

November 25, 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 28th day of October, 2008 at 7:00 P.M. in the Council Chamber of the Municipal Government Center, Secaucus, N.J.

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

Absent: 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 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."

Councilman Bueckner is unable to attend due to a family emergency.

The first item on the agenda is as follows:

The following ordinance was read for public hearing: No. 2008-28

**ORDINANCE AMENDING CHAPTER 63
UNIFORM CONSTRUCTION CODES**

WHEREAS, the Mayor and Council acknowledge the existence of properties within the Town of Secaucus that require the conduct of inspections after normal business hours because of emergent health and safety conditions, accommodations of Town residents and property owners, or pressing construction schedules.

WHEREAS, it is necessary to revise existing ordinances of the Town of Secaucus to be consistent with existing state statutes; and

WHEREAS, the provisions herein are intended to supplement and enhance the Construction Code provisions of the Town of Secaucus;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that:

SECTION 1. Chapter 64 of the Code of the Town of Secaucus is hereby amended as follows:

64-3

D. After Regular Business Hour Inspections.

The fees for After Hours Building Code Inspections and Habitability Certificate of Occupancy Inspection of dwellings consisting of four (4) or more dwelling units shall be \$37.00 per hour, or part thereof.

E. Exemption

(1) Religious non profit organizations holding tax exempt status under the Federal Internal Revenue Code of 1954 26 U.S.C. 501) or (d) shall be exempt from the payment of construction permit fees for any construction relating to the religious purposes of the organization.

(2) A disabled person as defined in N.J.S.A. 40:55D-8 or a parent

or sibling of a disabled persona shall be exempt from the payment of any fee charges in connection with an application for developing which promotes the accessibility of his own living unit.

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

SECTION 3. All ordinances or part of ordinances of the Town of Secaucus heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

Section 4. This ordinance shall take effect upon final passage and publication as required by law.

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

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

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

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

The following ordinance was read for public hearing: No. 2008-29

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO RIVERSIDE COURT CONDOMINIUMS AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

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

SECTION 1.

Riverside Court Association, Inc., owners of the property, has filed a written consent wit the Town of Secaucus that the provisions of Subtitle One of Title 39 of the Revised Statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots at Riverside Court Condominiums located in the Town of Secaucus, County of Hudson and the following regulations shall be enforceable:

1. General Parking

A. All vehicles must park in designated areas and between the lines provided.

B. No person shall stop or stand a vehicle upon any of the streets or parts of streets describes below, except in areas covered by other parking restrictions.

<u>NAME OF STREET</u>	<u>SIDES</u>	<u>HOURS</u>	<u>LOCATION</u>
All Roads and Aisles	Both	All	As indicated on the Site Plan attached hereto.

C. Handicapped parking-All stalls shall be 12 foot wide as shown on the attached site plan and signed within the R7-8 and R7-8P (Reserved parking Sign and Penalty Plate) in the designated parking areas for persons who have been issued the handicapped parking Permit by the Division of Motor Vehicles.

2. Tow-Away Zones

Any Vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners's or operator's expense.

SECTION II.

All signs and posts shall be installed and paid for by the Riverside Court Condominium Association, Inc, all signs shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 9:4-183.27.

SECTION III.

Unless another penalty is expressly provided by the New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than One Thousand Two Hundred and Fifty Dollars (\$1,250.00) or imprisoned for a term not exceeding ninety (90) days or both.

SECTION IV.

If any part of this Ordinance or for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance.

SECTION V.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI.

This ordinance shall take effect upon final passage and publication according to law.

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

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

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

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

The following ordinance was read for public hearing: No. 2008-30

ORDINANCE TO QUIT CLAIM A PORTION OF LAND NOT NEEDED FOR PUBLIC PURPOSES TO THE ADJOINING PROPERTY OWNER AT 166 CENTRAL LANE

WHEREAS, in response to a request from the owner of the properties designated as Block 217, Lot 4 ("Owner") the Town of Secaucus has reviewed the feasibility of quit claiming any and all public rights in the lands as shown on Exhibit A and more particularly described in Exhibit B attached hereto ("Property"); and

WHEREAS, the Owner is the contiguous property owner to the property, shown on the Tax map of the Town as owning the Property and the owner and his predecessors have paid Town taxes on the Property during the entire tenure of their ownership of the contiguous property; and

WHEREAS, the Town of Secaucus has determined that the quit claim of the Property as requested will have no negative impact on the availability of access to and from the adjacent properties and the surrounding areas; and

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WHEREAS, the Town of Secaucus has determined that the quit claim of the Property as requested will have no negative impact on the provision of full and adequate public safety services including police, fire and emergency medical services to the adjacent properties, the occupants thereof and the surrounding areas; and

WHEREAS, the Town of Secaucus has no public use for the Property; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13 (b)(5) the fair market value of the Town's interest in the Property has been determined as \$0.00.

