

December 11, 2007

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 11th day of December, 2007 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

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, 2007."

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."

Mayor Elwell called for a moment of silence in memory of former Mayor Anthony Just.

Mayor Elwell read the following:

PROCLAMATION

WHEREAS, Anthony E. Just, Sr., served Secaucus for more than two decades as a Planning Board Member, Town Council member and Mayor leaving a lasting mark on our community; and

WHEREAS, Anthony E. Just, Sr., not only served his community, but his country as a U.S. Army veteran of the Korean War as a member of the 304th Single Operations Battalion, 8th Army attaining the rank of Sergeant; and

WHEREAS, Anthony E. Just, Sr., and his wife raised their children - Anthony Jr., Robert, Mary Beth (Machia) and Barbara Jean (Smentkowski) in Secaucus; and

WHEREAS, Anthony E. Just, Sr., as Mayor sought to preserve open space in Town including the creation of the Duck Pond, land at Mill Creek Park and oversaw the creation of the Lauren Hill Boat Launch and park; and

WHEREAS, Anthony E. Just, Sr., made a special effort to assure the future of Secaucus by creating the Mayor's Youth Council upon taking office; and

WHEREAS, Anthony E. Just, Sr., throughout his career sought to make sure the veterans of Secaucus were never forgotten by placing memorials throughout town and naming streets and parks in their honor including Naters Memorial Park and Smit Park.

NOW, THEREFORE, BE IT RESOLVED, that I, Dennis Elwell, Mayor of the Town of Secaucus and the Town Council, do hereby recognize and salute the late Mayor Anthony E. Just, Sr., for his outstanding service and dedication of our community and urge all citizens throughout the town of Secaucus and Hudson County to join us.

Mayor Elwell announced that there is a problem with the microphone system and the system will be replaced in the new year.

APPROVAL OF MINUTES

The following resolution was read: No. 2007-182

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 Special Meeting of October 1, 2007, the Regular Meeting of October 9, 2007 and the Regular Meeting of October 23, 2007 are hereby approved.

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

Councilman Gonnelli noted two changes that he would like made to the minutes.

Councilman Shinnick noted that he was absent for a meeting and for that he would abstain.

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

The following ordinance was read for introduction: No. 2007-43

ORDINANCE AMENDING CHAPTER 67 ANIMAL CONTROL AND PROTECTION

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

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

Mr. Marra announced that the public hearing on the aforementioned ordinance will be on December 26, 2007.

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. 2007-183

TOWN OF SECAUCUS, COUNTY FO HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that Peter J. Zipp, Esq., Special Tax Attorney for the Town of Secaucus, is hereby authorized to execute on behalf of the Town of Secaucus, Stipulation of Settlement resolving the Complaints filed by:

Panasonic Corporation of North America for property situated at Block 58 Lots 4.01, 4.02 & 4.03 for tax years 2006, 2007 and 2008.

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2006	\$57,500,000	Withdrawn
2007	\$57,500,000	\$50,000,000
2008	\$57,500,000	\$45,000,000

Interest of any refund due is waived provided the refund is paid within 90 days of the date of the Judgement pursuant to N.J.S.A.54:3-27.2.

All in accordance with the discussions held at certain Caucus meeting of the Town Council on December 11, 2007.

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The following resolution was read:

No. 2007-184

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of NJ entered into a contract with PMK Group the year of 2007 in the amount of \$37,700.00 for Town Engineer, General Engineering Services;

WHEREAS, there is a need to amend the contract for Engineering Services for Phase I Environmental Site Assessment for Foot of Oak Lane, Block 194, Lots 14-18, 15.01, 16.01, 17.01 and 18.01;

WHEREAS, the contract needs to be increased by \$12,500.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approve additional funds of \$12,500.00 for said contract.

Financial Officers
Certification attached.

The following resolution was read:

No. 2007-185

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of NJ entered into a contract with Leanza & Agrapidis for the year 2007 in the amount of \$112,600.00 for Town Attorney Legal Services;

WHEREAS, there is a need to amend the contract for an additional \$39,000.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approved additional funds of \$39,000.00 for said contract.

Financial officers
Certification attached.

The following resolution was read:

No. 2007-186

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of NJ entered into a contract with Weiner & Lesniak for the year 2007 in the amount of \$86,160.00 for Tax Appeals Attorney Legal Services;

WHEREAS, there is a need to amend the contract for an additional \$19,000.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approved additional funds of \$19,000.00 for said contract.

Financial officers
Certification attached.

The following resolution was read:

No. 2007-187

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of NJ entered into a contract with Zipp & Tannenbaum for the year 2007 in the amount of \$84,460.00 for Special Tax Appeal Counsel Services;

WHEREAS, there is a need to amend the contract for an additional \$25,000.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approved additional funds of \$25,000.00 for said contract.

Financial officers
Certification attached.

