

March 28, 2017

MINUTES of the a Regular Meeting of the Mayor and Board of Council of the Town of Secaucus, County of Hudson, State of New Jersey held on the 28th day of March 28 at 7:00 P.M Secaucus Municipal Government Center, 1203 Paterson Plank Road, Secaucus, NJ in Chamber II.

PLEDGE OF ALLEGIANCE

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 22, 2016.

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.

Present: Councilmembers: Michael Gonnelli
Robert Costantino
William McKeever
Susan Pirro
James Clancy
Mark Dehnert
John Gerbasio

Plaques were presented to representative from Natoli's, Goodfellas Deli, Olive Garden and Outback Steakhouse.

Lisa Snedeker, Director of Social Services thanked all for they do for the Town in providing food for the needy.

Representatives from St. Jude's Hospital were on hand to present the Mayor with a gift.

Sweatshirts were given to the U-13 Soccer Champs.

First item on the agenda is as follows:

INTRODUCTION OF THE MUNICIPAL BUDGET OF THE TOWN OF SECAUCUS FOR THE YEAR 2017

The following resolution was read:

No. 2017-109

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Town of Secaucus, County of Hudson, for the Calendar year 2017.

BE IT RESOLVED, that the following revenues and appropriations shall constitute the Municipal Budget for the Year 2017.

BE IT FURTHER RESOLVED, that said Budget be published in the Secaucus Home News in the issue of April 13, 2017.

The Governing Body of the Town of Secaucus does hereby approve the following as the Budget for the Year 2017.

March 28, 2017

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

Notice hereby given that the Budget and Tax Resolution was approved by the Town of Secaucus, County of Hudson, on March 28, 2017.

A hearing on the budget and Tax Resolution will be held at the Municipal Government Center on April 25, 2017 at 7:00pm at which time and place to said Budget and Tax Resolution may be presented by Taxpayers or other interested person.

Councilman Clancy moved to approve the introduction of the Municipal Budget of the Town of Secaucus for the year 2017, seconded by Councilwoman Pirro.

Councilman Costantino read a statement on the budget as well as the fact that there will not be a Town tax rate increase.

Mayor Gonnelli offered information on the budget and explained that it was a good year for the Town. He stated that the surplus amount is increasing.

Councilwoman Pirro thanked all who were involved in the budget process.

Public hearing on the Municipal Budget will be on April 25, 2017.

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

APPROVAL OF MINUTES

The following resolution was read: No. 2017-101

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 Meetings of February 14, 2017, February 28, 2017 and March 14, 2017 are hereby approved.

Councilman Clancy moved to approve the minutes of the Regular Meeting of February 14, 2017, February 28, 2017 and March 14, 2017, seconded by Councilwoman Pirro.

AYES: Costantino, McKeever, Clancy, Pirro, Dehnert, Gerbasio, Gonnelli
NAYS: None
ABSTAIN: Clancy on March 14 only.
ABSENT: None Motion carried

The following ordinance was read for public hearing: No. 2017-3

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

SECTION 1

BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus that Section 127-58B - "Designation of Locations at or Near Private Residences" shall be amended by deleting the following locations:

March 28, 2017

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Seventh Street	West	On the west side of Seventh Street, beginning at a point 246

feet north of the northwest
corner of Seventh Street and
Front Street continuing north for
a distance of 22 feet in front of
821 Seventh Street

Centre Avenue

South

On the south side of Centre
Avenue directly in front of 133
Centre Avenue for a distance of
22 feet

SECTION 2

SEVERABILITY

BE IT FURTHER ORDAINED, that the provisions of this ordinance are
separable and if any provision, clause, sentence, subsection,
word or part thereof is held illegal, invalid, or
unconstitutional, or inapplicable to any person or circumstance,
such illegality, invalidity or unconstitutionality, or
inapplicability shall not affect or impair any of the remaining

provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such persons or circumstances, to which the ordinance or part thereof is held inapplicable, had been specifically exempted therefrom.

SECTION 3

EFFECTIVE DATE

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication as provided by law.

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

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

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

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

March 28, 2017

The following ordinance was read for public hearing: No. 2017-4

AN ORDINANCE AMENDING CHAPTER 67 OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED "ANIMAL CONTROL" UNDER ARTICLE II RESTRICTING THE SALE OF CATS AND DOGS BY PET SHOPS UNLESS FROM SHELTER OR RESCUE ORGANIZATIONS

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills," respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding, inbreeding, minimal to non-existent veterinary care, lack of adequate and nutritious food, water and shelter, lack of socialization, lack of adequate space and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current federal and state regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, according to the New Jersey Department of Health 2015 Animal Intake and Disposition Survey, more than 16,000 dogs and cats were euthanized in New Jersey, including over 100 in the County of Hudson. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Mayor and the Town Council believe it is in the best interest of the Town of Secaucus to adopt reasonable regulations to reduce costs to the Town and its residents, protect the citizens who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare and foster a more humane environment in the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that the following provisions be added to the Code of the Town of Secaucus in Chapter 67 "Animal Control" under Article II "Kennels, Pet Shops, Shelters or Pounds:"

§ 67-___ Definitions.