NOW, THEREFORE, pursuant to the rights and powers set forth in N.J.S.40 A: 12-13, BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus as follows:

1. The Property as shown on the map attached hereto as Exhibit A and more particularly described in Exhibit B shall be quit claimed to the adjoining property owners, Jena Winter, married and (Frank M. And Michelle Hering, his wife) as tenants to common for \$0.00 and shall continue on the tax roll as part of Block 127, Lot 4.
2. The Mayor and Town Clerk of the Town of Secaucus are hereby authorized to execute a deed and such other collateral documents as are necessary to transfer title to the property as contemplated herein.
3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.
4. If any section, paragraph, subdivision, clause or provisions of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed to be valid and effective.
5. This ordinance shall take effect upon final passage and publication pursuant to law.

Mayor Elwell 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 Councilman Reilly.

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

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

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

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

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS GOING 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

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SECAUCUS, IN THE COUNTY OF HUDSON, NEW JERSEY (Not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Town of Secaucus in the County of Hudson, New Jersey (the "Town") is hereby authorized to pay an aggregated amount not exceeding \$2,153,882 for amounts owed by the Town to the owners of various properties for taxes levied in the Town, as more particularly described on the List of Settled Appeals and available for inspection in the office of the Town Clerk, which list is hereby incorporated by references as if set forth at length herein.

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Section 2. An aggregate amount not exceeding \$46,118 for items to expense listed in and permitted under N.J.S.A.40A:2-51(B) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described

in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$2,200,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the application of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the fifth anniversary of the date of the original notes; provided, however, that not notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal. To the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board is paid and retired on or before such anniversary date; and provided, further that the period during which the bond anticipation notes any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The chief financial office is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial office is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the names of the purchaser.

Section 5. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial office is further authorized to enter into the appropriate undertaking to provided secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 6. The supplemental Debt Statement required by the Local Bond law has been duly prepared and filed in the

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office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State

of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,200,000 and the obligations authorized herein will be within all debt limitations prescribed by that law.

Section 7. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officers of the Town as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. The Town hereby declares the intent of the Town to issued the bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 1 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations 1.150-2 or any successor provisions of federal income tax law.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

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

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

Town administrator, David Drumeler gave a brief description of the foregoing Ordinance and the use of the funds.

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

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

The following ordinance was read for introduction: No. 2008-32

**AN ORDINANCE TO AUTHORIZE IMPROVEMENTS TO VARIOUS STREETS AND THE
NECESSARY FUNDS TO PAY THE COST THEREOF:**

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

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

Mayor Elwell stated that the public hearing on the foregoing ordinance will be on December 22, 2008.

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. 2008-147

RESOLUTION AUTHORIZING SUSPENSION OF PARKING METERS ON SATURDAYS FOR THE MONTH OF DECEMBER IN THE TOWN OF SECAUCUS

WHEREAS, the Mayor and Council have determined that parking meters in the Town of Secaucus should be suspended on Saturdays in the month of December to allow greater convenience for holiday shoppers.

NOW, THEREFORE, BE IT RESOLVED, that parking meters in the Town of Secaucus shall be suspended on Saturdays in the month of December.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Secaucus Police Department.

The following resolution was read: No. 2008-148

RESOLUTION IMPOSING MUNICIPAL LIENS

WHEREAS, the Town of Secaucus Property Maintenance Code provides for special procedures in the event of emergency situations as set forth at Section 104-20 as follows:

"Whenever the Enforcement Officer finds that an emergency exists which required immediate attention to protect the public health or safety, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Enforcement Officer shall be afforded a hearing as soon as possible. After such hearing, the Enforcement Officer shall continue such order in effect, modify or withdraw it." and

WHEREAS, Section 104.21.1 of the Town Code provides that the cost of any actions taken by the Enforcement Officer to abate such emergency conditions shall be a municipal lien against the real property upon which such cost incurred; and

WHEREAS, in order to protect the health and safety of residents of the Town of Secaucus, the following costs have been incurred regarding abatement of emergent conditions of the respective properties:

