

December 8, 2009

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 8th day of December, 2009 at 7:00 P.M. in the Council Chamber I of the Municipal Government Center, Secaucus, N.J.

Present: Mayor Richard Steffens
Councilmembers: John Bueckner
Michael Gonnelli
Gary Jeffas
John Shinnick
Dawn McAdam
Absent: 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 December 18, 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.

The first item on the agenda is as follows:

The following ordinance was read for public hearing: No. 2009-20

TOWN OF SECAUCUS
ORDINANCE AMENDING CHAPTER 124
TAXICABS

WHEREAS, the heightened state of national security since the September 11, 2001 attacks on our homeland has resulted in delayed returns of fingerprint search results from the New Jersey State Police and through the Federal Bureau of Investigation's central database; and

WHEREAS, such delays have resulted in a decrease in Taxi Services available to residents and visitors of the Town of Secaucus as issuance of new operator's licenses are thereby held up; and

WHEREAS, private investigatory reports can provide similar information as currently required by our existing ordinance in a shorter time, but at a greater cost; and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the Town's citizens and visitors to issue temporary provisional licenses to new taxi operations if the cost of the same is borne by the applicant and subject to receipt of an official fingerprint search.

NOW, THEREFORE, pursuant to the rights and powers of the governing body of the TOWN OF SECAUCUS as provided by law;

BE IT ORDAINED by the Mayor and Council of the TOWN OF SECAUCUS that Chapter 124, Taxicabs, be amended as follows:

1. §124-7. Investigation of applicants; fingerprinting of applicants and fees.

A. The Chief of Police or his designee, shall cause to be made an investigation of each applicant for a taxicab/limousine license of an operator's license upon the filing of an application.

B. The Secaucus Police Department shall fingerprint all applicants. Each applicant shall submit a certified check or money order for twenty-five dollars (\$25.00) or the amount established by the New Jersey Division of State Police, in addition, each applicant for a provisional operation's license

shall submit a certified check

or money order for one hundred twenty (120%) percent the amount of the private investigatory report for the same, payable to the Town of Secaucus.

2. §124-10. Issuance of operator's license.

A. The Chief of Police or his designee, upon consideration of an application for an operator's license and the reports made thereon, shall approve or reject the application. In the event that an application is approved, the Chief of Police or his designee shall advise the Town Clerk to issue an operator's license. In the event that an application is rejected, the Chief of Police or his designee shall advise the applicant. No licenses shall be issued in the case of any applicant:

- (1) Whose driver's license to operate a motor vehicle is suspended or revoked.
- (2) Who has been convicted of any misdemeanor, felony or crime involving dishonesty or moral turpitude within three (3) years of the date of application.
- (3) Who shall have previously been convicted of driving an automobile resulting in death to any person.
- (4) Who shall have been convicted of driving a motor vehicle while impaired or under the influence of intoxicating liquor or drugs within five (5) years of the date of the application.
- (5) Who is a registered Sex Offender.

B. The Chief of Police, or his designee, upon consideration of an application for a provisional operator's license and the private investigatory reports and police reports made thereon shall approve or reject the application. In the event that an application is approved, the Chief of Police or his designee shall advise the Town Clerk to issue a provisional operator's license, subject to receipt of the results and review of a fingerprint search. In the event that an application is rejected or an unsatisfactory fingerprint search is reported, the Chief of Police shall advise the applicant and any provisional license will be immediately revoked and return to the Town Clerk.

C. Upon the approval of an application for an operator's license or provisional operator's license by the Chief of Police or his designee, the Town Clerk shall issue a license upon which shall appear the name, age, height, color of eyes and hair of the holder thereof, accompanied by whom he is employed and a photo of the applicant.

3. §124-11. Display of licenses.

A. Each holder of a taxicab/limousine license shall post said license in a conspicuous position in the taxicab or limousine on the dashboard; if such taxicab or limousine does not have a dashboard, same shall be posted in the front of the taxicab or limousine which shall be in plain view of all passengers.

B. Each holder of an operator's or provisional operator's license shall post said license in a conspicuous position in the taxicab or limousine, which shall be in plain view of all passengers.

C. In addition to the above requirements, each taxicab or limousine licensed under this chapter shall affix to the driver's side, lower portion rear windshield, a sticker provided by the Town and containing such language as the Town deems appropriate, which shall certify that such taxicab or limousine is licensed under this chapter.

D. All such licenses and stickers are the property of the Town of Secaucus and shall be surrendered upon demand of the Town.

E. Any person displaying any license or sticker which the Town has demanded be surrendered or returned to the Town, shall be in violation of this chapter.

4. Repeal of Conflicting Ordinance.

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

5. Impact of Invalid Language.

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

6. Effective Date.

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

NOTICE

Notice is hereby given that the foregoing proposed ordinance was introduced and passed on first reading at a meeting of the Mayor and Council of the Town of Secaucus in the County of Hudson, New Jersey, on the 10th day of November, 2009, and that said ordinance will be taken up for further consideration for final passage at a meeting of said Mayor and Council to be held in the Municipal Government Center, 1203 Paterson Plank Road, Secaucus, New Jersey, on the 8th day of December, 2009, at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given the opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Secaucus Municipal Government Center and a copy is available up to and including the time of such meeting to the public of the town, who shall request such copies, at the office of the Town Clerk in said Municipal Government Center in Secaucus, New Jersey.