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county or municipality, whose mission and practice is,

in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501 (c) (3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

Cat means a member of the species of domestic cat, *Felis catus*.

March 28, 2017

Dog means a member of the species of domestic dog, *Canis familiaris*.

Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or a cat.

Pet shop means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

§ 67-___ Restrictions on the Sale of Animals.

1) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- a) An animal care facility; or
- b) An animal rescue organization.

2) A pet shop shall not offer for sale a dog or a cat that is younger than eight (8) weeks old.

§ 67-___ Enforcement.

This Article shall be enforced by the Town of Secaucus Police Department, Animal Control Officers and the Board of Health or their designee(s). Failure to comply with the regulations established may result in the issuance of a summons in accordance with this Article.

§ 67-___ Penalties for Violations.

Any person violating any of the provisions of this Article shall be subject to a fine not in excess of two thousand dollars (\$2,000.00) for each violation and/or imprisonment for not more than ninety (90) days.

§ 67-___ Repealer.

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

§ 67-___ Severability.

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

There are no other changes to this Chapter of the Code of the Town of Secaucus.

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective.

This Ordinance shall take effect immediately upon passage and publication in accordance with law.

IT IS FURTHER ORDAINED that the remainder of this Chapter 67 of the Code of the Town of Secaucus shall remain in full force and effect.

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

AYES: Costantino, McKeever, Clancy, Pirro, Dehnert, Gerbasio, Gonnelli

NAYS: None

ABSENT: None

Motion carried

March 28, 2017

Councilman Clancy moved that the foregoing ordinance be finally adopted, seconded by Councilman Gerbasio.

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

Motion carried

The following ordinance was read for public hearing:

No. 2017-5

AN ORDINANCE AMENDING CHAPTER 127 OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED
"VEHICLES AND TRAFFIC" TO UPDATE PROVISIONS PROHIBITING THE PARKING OF DETACHED
TRAILERS, CONTAINERS OR UNITS

WHEREAS, the Town enacted §127-1 et seq. to alleviate dangerous situations on the Town's streets, promote safe passage for motorists and vehicles, to address traffic flow and parking, and specify penalties for violations; and

WHEREAS, upon the review and recommendation of the Secaucus Police Department due to safety concerns regarding the number of detached trailers left sitting on local roadways, the Mayor and Council have determined that changes to the Ordinance are needed to prohibit the parking of trailers, containers or units separated from the tractor or cab portion of a truck.

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

1. The following provision should be added to Chapter 127 entitled "Vehicles and Traffic," Article III "Truck and Bus Exclusions," as §127-12B Prohibited Parking of detached trailer, container or unit": (additions are indicated in bold):

No person shall park a trailer, container or unit detached from a tractor, semitrailer, trailer, or cab unit on any public street or public property while it is detached from said unit. Any such occurrence is subject to impoundment of the trailer, container or unit and penalty. A schedule of all fees for violations of this provision can be found at Article I, 127-5A.

2. The following shall be added to "§ 127-5A Fines for specific violations:"

<u>Section</u>	<u>Description</u>	<u>Penalty</u>
127-12B	Prohibited parking of detached trailer, container or unit	\$88.00

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

IT IS FURTHER ORDAINED that the remainder of this Chapter 127 of the Code of the Town of Secaucus shall remain in full force and effect.

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

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

March 28, 2017

Councilman Clancy moved that the foregoing ordinance be finally adopted, seconded by Councilman Gerbasio.

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

The following ordinance was read for public hearing: No. 2017-6

AN ORDINANCE AMENDING THE BIRD FEEDING SECTION OF CHAPTER 104 OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED "PROPERTY MAINTENANCE"

WHEREAS, the Town has previously adopted an Ordinance guiding the feeding of birds within its boundaries; and

WHEREAS, the Mayor and Council have determined that changes to the Ordinance should be made based on a review of the Environmental and Health Departments as part of the Town's Pollinator Program to permit different types of feeders for various bird species and locations that allow bird access while taking into account health and safety of residents and wildlife.

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

1. Chapter 104 entitled "Property Maintenance," §104-11 of the Code of the Town of Secaucus be, and is hereby amended and supplemented to read as follows: (additions are indicated in bold; deletions are indicated by ~~crossouts~~):

§ 104-11.