1. 182 County Avenue- \$645.00
2. 153 Huber Street-\$637.50
3. 363 Centre Avenue-\$640.00
4. 307 Paulanne Terrace-\$500.00
5. 37 Luhrs Court-\$3,236.80

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that the following amounts be listed as municipal liens against the respective properties pursuant to N.J.S.A 40:48-2.120(f):

1. 182 County Avenue- \$645.00
2. 153 Huber Street-\$637.50
3. 363 Centre Avenue-\$640.00
4. 307 Paulanne Terrace-\$500.00
5. 37 Luhrs Court-\$3,236.80

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BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized and directed to record such amounts as tax liens against the respective properties.

The following resolution was read:

No. 2008-149

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of New Jersey entered into a contract with Weiner Lesniak, LLP for the year 2008 for a total amount of \$86,160.00 for Special Tax Appeal Counsel Services.

WHEREAS, there is a need to amend the contract for an additional \$22,000.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approve additional funds of \$22,000.00 for said contract.

Financial Officer
Certification attached.

RESOLUTION AUTHORIZING CONTRACT FOR ROADWAY
IMPROVEMENTS TO SEAVIEW DRIVE

WHEREAS, the Mayor and Council advertised for an receiving the following bids for Roadway Improvements to Seaview Drive on November 14, 2008:

<u>BIDDER</u>	<u>BID</u>
Jenicar Builders Contractors	\$441,146.50
Smith Soudy	\$467,939.95
A.J.M. Contractors, Inc.	\$476,437.75
A & J Contractors	\$480,520.00
Tilcon New York, Inc.	\$489,278.25
English Paving Co. Inc.	\$476,203.73
4 Clean-up, Inc.	\$514,328.75
Joseph M. Sanzari, Inc.	\$519,234.30
Mark Paving Co.	\$528,000.00
Z Brothers	\$543,539.97
Paving Materials & Constr.	\$571,953.75
Intercounty paving Assoc	\$673,998.00

WHEREAS, the Town Engineer and Town Attorney have reviewed the bids and determined that the bid of Jenicar Builders Contractors is the lowest responsive bid.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that a contract for Roadway Improvements to Seaview Drive be awarded to Jenicar Builders Contractors in the amount of \$441,146.50.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk shall be authorized to execute a contract for Roadway Improvements to Seaview Drive with Jenicar Builders Contractors.

Financial Officers
Certification attached.

The following resolution was read:

No. 2008-151

**RESOLUTION AUTHORIZING THE EXECUTION OF
A SERVICE AGREEMENT FOR ADMINISTRATION OF
AN INTERNAL REVENUE CODE SECTION 457(b)
DEFERRED COMPENSATION PLAN FOR
EMPLOYEES OF THE TOWN OF SECAUCUS**

WHEREAS, the Mayor and Council of the Town of Secaucus have determined to adopt and implement a Deferred Compensation Plan and Service Agreement in the best interests of the Town for various reasons, including:

- a) the desire to attract and retain qualified employees;**
- b) the accrual of tax deferral benefits to eligible employees through participation in a Deferred Compensation Plan established pursuant to Section 457 of the United States Internal Revenue Code;**
- c) no costs to the Town of Secaucus will be incurred in adopting or implementing a Deferred Compensation Plan;**
- d) the implementation of a Deferred Compensation Plan will serve the Town's interests by enabling it to provide enhanced retirement security to its eligible employees in these times of unprecedented global financial crisis pressuring both the Social Security system and the New Jersey Pension system.**

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Secaucus that:

1. The Town of Secaucus hereby adopts a Deferred Compensation Plan provided by AXA-EQUITABLE, assigned plan identifier 66-PD-Equitable-053107, by the New Jersey Division of Local Government Services.

2. The Town of Secaucus is adopting a Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No. 104-188) and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16) and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Service Code Section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

3. The Town Administrator is hereby designated as the Local Plan Administrator for the administration of the Plan.

4. A request for proposals for a Deferred Compensation Plan and Service Agreement was prepared by the Town Counsel, posted on the Town's website, and forwarded by e-mail and United States Postal Services to the following vendors:

- a) AIG Valic;**
- b) AXA Equitable;**
- c) Great-West Life & Annuity Insurance Co.;**
- d) The Hartford;**
- e) ICMA-RC;**
- f) ING Life Insurance & Annuity Company;**
- g) Lincoln National Life Insurance Company;**
- h) Massachusetts Mutual Life Insurance Company;**
- i) MetLife;**
- j) Mutual of America;**
- k) Nationwide Retirement Solutions, Inc.**
- l) Prudential Insurance Company of America.**

5. Several vendors responded that they would not be submitting

proposals at this time for various reasons, and three vendors submitted formal and complete proposals: AXA-Equitable; Lincoln National Life Insurance Company; and MetLife.

