AT BLOCK 159, LOT 1**

WHEREAS, the Municipal Council previously approved the application by JAM Outdoor, LLC to the State of New Jersey Department of Transportation for the erection of a Billboard on Block 159, Lot 1 in the Town of Secaucus; and

WHEREAS, the billboard will generate revenue to the Town of Secaucus which will help tp pay the debt service for the Town's new Recreation Center; and

WHEREAS, in August, 2006, JAM Outdoor, LLC ("JAM"), submitted an

application to the State of New Jersey , Department of Transportation for a sign at the Route 3 westbound lane between the Meadowlands Parkway interchange and the Route 120 interchange; and

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WHEREAS, the sign was situated 240 feet west of the westerly edge of Meadowlands Parkway and 858 feet from the point of gore of the Paterson Plank Road entrance ramp onto Route 3 westbound; and

WHEREAS, the Department of Transportation denied the application because the sign was to be located 858 feet from the point of gore of Paterson Plank Road, rather than 1,000 feet, and was thus 142 feet too close to the interchange of Paterson Plank Road and Westbound Route 3; and

WHEREAS, there is no detrimental effect to erecting this billboard 142 feet closer than may currently be permitted under current DOT regulations; and

WHEREAS, JAM Outdoor, LLC is now re-applying for approval of the billboard, and if denied by the New Jersey Department of Transportation, will apply to the New Jersey State House Commission for a waiver of the distance requirements to allow the sign to be erected; and

WHEREAS, due to the current troubled economic times in our nation, developing alternative sources of revenue streams is extremely important and the erection of this billboard will create cash flow to the Town that will benefit taxpayers.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF SECAUCUS:

1. That the Town fully supports the application by JAM Outdoor, LLC for the erection of the billboard.

2. The Mayor and Clerk are authorized to execute such documents as may be necessary to perfect the application and to send a letter of support to the State Department of Transportation and/or the State House Commission.

3. a copy of this Resolution and the executed Agreement shall be filed in the Office of the Municipal Clerk.

Councilman Kane moved that the foregoing resolution be adopted, seconded by Councilman Reilly.

AYES: Bueckner, Kane, Gonnelli, Jeffas, Reilly, Elwell

NAYS: None

ABSTAIN: Shinnick

ABSENT: None

Motion carried.

#### COMMITTEE REPORTS

Councilman Gonnelli stated that he received a letter that the Town has received \$25,000 from the NJMC for the Summer Concert series. He also asked about the Flood Committee.

Mayor Elwell stated that they are waiting for Mr. Ceberio so that the meeting can be held.

Councilman Reilly gave his report on police summonses.

Councilman Jeffas asked about an update on the televised meeting issue.

Town Administrator, David Drumeler gave a brief overview of the plan.

#### UNFINISHED BUSINESS

Councilman Gonnelli spoke about speed bumps on Radio Avenue. He stated that they are too high.

Mayor Elwell said that he agreed as the Town has been there to check. He explained that if they are gone over at the speed limit, they are fine. He explained that they will be striped and lined. Discussion continued.

Councilman Bueckner agreed that the bumps are too high.

Councilman Gonnelli stated that he has received complaints regarding the parking lot on Seaview Drive and the fact that it is for residents. He noted that it is a problem for the residents that have no place to park.

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Mayor Elwell stated that he spoke with Jim Sheridan and they are putting out a letter and next will be summonses. He said that there are some cars that do not have resident stickers, but do have Harmon Cove stickers.

Councilman Reilly asked if there is ordinance covering that parking lot so that summonses can be issued.

Mayor Elwell stated that summonses have been issued as there is a building next door has put a sign and that may be the problem to be dealt with.

Councilman Gonnelli asked if there is any progress in negotiations for a shopping center.

Mayor Elwell stated that he has a letter from Hartz in response to a letter sent to Hartz regarding the Linen n Things location. He read the letter that was received from Hartz. It was determined in that letter, that the location is under the protection of the Bankruptcy Court and the location may not be suitable due to lack of square footage. He added that he was informed that the Stop n Shop area was looked at by Pathmark, but when they realized that there is a Super Wal-Mart going in they were reluctant.

Councilman Gonnelli said that he did not know the status of the Super Wal- Mart.

Mayor Elwell said that he was told that they are moving forward.

Councilman Gonnelli stated that there is a Super Wal-Mart going up on Tonnelle Avenue.