D. Bird feeding.

...

(1) Feeding of birds shall be permitted on private property provided that: (a) such feeding does not create an accumulation of droppings on the property and surrounding properties and; (b) does not become an attractant for rodents or other wildlife. Each property owner shall be permitted to have ~~one~~⁽¹⁾ no more than three (3) bird feeders ~~and/or suets, but not both,~~ in total, to be located in the rear of the property, behind the existing house or premises, no closer than ~~twelve~~⁽¹²⁾ five (5) feet to any property line.

(a) Bird feeder. ~~A bird feeder shall be either:~~ Bird feeders may be of any style except uncovered tray style feeders.

~~[1] A tube or cylinder type feeder hung from a tree or pole, or~~

~~[2] A hopper type feeder which shall be no larger than twelve (12) inches in width and height, be fully enclosed on all sides with openings of no more than one-half (1/2) inch in size.~~

Bird feeders shall be hung no less than three (3) feet and ~~no more than eight (8)~~ feet from the ground.

Bird feeders shall be filled with no more than ten (10) ounces of bird feed or bird food at any time to be placed inside the feeder only.

- (b) Suet is a formulation of animal fat and other ingredients in cake or brick form. Suet shall be placed in either a mesh bag, or wire cage and suspended close to the trunk of a tree between five (5) and six (6) feet from the ground.
- (2) No bird seed or any form of bird food or any form of food used to attract birds, including but not limited bread, bread crumbs, fruit and nuts, shall be thrown or scattered on the ground of any property. No suet shall be smeared on any tree. Seed shells or bird food dropped by birds or which otherwise fall to the ground shall be removed immediately so that no accumulation results.
- (3) Any person who violates the terms and provisions of this subsection shall be subject to the fines and penalties set forth in Chapter 104, Section 22 of the Town Code.

March 28, 2017

2. Chapter 104 entitled "Property Maintenance," §104-22 of the Code of the Town of Secaucus be, and is hereby amended and supplemented to read as follows: (additions are indicated in bold; deletions are indicated by ~~crossouts~~):

§ 104-22. Violations and penalties.

Any person who shall violate any of the provisions of this chapter or any other promulgated hereunder shall, upon conviction, be punished by a fine not to exceed two thousand ~~five hundred~~ (\$~~2,500~~.2,000) dollars or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation of any of the provisions of this chapter and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

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

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

Mayor Gonnelli asked if anyone wished to be heard regarding the foregoing proposed ordinance.

Mayor Gonnelli called on Barbara Napierski.

Mrs. Napierski expressed her concerns on the changes to this ordinance and asked that it be tabled.

Town Administrator, Gary Jeffas offered information regarding the changes.

Councilman McKeever asked that more information be provided.

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

AYES: Costantino, McKeever, Clancy, Pirro, Dehnert, Gerbasio, Gonnelli

NAYS: None

ABSENT: None

Motion carried

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

No one seconded the motion, therefore, the Ordinance was tabled.

Councilman Clancy moved to table Ordinance No. 2017-6 seconded by Councilman Costantino.

AYES: Costantino, McKeever, Clancy, Pirro, Dehnert, Gerbasio, Gonnelli

NAYS: None

ABSENT: None

Motion carried

March 28, 2017

The following ordinance was read for public hearing:

No. 2017-7

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE
OF THE TOWN OF SECAUCUS ENTITLED
"FIRE DEPARTMENT" TO UPDATE FOR MEMBERSHIP REQUIREMENTS

WHEREAS, the Mayor and Council recognize that the safety of all residents and the protection of buildings and structures is of utmost concern and that the ability to provide emergency services is critical to the protection of the public; and

WHEREAS, the Town of Secaucus Volunteer Fire Department serves the fire and emergency response needs of the municipality and is governed by T.O. 12-1 et seq.; and

WHEREAS, the Mayor and Council believe that updates are needed to Chapter 12 to update membership requirements for the Fire Department in the interest of safety; and

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

1. Chapter 12 of Code of the Town of Secaucus, "§12-2. Membership of companies." be, and is hereby amended and supplemented to read as follows: (deletions are indicated by ~~eressouts~~; additions are indicated in bold):

§ 12-2. Membership of companies....

B. Qualifications of firefighters. [Amended 4-11-06 by Ord. No. 4-2006] Each member of the Secaucus Volunteer Fire Department shall meet, and continue to meet, the following qualifications:...