6. AXA Equitable has been chosen as the successful vendor after careful review of the

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proposals submitted and dialogue with representatives of the responding companies. AXA Equitable was selected for its: apparent ease of administration vis-a-vis the Local Administrator; its broadest selection of investment alternatives; and financially, its lower cost to employees in the long run. The other submitters charged fixed percentage administrative fees, but AXA Equitable's Administrative Fee is the lesser of 2% of the total annuity account value or \$30.00. Once the annuity account value exceeds \$1,500.00, the administrative fee is less than 2% which is less than that charged by the other submitters.

7. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of the contractor in the selection of a contractor for the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7, and AXA Equitable has submitted a Non-Collusion Affidavit.

8. The Mayor and Town Clerk are authorized to execute the Service Agreement (bearing the identifier: 66-SA-Equitable-053107 assigned by the New Jersey Division of Local Government Services).

9. A Certified Copy of this Resolution shall be forwarded to the Division of Local Government Services for its approval.

The following resolution was read: No. 2008-152

RESOLUTION AUTHORIZING CONTRACT FOR PURCHASE OF DEMONSTRATION MODEL OF THREE WHEEL HIGH PERFORMANCE MECHANICAL STREET SWEEPER

WHEREAS, the Mayor and Council advertised for and received the following bid for purchase of a Three Wheel High Performance Mechanical Sweeper:

<u>BIDDER</u>	<u>BID AMOUNT</u>	
	<u>NEW</u>	<u>DEMO</u>
U.S. Municipal Supply Inc.	N/A	\$144,000.00

WHEREAS the Town Attorney has reviewed the bid and determined tha the bid of U.S. Municipal Supply, Inc., is responsive and the Department of Public Works is satisfied that the demonstrator, with full warranty, will perform the required tasks at less cost to the taxpayers.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that a contract for a purchase of a demonstration Model Three Wheel High Performance Mechanical Street Sweeper shall be awarded to U.S. Municipal Supply, Inc., for a price of \$144,000.00 with new machine warranty.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk shall be authorized to execute a contract for purchase of a demonstration Model Three High performance Mechanical Street Sweeper, from U.S. Municipal Supply, Inc.

Financial officers
Certification attached.

The following resolution was read: No. 2008-155

RESOLUTION REDUCING PERFORMANCE SURETY BOND OF FRATERNITY MEADOWS, LLC

WHEREAS, Fraternity meadows, LLC was granted major subdivisions approval by the Secaucus Planning Board on September 6, 2007; and

WHEREAS, such approvals were predicated upon the construction of various offsite and onsite improvements; and

WHEREAS, such improvements were a negotiate part of the September 4,

2007 Developers Agreement between Fraternity Meadows, LLC and the Town of Secaucus; and

WHEREAS, in order to assure the completion of such improvements on October 3, 2007, International Fidelity Insurance Company issued Performance Surety Bond No. 0455941 (f/k/a No. 0455932) in favor of the Town of Secaucus for an amount of \$5,392,506.38 as calculated by the Town Engineer; and

WHEREAS, the Town Engineer, by report dated November 21, 2008 has determined that only \$435,418.66 in improvements remain to be completed

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under the September 4, 2007 Developers's Agreement and the September 6, 2007 Planning Board approvals.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that International Fidelity Insurance Company Performance Surety Bond No. 0455941 may be reduced to an amount of least \$435,418.66 to cover unfinished work; and

BE IT FURTHER RESOLVED, that the Mayor, Town Clerk and Town Attorney take such actions as they determine necessary to effectuate the intent of this Resolution, including, but not limited to, a partial release issued to the International Fidelity Insurance Company.