December 11, 2007

The following resolution was read:

No. 2007-188

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of NJ entered into a contract with Johnson M. Johnson, Esq., for a Substitution of Attorney from Frank M. Leanza, Esq., in connection with an appeal of a Final Determination of the New Jersey Meadowlands Commission for the year 2007 in the amount of \$25,000.00 for Town Attorney Legal Services;

WHEREAS, there is a need to amend the contract for an additional \$25,000.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approved additional funds of \$25,000.00 for said contract.

Financial officers
Certification attached.

The following resolution was read:

No. 2007-189

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of NJ entered into a contract with PMK Group for the year 2007 in the amount of \$37,700.00 for Town Engineer, General Engineering Services;

WHEREAS, there is a need to amend the contract for Engineering/Environmental Consulting Services, Re: Deed Notice Biennial Certification, 370 Secaucus Road;

WHEREAS, there is a need to amend the contract for an additional \$8,250.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approved additional funds of \$8,250.00 for said contract.

Financial officers
Certification attached.

The following resolution was read:

No. 2007-190

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of NJ entered into a contract with PMK Group for the year 2007 in the amount of \$37,700.00 for Town Engineer, General Engineering Services;

WHEREAS, there is a need to amend the contract for Engineering services, for Surveys of 276 County Avenue and Foot of Oak Lane, Block 194, Lot 14-18, 15.01, 16.01, 17.01 and 18.01.

WHEREAS, the contract needs to be increased by \$13,250.00.

276 County Avenue Property
Foot of Oak Lane Property

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approve additional funds of \$13,250.00 for said contract.

Financial officers
Certification attached.

The following resolution was read:

No. 2007-191

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of New Jersey

desires to apply for and obtain a MAP (Municipal Assistance Program)

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Grant from the New Jersey Meadowlands Commission for funding in the amount of \$100,000 for the purchase of three law enforcement vehicles and to refurbish a Mini Pumper/Squad Fire Vehicle.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Secaucus, County of Hudson, State of New Jersey, does hereby authorize the application for and the execution of a contract for the receipt of such a grant from the New Jersey Meadowlands Commission and does further, upon the execution of such a contract between the Town of Secaucus and the New Jersey Meadowlands Commission allow for the acceptance of the Municipal Assistance Program (MAP) funds for the year 2008.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, the contract and any other documents necessary in connection herewith:

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, State of New Jersey, hereby certify that at a meeting of the governing body held on December 11, 2007, the above resolution was duly adopted.

The following resolution was read: No. 2007-192

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, on September 11, 2007, the Mayor and Council of the Town of Secaucus adopted a resolution establishing former Town Administrator Anthony Iacono as an independent contractor for a period of three months; and

WHEREAS, it has been determined that the Mayor and Council further require his assistance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that Anthony Iacono shall continue as an independent contractor for a period of one month at the rate of \$1,600.00 per month.

Councilman Shinnick moved to approve the resolution on the Consent Agenda, seconded by Councilman Kane.

Councilman Jeffas noted that Gerry Perricone from PMK Group was at the Caucus and explained his invoices and the requirements that he has to meet for the DEP.

Councilman Gonnelli noted his abstentions.

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell
NAYS: None
ABSTAIN: Gonnelli on 2007-188, 2007-190 and 2007-190
ABSENT: None Motion carried.

COMMITTEE REPORTS

Councilman Reilly reported on the Flood Committee meeting from that week and noted that there were a number of topics covered. He noted that different areas that were discussed.

Mayor Elwell said that First Street, Garry Terrace, Central Lane and some others. He said that he received the plans for First Street and had them distributed to the members. He said that after the new year, he will call another Flood Committee meeting.

Councilman Jeffas reported that on one of the resolutions there is municipal assistance money being used from the NJMC and some of that money will be used to repair a mini attack pumper for the fire department. He said that the Council is pleased to use that money to refurbish the truck.

Councilman Reilly noted that the equipment that Councilman Jeffas is referring to was a truck not used by the Hudson County Fire Department when they were in service at Meadowview Hospital. He said that Town acquired the equipment for \$1.00.

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UNFINISHED BUSINESS

Councilman Jeffas noted that some months ago he proposed a committee be formed to address "Pay-to-Play" reform and the possibility of getting an ordinance together. He said that the request was rejected and he said that he still thinks the Council needs to address the issue. He said that he reviewed campaign reports of the Democratic Organization and found excesses which had been raised, around \$600,000. He continued explaining what he found and explained that it not an illegal practice and said that it erodes the public trust in the officials. He continued to explained that when vendors donate to campaigns and then get contracts, there is a general appearance that needs to be dealt with. He noted that many municipalities have been moving forward to address the issue. He proposed an ordinance that he prepared in conjuncture with Councilmen Gonnelli and Bueckner, which is looking to deal with the "Pay-to-Play" issues. He explained what he was proposing the ordinance. He asked for a motion to discuss this issue at a later meeting.

Councilman Jeffas motioned to have a discussion on the Pay-to-Play issue at a later meeting, seconded by Councilman Bueckner.

Mayor Elwell spoke as the Chairman of the Secaucus Democratic Organization, and asked that since 2000, the organization raised \$600,000 as stated by Councilman Jeffas?