9. (a) applicants and current members shall execute a waiver or consent form allowing the Chief of Police or his designee, which may be a third party, to conduct federal, state and local criminal history background checks. For applicants, checks shall be performed at time of initial application and at least every four (4) years from date of official acceptance by the Mayor and Council by resolution as a member of the Department, or as ordered by the Chief of Police. For current members at the time of enactment, the Fire Chief shall establish a phase-in period for implementation and all current members shall comply with background checks within said time and subsequent checks be done at least every four (4) years from the date of the initial check, or as ordered by the Chief of Police.

The Town shall pay for the cost associated with conducting the background check(s). The applicant or firefighter shall authorize the Chief of Police to be the recipient of the affirmation or negative response of the background check from the Federal Bureau of Investigation, Identification Division, the State Police or other entity.

(b) An applicant or firefighter shall not be given an appointment or allowed to continue to serve as a firefighter in the Town of Secaucus in the event a background check discloses a lack of good moral character, willful falsification of any information on the application for appointment submitted in accordance with this chapter, or convictions for the below specified crimes or offenses. For purposes of this section, such crimes and offenses shall include, but not be limited to:

- i. Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11, et seq. (criminal homicide), N.J.S.A. 2C:12-1, et seq. (assault; stalking reckless endangering; threats), N.J.S.A. 2C:13-1, et seq. (kidnapping and related offenses), N.J.S.A. 2C:14-1 et seq. (sexual offenses), or N.J.S.A. 2C:15-1 et seq. (robbery); or

- ii. Involving a first, second, third or fourth degree crime or any indictable level crime; or
- iii. Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or
- iv. Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes; or

March 28, 2017

- v. Involving any offense related to fires, arson, fire starting or false public alarms; or
- vi. Involving any crime or offense that touches upon the ability to properly and adequately serve as a firefighter; or
- vii. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly person's offenses described above.

(c) The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from being a firefighter as indicated herein.

(d) Refusal to submit to a background check will result in an immediate dismissal or non-approval of a firefighter.

(e) For an applicant or firefighter who can demonstrate clear and convincing evidence that they have been rehabilitated, disqualification based on the above list of crimes and violations in (b) or in accordance with (c) may be reviewed at the discretion of the Chief of Police and Fire Chief. Factors that may be considered in any review shall include: 1) the nature and circumstances surrounding the offense, 2) the date of the offense, 3) the age of the applicant or firefighter at the time of the offense, 4) whether the offense was an isolated or repeat offense or incident, and 5) any information provided on rehabilitative efforts taken by the applicant or firefighter, which may include but is not limited to, completion of time served, work release and/or community service, good behavior during rehabilitative period, therapeutic and/or psychiatric treatment received, academic or vocational training participated in, and recommendations from individuals who supervised or were involved in the rehabilitative efforts of the applicant or firefighter.

C. Each firefighter shall continue to qualify by meeting such qualifications set forth in Section 12-2B while he is an active member of the Secaucus Volunteer Fire Department. The Chief of the Department is hereby authorized and directed to determine, from time to time, that each firefighter is currently qualified by meeting such standards.

2. Chapter 12 of Code of the Town of Secaucus, "§12-10. Suspensions or expulsions of firefighters." be, and is hereby amended and supplemented to read as follows: (deletions are indicated by ~~eressents~~; additions are indicated in bold):

§ 12-10. Suspensions or expulsions of firefighters.

...

C. Suspension by Fire Chief, Deputy Chief, or Battalion Chief. The Fire Chief, Deputy Chief, or Battalion Chief may suspend any member of the department for a period not to exceed ~~two (2) weeks~~ one (1) year or as deemed appropriate by the Chief for any violation of this chapter, any violation of the rules or regulations adopted by the Fire Chief pursuant to this chapter, for any good cause or for any actions of a firefighter which are detrimental to the best interests of the Fire Department or the Town of Secaucus, regardless of whether such behavior, conduct, or violation as aforesaid is at the scene of a fire or not. Said member may appeal said suspension to a committee composed of the three (3) Fire Chiefs and a hearing conducted by a committee of the three (3) Fire Chiefs, where said member has adequate notice and an opportunity to be heard. ~~Further disciplinary action may be taken by said Chiefs pursuant to a hearing conducted by a committee of the three (3) Fire Chiefs, where such member has adequate notice and an opportunity to be heard. Said member may appeal committee's decision within ten (10) days to the Mayor and Council.~~ The suspension shall be reviewed by the committee, and the discipline term modified or further disciplinary action be taken by said committee of Chiefs. Said member may appeal the committee's decision in writing within ten (10) days to the Mayor and Council.

March 28, 2017

At the end of a member's suspension period, regardless of the length of the suspension, a committee composed of the three (3) Fire Chiefs shall review the suspension situation, and ~~F~~ further disciplinary action may be taken by said Chiefs pursuant to a hearing ~~conducted by a committee of the three (3) Fire Chiefs~~, where such said member has adequate notice and an opportunity to be heard. Said member may appeal the committee's decision in writing within ten (10) days to the Mayor and Council.