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

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

The following resolution was read: No. 2008-153

**RESOLUTION AUTHORIZING CONTRACT FOR SPECIAL COUNSEL APPLICATION OF
HARTZ/DAMASCUS BAKERY, INC.**

WHEREAS, the Mayor and Council received the following response to its Fair & Open Solicitation Process for Special Counsel Application of Hartz/Damascus Bakery, Inc., on November 21, 2008:

<u>PROPOSER</u>	<u>AMOUNT</u>
Johnson & Johnson	\$150.00/Hour

WHEREAS, Town Attorney has reviewed the submission and determined that the submission of Johnson & Johnson is a responsive proposal in terms of both quality and price.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, that a contract for Special Counsel Application of hartz/damasacus Bakery, Inc., be awarded to Johnson & Johnson in the amount not to exceed \$35,000.00.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk shall be authorized to execute a contract for Special Counsel Application of Hartz/Damascus Bakery, Inc., with Johnson & Johnson.

Financial Officers
Certification attached.

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

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

The following resolution was read: No. 2008-154

**TOWN OF SECAUCUS
COUNTY OF HUDSON
RESOLUTION**

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that pursuant to the recommendation of John Voli, Recreation Director of the Town of Secaucus, the following persons are hereby appointed as Assistant Managers, Maintenance Personnel, Clerical Personnel and Skate Guards for the Secaucus Ice Skating Rink, at the following hourly wages and rates, effective November 27, 2008:

Assistant Managers

Mary Miller	\$14.00
Gerald Acquaviva	\$14.00
Joseph Territola	\$12.00
Michael Ducusin	\$14.00

Maintenance Hourly Wage

Gregory Van Es	\$12.00
Matthew Zaccone	\$12.00
Joseph Abruscato	\$10.00
Joseph Liccardo	\$10.00
Michael Liccardo	\$9.00
Paul Miller	\$9.00
Scott Noonan	\$8.00
John Flanagan	\$8.00
Victor Barone	\$8.00
Michael Trombetta	\$9.00
James Flanagan	\$7.15
Mohammed Elbouazizi	\$7.15
Richard Damato	\$7.15
Robert Liccardo	\$7.15

Clerical Hourly Wage

Alexis Piombino	\$8.00
Lindsay Tatano	\$10.00
Alexandra Tous	\$7.15
Cheislyn Mujica	\$7.15
Maria Sallustio	\$7.15
Amanda Stenten	\$7.15
Rebecca Cardenas	\$7.15
Kyle Daniele	\$7.15
George Matsek	\$7.15
Nicole Scher	\$7.15
Ridhima Gulati	\$7.15
John Cooley	\$7.15
Thao Nguyen	\$7.15
Kristine Zaccone	\$7.15

Skate Guards Hourly Wage

Juan Carlos Tous	\$8.00
Lucas Mondadori	\$7.15
Joseph Verducci	\$7.15
Mark Roarty	\$7.15
Steven Cattuna	\$7.15
Eric Jeffas	\$7.15
George White	\$7.15
Justin Cetro	\$8.00
Kristopher Pesci	\$7.15
Eddie Wolf	\$7.15
Stephanie Tedeschi	\$7.15
Kevin Diaz	\$7.15
Marissa Eck	\$7.15
Nina Petruzzella	\$7.15

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

AYES: Kane, Gonnelli, Shinnick, Reilly, Elwell

NAYS: None

ABSTAIN: Jeffas

ABSENT: Bueckner

Motion carried.

PAYMENT OF CLAIMS

Councilman Kane moved that the following Salary Vouchers and Claims Fund Register be approved, seconded by Councilman Reilly.

Town of Secaucus Payroll Acct. w/ending 11/14/08	385,935.94
Adm. & Exec	9,131.79
Mayor & Council	10,192.98
Municipal Clerk	5,686.93
Legal Dept.	2,493.58
Treasurer	16,145.73
Tax Assessor	5,281.48

