

September 25, 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 25th day of September, 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 presented a plaque to George Coats, who is retiring, who worked for the Town doing the Meals on Wheels Program for over 10 years.

The first item on the agenda is as follows:

The following ordinance was read for public hearing: No. 2007-29

**ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AS
276 COUNTY AVENUE, SECAUCUS, NEW JERSEY**

WHEREAS, by reason of the death of Lucille Koenmund, property known as 276 County Avenue is now available for sale;

WHEREAS, said property is adjoining the Washington firehouse of the Secaucus Volunteer Fire Department and purchase of this property may be the only opportunity to expand this firehouse which serves the entire Town of Secaucus and which is closest to the Lautenberg Rail Transfer Station, the Fraternity Meadows residential development and other potential South End developments; and

WHEREAS, N.J.S.A. 40A:12-59(a) provides that the Town, by ordinance, may purchase real property; and

WHEREAS, the capital budget of the Town of Secaucus includes for this purchase in the amount of \$425,000 plus closing costs.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus as that the Town of Secaucus shall purchase property known as 276 County Avenue, Secaucus, New Jersey for \$425,000 pursuant to the terms and conditions of the Contract attached hereto.

2. All ordinances or part of ordinances inconsistent with the provisions of this Ordinance are hereby repealed:

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

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

Financial officers
Certification attached.

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

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

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

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

The following ordinance was read for public hearing: No. 2007-33

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

NOW, THEREFORE, 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 location:

NAME OF STREET SIDE LOCATION

Minnie Place East On the east side of Minnie Place, beginning at a point 132 feet south of the east corner of Minnie Place and Front Street continuing south for a distance of 22 feet directly in front of 770 Minnie Place.

SECTION 2

SEVERABILITY

BE IT FURTHER ORDAINED, that the provisions of this ordinance are separable and if any provision, 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 of 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

REPEALER

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency.

SECTION 4

EFFECTIVE DATE

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

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

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

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

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

The following ordinance was read for public hearing: No. 2007-34

AN ORDINANCE AMENDING SECTION 127-35 OF THE CODE
OF THE TOWN OF SECAUCUS ENTITLED "SCHEDULE XIII: BUS STOPS"

SECTION 1

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Secaucus that Section 127-35 - "Schedule XIII: Bus Stops" shall be amended as follows:

1. Along New County Road, northbound on the easterly side of thereof at:
 - a. Seaview Drive (Near Side)
Beginning at the southerly curb line of Seaview Drive and extending 105 feet southerly therefrom.
2. Along Seaview Drive, eastbound on the southerly side thereof at:
 - a. New County Road (Near Side)
Beginning at the westerly curb line of New County Road and extending 105 feet westerly therefrom.
3. Along Seaview Drive, westbound, on the northerly side thereof at:
 - a. New County Road (Far Side)
Beginning at the westerly curb line of New County Road and extending 100 feet westerly therefrom.

SECTION 2

BE IT FURTHER ORDAINED, that the provisions of this ordinance are separable and if any provision, 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 of 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

REPEALER

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency.

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SECTION 4

EFFECTIVE DATE

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

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

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

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

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

The following ordinance was read for introduction: No. 2007-35

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

Town Clerk, Michael Marra, announced that the public hearing on this ordinance will be October 23, 2007.

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

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

The following ordinance was read for introduction: No. 2007-36

BOND ORDINANCE TO AMEND SECTION 4.1 OF THE BOND ORDINANCE (ORD. NO. 2007-31) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF REAL PROPERTY, NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW ADDITIONAL FURNISHINGS IN, BY AND FOR THE TOWN OF SECAUCUS, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY TO APPROPRIATE THE SUM OF \$1,390,999 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS, "ADOPTED August 8, 2007."

Acting Town Administrator, Margaret Barkala, announced that this ordinance is an amendment to the 2007-31 which was the capital improvement ordinance was took effect on 8/28/07. She stated that no amounts are changing and no purchases are changing. This is to correct a Block and Lot that was incorrectly stated in the original ordinance.

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

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

Michael Marra announced that the public hearing for this ordinance will on October 9, 2007.

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CONSENT AGENDA-RESOLUTIONS

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

The following resolution was read: No. 2007-147

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, in the County of Hudson and the State of New Jersey that the annual salary for Charles Snyder, Assistant Superintendent DPW be \$90,551.00 effective 9/1/07 and subject to agreement with the Primary Supervisors Union.