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

IT IS FURTHER ORDAINED that the remainder of this Chapter 12 of the Code of the Town of Secaucus shall remain in full force and effect.

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

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

Motion carried

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

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

The following ordinance was read for introduction: No. 2017-11

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

Councilman Gerbasio moved that the foregoing ordinance be introduced and passed on first reading, seconded by Councilwoman Pirro.

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

The following ordinance was read for introduction: No. 2017-12

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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

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

Public hearing will be held on April 25, 2017.

CONSENT AGENDA

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.

March 28, 2017

The following resolution was read: No. 2017-111

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
REGARDING AUTHORIZATION TO ADVERTISE AND RECEIVE
BIDS FOR HVAC SERVICES

WHEREAS, the Town of Secaucus requires the services of HVAC services, as needed, on a per diem basis as determined by the Governing Body for various projects and repairs throughout the Town at buildings and properties utilized for municipal and public use.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Town Council for the Town of Secaucus, County of Hudson, State of New Jersey that the Town Clerk is hereby authorized to advertise for and receive bids from authorized vendors to provide HVAC services.

The following resolution was read: No. 2017-112

RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF
CERTIFICATES AND ASSURANCES FOR NEW JERSEY TRANSIT AND THE
FEDERAL TRANSIT ADMINISTRATION RELATED TO THE NEW JERSEY
TRANSIT COMMUNITY SHUTTLE BUSES

WHEREAS, the Town operates vehicles through NJ Transit from a Federal Transit Administration ("FTA") grant; and

WHEREAS, NJ Transit must certify annually to the FTA that various applicable statutes, rules and regulations are being complied with by both NJ Transit and its grant sub-recipients, such as the Town; and

WHEREAS, in order for NJ Transit to its maintain certification, and in order for the Town to continue to operate vehicles provided by NJ Transit, the Town must provide annual certifications and assurances to NJ Transit;

NOW THEREFORE BE IT RESOLVED, that the Town of Secaucus authorizes the Town Administrator and the Town Attorney to make all necessary certifications and assurances and to bind the Town's compliance with all relevant Federal statutes, regulations and directives.

The following resolution was read:

No. 2017-113

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
AUTHORIZING EMERGENT REPLACEMENT OF THE ZERO ZONE
CHILLER AT THE ICE RINK AT BUCHMILLER PARK

WHEREAS, the Town of Secaucus operates an Ice Rink at Buchmuller Park for Town residents; and

WHEREAS, the Town needs to undertake an improvement to replace the defective compressor for the Zero Zone Chiller at the Ice Rink located at Buchmuller Park and the Town has received quotes from three (3) mechanical service contractors; and

WHEREAS, while the quotes were obtained, the need for the service of the chiller was deemed emergent and repair authorized after review by the Town Administrator and the Office of Purchasing due to the end of the Ice Rink season; and

WHEREAS, the Town of Secaucus received a quote from Industrial Cooling Corporation, 70 Liberty Street, Metuchen, New Jersey 08840, Quote #17-0305R1 in the amount of \$16,665.00 for the specified project; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council for the Town of Secaucus, County of Hudson, that the issuance of an award contract with Industrial Cooling Corporation ("ICC") for an amount not to exceed sixteen thousand six hundred and sixty-five dollars (\$16,665.00) for the project as set forth in the attached Proposal #17-0305R1 for the repair, furnishing of parts and labor for the replacement of the compressor located at the Ice Rink at Buchmuller Park on an emergency basis be and is hereby ratified; and

BE IT FURTHER RESOLVED that the project description, quote and Resolution shall constitute the requisite contract in this matter and be kept on file with the Town Clerk; and

BE IT FURTHER RESOLVED that ICC. shall provide any and all compliance information requested by the Town of Secaucus' Office of Purchasing, which may include but is not limited to, proof of insurance coverage; and

March 28, 2017

BE IT FURTHER RESOLVED that the Finance Director certifies that funds are available for these services in the Municipal budget; and

BE IT FURTHER RESOLVED that the Mayor and/or the Town Administrator or their designee are hereby authorized to execute any other documents or take any other necessary action to effectuate the spirit and intent of this Resolution.

The following resolution was read:

No. 2017-114

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN NEW JERSEY TRANSIT AND THE TOWN OF
SECAUCUS FOR LOCAL PROGRAMS AND MINIBUS SUPPORT

WHEREAS, New Jersey Transit has received grant funds from a Federal Transit Administration ("FTA") grant to purchase accessible motor vehicles for the transportation of persons over the age of 60 and persons with disabilities; and

WHEREAS, the application submitted to New Jersey Transit by the Town of Secaucus has been approved for funding, and accordingly the Town will be provided a vehicle for use by New Jersey Transit to operate in accordance with the program guidelines and application, as set forth in the attached Agreement.