Mayor Elwell said that they are planning two locations. He said that has chased Shop Rite away.

Councilman Gonnelli spoke of the Acorn striping as well as the bus stops.

Councilman Reilly spoke about the second ambulance acquisition during peak hours and how it is in on hold for the time being. He said a second ambulance may be discussed at budget time next year.

Mayor Elwell stated that it the Town's intention to work on the budget early in the year. He said that the Town is looking into alternative fuels and ways to save money.

Councilman Kane asked about storage tank for gasoline and meeting with the County.

Mayor Elwell explained about a universal filing station.

Councilman Bueckner spoke about the Recreation Center parking lot and asked if there is a problem. He said the lot has a rough surface.

Mayor Elwell explained how and why that occurred. He said it will be researched with the PMK Group.

Councilman Bueckner spoke about the recreation football and the recognition of the 30 years.

Mr. Drumeler stated that it would be addressed at the next council meeting.

Mayor Elwell said that the season is over at this point. He said it could be done at the Town Hall.

Councilman Bueckner asked that there be an invitation of previous players.

Councilman Jeffas asked about a speed bump on Charles Street at the park. He asked for consideration of this request.

Mayor Elwell said that he has had this discussion and it was thought that it would be done when the road is repaved. Discussion continued. He mentioned that it should also be done on Centre Avenue, but asked that it wait until the new budget and better weather.

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NEW BUSINESS

The following request was received:

Secaucus Brownie Troop 2251 for the Nutrition Center on November 23, 2008, 12:00pm-4:00pm

Councilman Shinnick moved to approve the foregoing request, seconded by Councilman Jeffas.

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell

NAYS: None

ABSENT: None

Motion carried.

Mayor Elwell stated that there are plans to have activities at the Nutrition Center in the future. He said some maintenance needs to be done there, but will be discussed at budget time.

Councilman Reilly spoke about a program with Integrity House and snow removal of homes of seniors and asked if it still exists.

Mayor Elwell said that it does.

Councilman Reilly asked that it be updated before a storm hits.

Mayor Elwell stated that he would ask the DPW to call people on the list and make sure that people still require it. He said there is a criteria.

Councilman Reilly asked that it be addressed. He also asked about street covered by CBGB money and asked if there is money for snow removal on some of those sidewalks of seniors who can not shovel?

Mayor Elwell said that he did not think so, but would look into it.

Councilman Gonnelli spoke about the area of the Masonic Temple and the crosswalk signs.

Mayor Elwell said that intersection has been looked at for a grid as done in New York.

Councilman Gonnelli spoke about a Harmon Cove resident who received a welcome packet. He asked that a business card from each Council member in that ward be included.

Mayor Elwell said it would be done.

Councilman Gonnelli stated that he received a e-mail from the Governor's office regarding Pay to Play. He asked that the Town Administrator look at that and at the next Caucus Meeting report how it may pertain to the Town of Secaucus.

Mayor Elwell stated that it would be done and the Town will follow the laws of the State of New Jersey.

Councilman Bueckner asked if it was compared to the one proposed at the Council meeting?

Councilman Gonnelli said that it is very substantial.

Councilman Jeffas explained that it would require Legislative Action to get it to a State law that all municipalities would have to abide by it.

Discussion continued on the subject.

Councilman Gonnelli stated with the Transit Village opening, he asked if the Town has received any money for the Recreation Center?

Mr. Drumeler stated that the Town receives money per C.O. He said it is approximately \$2,700.00 along sewage connection fees which are substantial.

Councilman Gonnelli asked for a survey of ditches on Seaview Drive.

Mayor Elwell explained about some work getting done there.

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Councilman Jeffas asked about trees on Irving Street and asked for someone to look at it. He also spoke about next years budget cycle and tax abatements.

Mayor Elwell said there was a report from Daniel Becht and spoke about a meeting at NJMC regarding some of the inadequacies and ineffectiveness of revenue sharing. He also spoke about a home on Huber Street and the need to discuss the problem with the two Council members from that Ward.

He also noted the tough economic times and asked the Tax Collector about foreclosures, and he stated that there has been one.

REMARKS OF CITIZENS

Louis Canavari  
Sam Maffei  
Tom Troyer  
Anthony Gazuolo

Councilman Reilly moved to adjourn the meeting at 7:58 pm, seconded by Councilman Bueckner.

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell  
NAYS: None  
ABSENT: None

Motion carried.

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Michael Marra, Town Clerk