The following resolution was read: No. 2007-149

RESOLUTION AUTHORIZING CONTRACT FOR SPECIAL COUNSEL
MEADOWLANDS DISTRICT AFFORDABLE HOUSING

WHEREAS, the Mayor and Council received the following response to its Fair & Open Solicitation Process for Special Counsel Meadowlands District Affordable Housing on August 21, 2007:

<u>PROPOSER</u>	<u>HOUSING</u>
Weiner Lesniak	Attendance @ 5 meetings 200.00 per meeting
	Legal Work @\$150.00 per Hour, 550 hour estimate
Total not to exceed	\$83,500.00

WHEREAS, the Town Attorney has reviewed the submissions and determined that the submission of Weiner Lesniak, LLP is a responsive proposal in term of both quality and price.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that a contract for Special Counsel Meadowlands District Affordable Housing be awarded to Weiner Lesniak, LLP in the amount not to exceed \$83,500.00.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk shall be authorized to execute a contract for Special Counsel Meadowlands District Affordable Housing with Weiner Lesniak, LLP.

Financial officers
Certification attached.

The following resolution was read: No. 2007-150

RESOLUTION AUTHORIZING THE AMENDMENT TO THE PROFESSIONAL SERVICES
CONTRACT WITH PMK GROUP

WHEREAS, THE Mayor and Council of the Town of Secaucus awarded a contract to PMK Group for engineering services for the Secaucus Recreation Center, in the amount of \$13,500.00.

WHEREAS, there is a need for the following additional engineering services:

GEOTECHNICAL/ENVIRONMENTAL SERVICES

WHEREAS, the contract needs to be increased by \$35,000.00.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that the Mayor and Town Clerk are hereby authorized to execute an amendment to the contract with PMK Group to perform, said engineering services.

Financial officers
Certificate attached.

The following resolution was read: No. 2007-152

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 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:

Wal-Mart#1-3520 for property situated at Block 227, Lot 4.01 for tax years 2006 and 2007.

Assessment reduced:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2006	\$49,935,000	Withdrawn
2007	\$49,935,000	Withdrawn
2008	TBD	TBD

2008 assessment to be based on a fair market value of \$91,842,930 multiplied by the appropriate "Chapter 123".

Interest on any refund due is waived provided the refund is paid within 90 days of the date of 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 September 25, 2007.

The following resolution was read: No. 2007-153

TOWN OF SECAUCUS, COUNTY OF HUDSON
AMENDED RESOLUTION

WHEREAS, by Resolution 2007-135, the Town Council approved a settlement of tax appeals filed by Haledon Holding Corp./Prime Hospitality for property situated at Block 185.01, Lot 1.04 for tax years 2003 through 2007; and

WHEREAS, Resolution 2007-135 incorrectly provided that the 2008 assessment on the subject property will be \$11,000,000; and

WHEREAS, the 2008 assessment on the subject property is to be determined based on \$11,000,000 fair market value multiplied by the Town's 2008 "Chapter 123" Ratio; and

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that Resolution 2007-135 is hereby restated and amended to provide 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 resolved the complaints filed by:

Haledon Holding Corp./Prime Hospitality for property situated at Block 185.01 Lot 1.04 for tax years 2003, 2004, 2005, 2006 and 2007.

Assessment reduced:

<u>Tax year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
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2003	\$14,500,000	Withdrawn
2004	\$14,500,000	Withdrawn

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2005	\$14,500,000	\$10,276,500
2006	\$14,500,000	\$ 8,885,800
2007	\$14,500,000	\$ 7,068,100

*To be based on a market value of \$11,000,000 multiplied by the appropriate Chapter 123 Ratio.

Interest on any refund due is waived provided the refund is paid within 90 days of the date of 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 September 25, 2007.

The following resolution was read: No. 2007-154

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

WHEREAS, in Homeland Security Presidential Directive (HSPD) 5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) which would provide a consistent nationwide approach for Federal, State and Local governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the 9-11 Commission recommended adoption of standardized Incident Command System; and

WHEREAS, it is necessary that all Federal, State and Local emergency management agencies and other public safety agencies coordinate their efforts to effectively provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management is critical that Federal, State and Local organizations utilize terminology, standardized organizational structures, uniform personnel qualifications standards, uniform standards for planning, training, and exercise comprehensive resource management and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, Communications, facilities and resources will improve the ability to utilize State and Federal funding to enhance County and Local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various management activities throughout the State, County and Local Municipalities, including all public safety and emergency response organizations training program; and

WHEREAS, over fifty Federal grant programs mandate that NIMS be adopted as a prerequisite for obtaining these grants.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Secaucus, County of Hudson, hereby mandates that the National Incident Management System (NIMS) be utilized for all incident management in the Town of Secaucus.