NOW THEREFORE BE IT RESOLVED, that the Town of Secaucus authorizes the Town Administrator or their designee to execute the attached Agreement and any other necessary documents to effectuate said purpose and intent.

The following resolution was read:

No.217-115

A RESOLUTION AUTHORIZING TO ADVERTISE FOR AND
RECEIVE BIDS FOR A LOCKER ROOM ADDITION AND
ANCILLARY UPGRADES FOR THE SECAUCUS ICE RINK

BE IT RESOLVED, by the Mayor and the Council of the Town of Secaucus, County of Hudson, that the Town Clerk is hereby authorized to advertise for and receive bids for a Locker Room addition and ancillary upgrades for the Secaucus Ice Rink.

The following resolution was read:

No. 2017-116

RESOLUTION IN SUPPORT OF REDEVELOPMENT OF BLOCK 100, LOTS 1, 2, 2.01 AND 2.02 FORMERLY
THE HESS SITE IN THE TOWN OF SECAUCUS

WHEREAS, the Town of Secaucus consists of approximately 4,196 acres, and approximately 3,752 acres are located within the Hackensack Meadowlands District which is under the jurisdiction of the New Jersey Sports and Exposition Authority (previously the New Jersey Meadowlands Commission) ("NJSEA"); and

WHEREAS, the Town of Secaucus has the largest percentage (89.4%) of land located in the Hackensack Meadowlands District of any of the fourteen municipalities that are under the jurisdiction of the NJSEA; and

WHEREAS, there is a tract of land, identified as Block 100, Lots 1, 2, 2.01 and 2.02 on the Tax Maps of the Town of Secaucus, consisting of 8 acres of land, formerly known as the Hess Site (hereinafter collectively "the Hess Site") which is located in the Hackensack Meadowlands District and in the Harmon Cove Meadow Area; and

WHEREAS, 35 Meadowlands Holdings, LLC (the "Redeveloper") is the contract purchaser of the Hess Site; and

WHEREAS, the Hess Site is currently in the process of environmental remediation; and

WHEREAS, the Hess Site is located on the Meadowlands Parkway and near approximately 4000 to 5,000 Secaucus residents and immediately near Route 3 and the New Jersey Turnpike; and

WHEREAS, it is in the best interest of the residents of the Town of Secaucus and the environment that the Hess Site be remediated and redeveloped for a use that serves the community and the residents in the Harmon Cove Meadow area of the Town; and

WHEREAS, it is in the best interest of the residents of the Town of Secaucus and the residents of Hudson County, that the Hess Site be considered for appropriate redevelopment and for the property to be returned to the tax ratable base of the Town of Secaucus; and

March 28, 2017

WHEREAS, the New Jersey Legislature adopted P.L. 2015, C. 19 which consolidated the New Jersey Meadowlands Commission into the New Jersey Sports and Exposition Authority (the "Act"); and

WHEREAS, Section 11 of the Act authorizes the Town of Secaucus to adopt the 2004 Master Plan and upon the adoption of the 2004 Master Plan, the Town shall have the authority to approve or reject land use or zoning applications, except for use variances which still must be approved by the NJSEA; and

WHEREAS, the Town of Secaucus has adopted the 2004 Master Plan and the NJSEA is required by Section 8 of the Act to meet and consult with the Town of Secaucus in connection with any change in zoning or in the preparation of development or redevelopment plans; and

WHEREAS, the Town of Secaucus is considered a constituent community of the NJSEA; and

WHEREAS, the Redeveloper has presented concept plans attached hereto as Exhibit A and B for a hotel and a WAWA convenience store with gas pumps which are an ancillary use to the convenience store; and

WHEREAS, the Town does not have a WAWA convenience store within its jurisdictional borders and believes the location of one in the Town and particularly in the proposed location would be an ideal use at the Hess Site and provide much needed services and goods to the Harmon Cove Meadow area residents of the Town; and

WHEREAS, the location of a Hotel would also be consistent with appropriate redevelopment of the Hess Site; and

WHEREAS, the use of both the Hotel and Convenience store are permitted uses in the zone where the proposed redevelopment is to be constructed.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Town of Secaucus hereby support the Redeveloper's application to the NJSEA for the uses set forth on Exhibits A and B.

BE IT FURTHER RESOLVED the Mayor and Council of the Town of Secaucus requests that if the NJSEA determines that a use variance may be necessary for the proposed uses that such use variances be granted.