MICHAEL MARRA
Town Clerk

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

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens
NAYS: None
ABSENT: Reilly Motion carried.

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

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens
NAYS: None
ABSENT: Reilly Motion carried.

The following ordinance was read for public hearing: No. 2009-22

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 \$1,897,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,8965,000 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 COUNT OF HUDSON, NEW JERSEY, (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

December 8, 2009

Section 1. The Town of Secaucus, in the County of Hudson, New Jersey (the "Town") is hereby authorized to pay an aggregate amount not exceeding \$1,895,000.00 for amounts owed by the Town to the owners of various properties for taxes levied in the Town (inclusive of certain costs associated therewith) as more particularly decibel on the List of Settled Appeals and available for inspection in the office of the Town Clerk, which list is hereby incorporated by reference as if set forth at length herein.

Section 2. An aggregate amount not exceeding \$10,000.00 for item of 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 \$1,895,000.00 pursuant to the Local Bond Law.

Section 4. In anticipation 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 time 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 forms 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 the 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 no 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 and 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 officer is hereby authorized to sell part or all of the most notes from time to time at public or private sale and to deliver them to the purchase thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer 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 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 name 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 officer is further authorized to enter into the appropriate undertaking to provide 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.

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Section 6. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the 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 \$1,895,000 and the obligation 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 all 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 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 officer of the Town as to the indebtedness to be financed by the issuance of the refunding bond authorized herein.

Section 9. The Town hereby declares the intent of the Town to issue 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 purposed described in Section 1 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposed 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, provide d that the consent of the Local Finance Board has been endorses upon a certified copy of this ordinance as finally adopted.

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

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens
NAYS: None
ABSENT: Reilly Motion carried.

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

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens
NAYS: None
ABSENT: Reilly Motion carried.

CONSENT AGENDA-RESOLUTIONS

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

The following resolution was read: No. 2009-205

RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL REGARDING

LOT 113 ON BLOCK 4 AS SET FORTH ON THE OFFICIAL TAX MAPS OF THE
TOWN OF SECAUCUS OWNED BY 854-8 REALTY COMPANY

WHEREAS, 854-8 Realty Company, the owner of property located at 854

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8th Street, otherwise designated as Lot 113 in Block 4 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the assessed value of said property for tax years 2007, 2008 and 2009; and

WHEREAS, the parties have agreed that the appeal of Lot 113, in Block 4, 854 8th Street will be withdrawn for tax year 2007; and

WHEREAS, the parties have agreed to a reduction in the property assessment from a total of \$280,000.00 to a total of \$244,600.00 for tax year 2008 and \$280,000.00 to a total of \$244,600 for tax year 2009; and

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

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

WHEREAS, the settlement results in an approximate aggregate total tax refund of \$1,143.00 for tax year 2008 and \$1,301.00 for tax year 2009 (based on the 2008 tax rate); and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interest of the Town to adjust the assessment on the aforesaid property for the 2008 and 2009 tax years in accordance with the settlement.

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

1. The tax assessment on the property located at 854 8th Street and otherwise designated as Lot 113 in Block 4 on the official tax maps of the Town of Secaucus shall be reduced from a total of \$280,000.00 to a total of \$244,600.00 for tax year 2008 and \$280,000.00 tot a total of \$244,600.00 for tax year 2009.
2. The Town Tax Collector is hereby authorized to pay the tax refund attributable to the reduction in the assessment for the 2008 and 2009 tax years upon receipt of the Tax Court Judgement.
3. This resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read: No. 2009-206

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, in accordance with the Single Audit Act, U.S. Office of Management and Budget Circular A-128 and New Jersey Office of Management and Budget Circular Letter 87-11, the Town of Secaucus, County of Hudson, is obligated to prepare Corrective Actions Plans; and

WHEREAS, the Corrective Action Plan, shall be prepared in accordance with the OMB Circulars and Local Finance Notice 92-15, and submitted to the Division of Local Government Services and placed on file with the Town Clerk; and

WHEREAS, the Corrective Action Plan shall cover all findings and recommendations in the December 31, 2008 Audit Report, including State, Federal and general findings.

NOW, THEREFORE, BE IT RESOLVED, that the attached Corrective Action Plan, prepared by the Chief Financial Officer, for the Town of Secaucus has been completed in accordance with Federal and State

requirements.