Councilman Jeffas said since 2005 and it was not just the Secaucus Democratic organization. He named the other organizations that were included in that amount.

Mayor Elwell said that was an erroneous statement and said that it may have been money from the Secaucus Democratic Organization in to their account and figures may be doubling. He said that Secaucus Democratic Organization has never raised that kind of money. He continued to explained the laws and discussion ensued. Mayor Elwell posed a question to Councilman Gonnelli regarding a contribution.

Councilman Jeffas commented on the issue and how it is an important issue on many levels.

Councilman Gonnelli answered the Mayor's question and explained the circumstances.

Mayor Elwell stated again that the amount of money raised is erroneous. He noted that the Governor of New Jersey stated that this issue will be address at the beginning of the year.

Councilman Shinnick spoke about the situation and how it came about.

Councilman Jeffas again asked for a committee to discuss the issue.

Discussion continued on the issue among the Mayor and Council members.

Mayor Elwell discussed the State process on this issue and discussion continued.

Councilman Bueckner commented on the issue and the ordinance process.

Councilman Kane commented on the issue.

Councilman Reilly commented on the issue and the State's involvement.

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

Motion carried.

Councilman Bueckner stated that he is willing to agree with Councilman Shinnick and asked that this issue be discussed over the next few weeks.

Mayor Elwell stated that the State has set aside law through ELECT and anyone who contributes money must file as well anyone who receives money.

Councilman Jeffas explained some of the aspects of the ordinance.

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Discussion ensued amongst the Mayor and Council.

Councilman Gonnelli asked Town Attorney, Frank Leanza if the State allows municipalities to form their own Pay-to-Play Ordinance?

Mr. Leanza said that is does.

Councilman Gonnelli asked then how is it not enforceable? Then he asked if the State Pay-to-Play reforms are applicable to local government?

Mr. Leanza explained the State law.

Councilman Shinnick offered his opinion on the issue.

On another issued, Councilman Gonnelli said that he presented a list a the last meeting, to Deputy Mayor Reilly of things that need to be addressed.

Mayor Elwell said that the Town Administrator is working on them.

Councilman Reilly stated that one report is ready and he should receive it in the near future.

Councilman Gonnelli addressed Councilman Reilly regarding traffic problems on Paterson Plank Road and asked for a follow-up.

Mayor Elwell stated that he had a conversation with the County Engineer and said that they would contact the State. He said that he would follow up with them again. He said that area has been inserted into the traffic study.

Councilman Gonnelli stated that he received a call from a resident on Paulianne, Julianne Terraces regarding a project in that area.

Mayor Elwell stated that he is aware of the problem and asked that there be a private conversation on this issue.

Councilman Bueckner asked if he could be in on the conversation.

Mayor Elwell agreed and stated that he did not think that this was something to discuss in public.

Councilman Gonnelli referred to a problem on Acorn and Oak Lane.

Councilman Gonnelli asked that the speed hump be installed on Radio Avenue.

Mayor Elwell stated that the Town wanted to get all the fill out of the (construction) sites in the area. He noted that snow plowing season has started and some humps can stay and some can not. Discussion continued on various locations.

NEW BUSINESS

Councilman Gonnelli noted two incidents in the Plaza Area with bus stops, and stated that he thought a survey of all bus stops be done and get the property owner to put some type of (safety) device behind the bus stop to stop that kind of event from happening again.

Mayor Elwell asked Town Administrator, David Drumeler to call the bus shelter company to have the shelter replaced.

Councilman Gonnelli asked that when new people are hired, mostly part-timers, that the Council receive a list of people so that they know who they are and where they are located.

The following requests were received:

December 5, 2007

Dear Mr. Voli,

The sixth grade class of Huber Street School would like to request permission to use the Secaucus Ice Rink for a physical education field trip on February 8, 2008 in the afternoon. In addition to the ice rink,

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we would need sufficient ice guards for a total of 75 people, as well as rental skates availability.

Thank you for your cooperation and we hope that we can successfully arrange this trip.

Sincerely,

Mr. Pulvino, Mrs. Hackel, Mrs. Binetti, Mrs. Stamm and Mr. Powers

December 10, 2007

Please accept this letters as a request from Secaucus High School Class of 2008 and the Booster Club to use the Municipal Senior Center facility on Saturday, February 9, 2008 for a Beefsteak Dinner fundraiser. We would like to serve beer/wine at this event.

We are requesting use of the facility for the evening hours of approximately 4:00pm for set-up until 12:00 midnight.

Please contact me as a 2008 Class Advisor, with any questions or concern regarding this event, at th above telephone number.

Thank you for your consideration,

Nanci Valente

Councilman Shinnick moved that the foregoing requests be approved, seconded by Councilman Bueckner.

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

REMARKS OF CITIZENS

Donald Evanson
Thomas Troyer
Sam Maffei
Doug De Pice
Arthur Glaeser
John O'Connell
Susan Protz
Carole Acropolis

Councilman Shinnick moved to adjourn the meeting at 8:50 PM, seconded by Councilman Bueckner.

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

Michael Marra, Town Clerk