The following resolution was read:

No. 2017-117

RESOLUTION RE: PATERSON PLANK ROAD STREETSCAPE

WHEREAS, the Town advertised for qualified bidders regarding a project identified as "Paterson Plank Road Streetscape", which consists of road work on Paterson Plank Road from Minnie Place to Humboldt Street and Front Street from Minnie Place to Humboldt Street; and

WHEREAS, on March 23, 2017, two (2) sealed bids were received pursuant to New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and;

WHEREAS, the Base Bid plus Alternate A proposal of \$284,130.00 by Your Way Construction, 404 Coit Street, Irvington, NJ 07111 has been reviewed by the Town Engineer, Town Administrator and Town counsel and constitutes the lowest responsible bid; and

WHEREAS, the Chief Financial Officer has sufficient funds for said contract in the 2017 municipal budget; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Secaucus awards a contract to Your Way Construction for the Paterson Plank Road Streetscape in accordance with Your Way Construction. Base Bid and Alternate A totaling \$284,130.00; which documents (proposal and specifications) constitute a contract for such services in accordance with the documents maintained on file with the Town Clerk's Office.

The following resolution was read:

No. 2017-118

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

Transfer of Appropriation Reserves

BE IT RESOLVED by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that the Chief Financial Official be and is hereby authorized to make the following transfers in accordance with N.J.S.A 40a:4-58, two thirds of the full membership of the Town Council concurring:

March 28, 2017

<u>TRANSFER FROM</u>		<u>TRANSFER TO</u>	
ENGINEERING SERVICES O/ E	10,000.00	ROAD REP. & MAIN. S/W	86,000.00
LEGAL SERVICES O/E	10,000.00		
STREET LIGHTING	15,000.00		
BLDGS. & GROUNDS O/E	50,000.00		
BOARD OF HEALTH O/E	<u>1,000.00</u>		
	\$86,000.00		\$86,000.00

Councilman Costantino moved that the foregoing resolutions on the Consent Agenda be approved, seconded by Councilman Jeffas.

Town Administrator, Gary Jeffas explained two of the Resolutions and how they will impact on the Town.

AYES: Costantino, McKeever, Clancy, Pirro, Dehnert, Gerbasio, Gonnelli

NAYS: None

ABSENT: None

Motion carried

PAYMENT OF CLAIMS

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

Town of Secaucus Payroll Acct. w/ending 3/10/17	\$509,457.84
Adm. & Exec	18,696.46
Mayor & Council	14,781.59
Municipal Clerk	7,023.86
Community Shuttle Bus	2,793.96
Legal Dept.	6,586.68
Municipal Court	18,991.46
Engineering	6,586.53
Pub. Bldgs. & Grds.	47,104.13
Off. Of Inspect.	10,284.90
Planning Board	69.82
Bd. Of Adjustments	65.10
Public Defender	00.00
Comm. & Security Adm	3,823.17
Environmental	2,579.06
Construction	19,353.83
Treasurer	22,721.94
Tax Assessor	6,629.21
Tax Collector	5,841.72
Police Dept.	334,370.81
School Cross Grds.	14,707.76
Office of Emergency Man.	594.23
Unif. Fire Safety Off.	000.00
Rd. Repair & Maint.	140,882.61

Sewer System	1,492.58	
Recycling Coord.	9,216.09	
Bd.of Health	5,862.19	
Mosquito Control	00.00	
Social Services	32,224.84	
Fire Dept. Incentives	000.00	
Pks. & Play Grds.	131.61	
Supv. Of Play Act.	44,350.03	
Rec. Activities	8,653.70	
Social Security	41,473.69	
Pool Social Security	000.00	
Pool Oper.	000.00	
Grant Fund (OEM)	000.00	
CDBG	000.00	
Town of Secaucus Tax Escrow Acct. w/ending 3/10/17		\$276,968.03
Town of Secaucus Payroll Acct. w/ending 3/24/17		\$516,075.71
Adm. & Exec	18,596.95	
Mayor & Council	1,725.00	
Municipal Clerk	6,902.20	
Community Shuttle Bus	2,509.05	
Legal Dept.	6,511.68	
Municipal Court	17,391.89	
Engineering	5,272.19	
Pub. Bldgs. & Grds.	50,038.25	
Off. Of Inspect.	10,108.38	
Planning Board	69.82	
Bd. Of Adjustments	71.23	
		March 28, 2017
Public Defender	00.00	
Comm. & Security Adm	3,870.29	
Environmental	2,613.71	
Construction	19,257.97	
Treasurer	21,283.96	
Tax Assessor	6,823.55	
Tax Collector	5,841.72	
Police Dept.	323,028.34	
School Cross Grds.	18,151.81	
Office of Emergency Man.	594.23	
Unif. Fire Safety Off.	000.00	
Rd. Repair & Maint.	182,945.67	
Sewer System	472.73	
Recycling Coord.	13,267.13	
Bd.of Health	6,137.02	
Mosquito Control	00.00	
Social Services	35,752.76	
Fire Department	000.00	
Retirees Health	000.00	
Pks. & Play Grds.	197.42	
Supv. Of Play Act.	35,794.66	
Rec. Activities	9,382.10	
Social Security	43,090.10	
Total Current Fund	000.00	
Pool Social Security	000.00	
Pool Oper.	000.00	
Town of Secaucus Tax Escrow Acct. w/ending 3/24/17		\$288,536.00
Total Amount Claims	Check No.50860-51124	\$1,320,046.09
Recreation Acct	Check No.1036	\$111,350.58
	Check No.1037	\$ 92,338.63
Recreation On-Line	No checks written	