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The following resolution was read: No. 2009-207

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 Maintenance Personnel, Skate guards and Clerical Personnel for the Secaucus Ice Rink, effective December 4, 2009, at the following hourly rates:

Maintenance

| <u>Name</u> | <u>Hourly Rate</u> |
|----------------|--------------------|
| Ed Tomasi | \$7.25 |
| Frank Flanagan | \$7.25 |
| Kasey Kelly | \$7.25 |

Skate guards

| <u>Name</u> | <u>Hourly Rate</u> |
|--------------------|--------------------|
| Steven Cattuna | \$7.25 |
| Sean Cattuna | \$7.25 |
| Kevin Diaz | \$7.25 |
| Emily German | \$7.25 |
| Nicholas Biamonte | \$7.25 |
| Stephanie Tedeschi | \$7.25 |

Clerical

| | |
|------------------|--------|
| Brittany Ernst | \$7.25 |
| Jackie Jerkovich | \$7.25 |
| Brianna Charles | \$7.25 |
| Kristen Zacccone | \$8.00 |

The following resolution was read: No. 2009-208

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 Referee/Instructional Table Worker Personnel, at the following hourly wages and rates, effective December 8, 2009:

Hourly Rates

\$10.00 Referee Duties/\$7.25 Table Worker Duties

Name

Thomas Abromowitz
Roger Adriaenssens
Nicholas Biamonte
Kristen Bronowich
Rick Caruso
Mel Chettum
Nicole Degenhardt
Matt Garzone
Elise Lennon
Jude Masullo
Dom Mattiello
Dennis McCaffrey
Michelle Mitchell
Tom Mitchell
Rahed Mohammed
Joe O'Brien
Cheryl Pirro
Lauren Pirro
Paul Pollack
Ed Powers
Charles Roussel
Vinny Sasso

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Kelsey Snedeker
Jenna Totaro
Kendyl Voli
Tom Warth
Bob Wolf

The following resolution was read: No. 2009-209

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Town of Secaucus is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Town of Secaucus is desirous of selling said surplus property in an "as-is" condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Secaucus as follows:

(1) The sale of surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online govdeals.com and also available from the Town Administrator.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9

(4) A list of the surplus property to be sold is as follows: See Schedule A

(5) The Surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Town Administrator shall be authorized t execute any document related to this online auction.

(7) The Town of Secaucus reserves the right to accept or reject any bid submitted.

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

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens
NAYS: None
ABSENT: Reilly Motion carried.

BINGO/RAFFLE APPLICATION

R-1105 Immaculate Conception Church-Off Premise Draw Raffle

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

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens
NAYS: None
ABSENT: Reilly Motion carried.

COMMUNICATION REQUIRING ACTION BY MAYOR AND COUNCIL

The following correspondence was received:

October 1, 2009

Dear Council Members:

Subject: Dismissal of Membership

December 8, 2009

During the last company meeting October 1, 2009, the Officer and members of Washington Hook and ladder took a vote to have Firefighter Gary Rabbitt removed as a member of Washington Hook and Ladder Co.

Sincerely,
Bill Heaney
Company Secretary

Councilman Jeffas moved to remove Gary Rabbitt as a member of Washington Hook and Ladder, seconded by Councilman Shinnick.

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens
NAYS: None
ABSENT: Reilly Motion carried.

REPORTS AND CORRESPONDENCE REGISTER

Councilman Jeffas moved to approve the Report and Correspondence Register, seconded by Councilman Gonnelli.

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens
NAYS: None
ABSENT: Reilly Motion carried.

COMMITTEE REPORTS

Mayor Steffens spoke about the postponement of the Christmas Tree Lighting due to bad weather. He said that it has been rescheduled for December 12, 2009 regardless of the weather.

Mayor Steffens stated that he and Mayor Elect Gonnelli attended the Hackensack Meadowlands Mayor's Committee Meeting. He spoke about Senator Sacco and the discussion on the Revenue Sharing Bill. He explained the plan and the revenue that can be raised to alleviating the tax burden on Secaucus.

Councilman Gonnelli stated that at the Caucus Meetings there has been much accomplished. He commended Mayor Steffens for helping that happen. He noted that there is a good spirit of cooperation. He stated that he put together a transition team for next year and stated that he attended a few meetings with Mayor Steffens at the County. He said that they were briefed on projects and he explained what is planned. He said that he also has met with Hackensack Hospital with Mr. Morano, who is on the EMS Committee, and said that they will also meet with the JCMC. He said that one of the priorities will be the second ambulance. He announced that the inauguration will be held on January 2, 2010 at the High School and said there will be more details to follow.

Mayor Steffens stated that all are working well together and the transition team has been working hard to get things done.

Councilman Shinnick stated that he and Councilman Jeffas met to discuss Televised Meetings and said that they hoped to have it in place by the first meeting of the year. He noted that the current meeting was being taped for review by the full Council. He said that another vendor will be submitting a demo tape at the next Council Meeting for comparison.

UNFINISHED BUSINESS

None

NEW BUSINESS

The entire present Council moved to support the State Legislators and the Tax Sharing Formula proposed by Senator Sarlo, seconded by Councilman Bueckner.

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens
NAYS: None
ABSENT: Reilly Motion carried.

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REMARKS OF CITIZENS

Pat Belenski
Larry Marciano
Gary Meyer
Carole Acropolis
Thomas Troyer
Joseph Morano

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

AYES: Bueckner, Gonnelli, Jeffas, Shinnick, McAdam, Steffens

NAYS: None

ABSENT: Reilly

Motion carried.

Michael Marra, Town Clerk