Tax Collector 5,223.44

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Municipal Court	13,424.63	
Engineering	778.50	
Community Shuttle Bus	2,379.11	
Pub. Bldgs. & Grds.	30,099.89	
Off. Of Inspect.	5,082.42	
Planning Board	541.66	
Bd. Of Adjustments	541.66	
Public Defender	600.00	
Comm. & Security Adm.	3,411.62	
Fire Department	000.00	
Police Dept.	267,954.29	
Construction	13,838.96	
School Cross Grds.	6,558.62	
Eyeglasses	6,300.00	
Eyeglasses(exempt)	8,141.35	
Office of Emergency Man.	623.40	
Unif. Fire Safety Off.	4,331.62	
Rd. Repair & Maint.	96,619.54	
Sewer System	1,192.10	
Recycling Coord.	10,645.95	
Bd.of Health	798.62	
Mosquito Control	000.00	
Social Services	9,877.73	
Pks. & Play Grds.	761.20	
Supv. Of Play Act.	33,456.25	
Rec. Activities	5,186.50	
Pool Oper.	000.00	
CDBG	639.35	
Town of Secaucus Tax Escrow Acct. w/ending 11/14/08		184,163.61
Town of Secaucus Payroll Acct. w/ending 11/28/08		358,193.28
Adm. & Exec	8,473.46	
Mayor & Council	1,786.35	
Municipal Clerk	5,658.02	
Legal Dept.	2,493.58	
Treasurer	15,862.90	
Tax Assessor	5,281.48	
Tax Collector	5,223.44	
Municipal Court	11,819.05	
Engineering	000.00	
Community Shuttle Bus	3,170.73	
Eyeglasses (exempt)	1,500.00	
Pub. Bldgs. & Grds.	29,147.21	
Off. Of Inspect.	5,112.42	
Planning Board	000.00	
Bd. Of Adjustments	100.00	
Public Defender	900.00	
Comm. & Security Adm.	3,411.62	
Fire Department	000.00	
Police Dept.	260,085.16	
Construction	12,193.75	
School Cross Grds.	11,907.00	
Office of Emergency Man.	623.40	
Unif. Fire Safety Off.	4,331.62	
Rd. Repair & Maint.	99,281.58	
Sewer System	1,151.35	
Recycling Coord.	15,177.63	
Bd.of Health	673.62	
Mosquito Control	000.00	
Social Services	8,902.61	
Pks. & Play Grds.	672.00	
Supv. Of Play Act.	24,904.93	
Rec. Activities	5,401.38	
Pool Oper.	000.00	
CDBG	639.35	
Town of Secaucus Payroll Acct. w/ending 11/28/08		\$ 186,198.26
Total Amount Claims Check No. 24917-25067		\$911,924.27
Recreation Acct. Check No. 1890		\$ 58,210.71
Current Account Check No. 1638-1642		\$ 22,167.12
Trust Account	No checks written	

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AYES: Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell
NAYS: Gonnelli on Tom Calvanico, Jeffas on Tom Calvanico
ABSTAIN: Gonnelli on Secaucus Fire and NJMC, Reilly on Jersey City
Medical Center.
ABSENT: Bueckner Motion carried.

REPORTS AND CORRESPONDENCE FILE

COMMITTEE REPORTS

Councilman Shinnick reported that there was a meeting prior to this meeting regarding televised meetings and some other options that are available.

UNFINISHED BUSINESS

Councilman Gonnelli noted that much was done during the Caucus Meeting that evening. He asked for a progress report on the sidewalk on Meadowlands Parkway.

Mayor Elwell gave a progress report on the project.

Councilman Gonnelli asked about negotiations with shopping centers.

Mr. Drumeler reported about some discussions that transpired.

Councilman Gonnelli asked about the "Stop on Red" sign at the Maple Street Ramp. He also asked about lights at the "Baker".

Mr. Drumeler explained what he found out about the problem.

Councilman Gonnelli spoke about the depression in the road near Lanza Lane. He stated that it may be undermining the man hole.

NEW BUSINESS

The following correspondence was received:

Dear Mayor and Council,

I am requesting use of the Secaucus Ice Rink, Wednesday, December 17 for the High School Physical Education Classes, From 8:00 until 10:30.

Our students enjoy the activity and we appreciate your consideration in this matter.

Thank you,

Nancy Lynch

Dear Mayor Elwell,

The Secaucus Municipal Alliance would like to plan a skating party for the youth of Secaucus on Saturday, December 27, 2008 in the evening. WE would like to offer free attendance for any student in Secaucus who belongs to a service club or has done some service t someone in their family or community. We would also like to know if you would make a brief appearance at the rink to thank these students for "doing the right thing". The alliance has some funds available for the event in order to provide refreshments.

Thank you very much for considering our request.

Sincerely,

Jill Preis

Councilman Jeffas moved to approve the foregoing requests, seconded by Councilman Reilly.

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

Motion carried.

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Councilman Jeffas noted that on November 20, 2008, *Toy r Us* and *Babies R Us* opened and they were very generous and donated \$5,000 to the Secaucus Fire Department.

REMARKS OF CITIZENS

Sam Maffei
Thomas Troyer
John Markovich

Councilman Reilly moved to adjourn the meeting at 7:40 pm, seconded by Councilman Jeffas.

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

Motion carried.

Michael Marra, Town Clerk