Note: Current and Trust Account checks are now part of the Total amount of Claims.

AYES: Costantino, McKeever, Clancy, Dehnert, Pirro, Gerbasio, Gonnelli
NAYS: None
ABSTAIN: Gerbasio on 53600, Gonnelli on Fire Department
ABSENT: None

Motion carried.

BINGO/RAFFLE APPLICATION

R-1445 Secaucus PBA Local 84 Civic Association, Inc. Off Premise 50/50
R-1446 Secaucus PBA Local 84 Civic Association, Inc. Off Premise 50/50
R-1447 PTSA Secaucus High School On Premise Draw Raffle
R-1448 PTSA Secaucus High School On Premise 50/50
R-1449 Secaucus Emergency Fund On Premise 50/50
R-1430A Amended Raffle License Secaucus Emergency Fund (Date Change)
R-1431A Amended Raffle License Secaucus Emergency Fund (Date Change)

Councilman Clancy moved to approve the foregoing applications, second by Councilman Costantino.

AYES: Costantino, McKeever, Clancy, Dehnert, Pirro, Gerbasio, Gonnelli
NAYS: None
ABSTAIN: Dehnert on Secaucus Emergency Fund.
ABSENT: None

Motion carried.

COMMUNICATIONS REQUIRING ACTION BY MAYOR AND COUNCIL

Request by North Arlington Education Foundation for use of the Secaucus Swim Center for various dates in July and August.

Request by Prime Time Early Learning Center for use of the Swim Center for 2 dates in August.

Request by NY Jets to use Mill Creek Softball Fields in June.

Request by Alexis Leppin to use Buchmuller Park for a fundraiser.

March 28, 2017

Councilman Gerbasio moved to approve the foregoing communications, seconded by Councilwoman Pirro.

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

Motion carried

COMMITTEE REPORTS

Councilman Gerbasio reported about some vandalism in the North End area and stated that the Police asked for help in identifying the culprits. He added that the Police will also be cracking down on distracted driving.

Councilman Clancy recognized the Secaucus Fire Department for an outstanding job, especially in the mutual aid to Union City.

Mayor Gonnelli added that the Town sent clothing to the residents who were affected by the fire in Union City.

Councilwoman Pirro spoke about an event at the Animal Shelter.

Councilman Dehnert spoke about Recreation activities. He also gave details on upcoming seasonal events.

Councilman McKeever spoke about the ceremony at the Vietnam War Veterans commemoration.

UNFINISHED BUSINESS

Councilman Gerbasio thanked all who participated in the St. Patrick's Day Event.

Councilman Costantino spoke about the Earth Day clean up.

Councilwoman Pirro spoke about an upcoming event to be held at Mill Creek Point Park.

Councilman McKeever spoke about the schedule for the upcoming Yankee games as well as other Senior Citizen events.

NEW BUSINESS

Councilman Gerbasio spoke about upcoming events.

Councilman Costantino spoke about the Tree Planting program. He spoke about the passing of a friend of his, Patrick Taylor, and all he contributed to the Town.

Councilman Clancy gave information on upcoming events. He also spoke about other events.

Councilman Dehnert spoke about an upcoming event.

Councilman McKeever spoke about Clark Rhiel and the fact that he will retire from the Military and he wished him success and thanked him for his service.

Mayor Gonnelli noted that the Town was named the Best Town to Raise a family in Hudson County.

Councilman Costantino gave details on the Little League opening day.

REMARKS OF CITIZENS

None

Councilman Dehnert moved to adjourn the meeting at 7:58 pm, seconded by Councilwoman Pirro.

AYES: Costantino, McKeever, Clancy, Pirro, Dehnert, Gerbasio, Gonnelli

NAYS: None

ABSENT: None

Motion carried

Michael Marra, Town Clerk