BE IT FURTHER RESOLVED, that all municipalities within the County of Hudson be sent a copy of this resolution and are requested to adopt a similar resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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The following resolution was read:

No. 2007-155

RESOLUTION AUTHORIZING CONTRACT FOR SPECIAL NEEDS COORDINATOR

WHEREAS, the Mayor and Council received the following response to its Fiat & Open Solicitation Process for Special Needs Coordinator on September 19, 2007:

<u>PROPOSER</u>	<u>AMOUNT</u>
Corporate Concepts & Solutions, Inc. (James Adams)	\$12,000.00

WHEREAS, the Town Attorney has reviewed the submissions and determined that the submission of Corporate Concepts & Solution, Inc., is the lowest responsive proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that a contract for Special Needs Coordinator be awarded to Corporate Concepts & Solutions, Inc., in the amount \$12,000.00 (\$1,000.00 per month) commencing September 1, 2007.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk shall be authorized to execute a contract for Special Needs Coordinator with Corporate Concepts & Solutions, Inc.

Financial officers
Certificate attached.

The following resolution was read:

No. 2007-156

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

WHEREAS, the Secaucus Council of the Town of Secaucus, County of Hudson, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst personal of all ages; and

WHEREAS, the Secaucus Council further recognizes that it is incumbent upon not only public official but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Secaucus Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hudson.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Secaucus, County of Hudson, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of an application for the Secaucus Municipal Alliance grant for calendar year 2008 in the amount of \$33,488.00.

2. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved:
Dennis Elwell, Mayor

I, Michael Marra, Municipal Clerk of the Town of Secaucus, County of Hudson, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Town Council on this 25 day 2007.

The following resolution was read:

No. 2007-157

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH
MCGUIRE ASSOCIATES, LLC**

WHEREAS, the Mayor and Council of the Town of Secaucus require the services of a State Certified General Real Estate Appraiser who is also a member of the Appraisal Institute and who has qualified to perform real estate appraisal work for New Jersey's Green Acres program to provide a second Green Acres appraisal report as required for grants in excess of \$25,000.00 for property to be acquired by the Town known as

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Block 194, Lots 14, 15, 15.01, 16, 16.01, 17, 17.01, 18 and 18.01 located at the foot of Oak Lane and designated as Hudson County Planning Incentive acquisition, Project No. 0900-02-068; and

WHEREAS, this type of work constitutes a professional service as defined by N.J.S.A.40A:11-5; and

WHEREAS, the Town of Secaucus has received a proposal from the McGuire Associates, LLC., and to provide a Green Acres appraisal report for property to be acquired by the Town to perform these services.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that the Mayor and Town Clerk are hereby authorized to execute a contract with McGuire Associates, LLC, to provide a Green Acres appraisal report for property to be acquired by the Town.

BE IT FURTHER RESOLVED, that McGuire Associates, LLC., shall be paid an amount not to exceed \$3,500.00 for such services.

Financial Officers
Certificate attached.

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

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

Motion carried.

The following resolution was read: No. 2007-146

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, in the County of Hudson and the State of New Jersey that the annual salary for George Jensen, Assistant Superintendent DPW be \$71,993.00 effective 9/1/07.

Councilman Reilly moved that the foregoing resolution be approved, seconded by Councilman Shinnick.

Councilman Jeffas voiced his concern regarding the amount of the increase of 32% and stated that he hoped that the DPW be reevaluated for raises as a whole along with restructuring the department.

Councilman Shinnick noted that this was discussed in Caucus and Mr. Glen Beckmeyer made this recommendation. He explained the increase in work load and job description with the three Assistant Supervisors.

Councilman Bueckner stated that he had asked if the increase could be phased in with increases over a period of time.

Councilman Gonnelli said that he thinks the amount of the increase is a substantial, especially for an employee who has worked for the Town for only four years. He noted that in all of his years working for the Town, he never saw an increase of this size for anyone else.

Councilman Reilly noted that Mr. Jensen worked in that position for months and there was a significant increase in work load and responsibilities.

Councilman SHinnick noted that the Superintendent's position was replaced, which was a full time position.

Mayor Elwell stated that he would ask Mrs. Barkala to give a report on the DPW figures at the next meeting.

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

Motion carried.

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The following resolution was read:

No. 2007-148

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

Council offered and moved adoption of the following resolution:

WHEREAS, the N.J.S.A. 40A-4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have made available by law and the amount thereof was not determined at the time of adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Secaucus hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$75,880.00 which item is now available as revenue from:

**U.S. DEPT. OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

pursuant to the provisions of the statute and,

BE IT FURTHER RESOLVED, that a like sum of \$79,874.00 be and the same hereby appropriated under the following caption, with matching fund of \$3,994.00 appropriated in the Fire Department budget account number 001-2130-525-20-79.

ASSISTANCE TO FIREFIGHTERS GRANT

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

Councilman Kane moved that the foregoing resolution be approved, seconded by Councilman Jeffas.

Mayor Elwell noted that this grant was applied for by former Town Administrator, Anthony Iacono.

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

NAYS: None

ABSTAIN: Gonnelli

ABSENT: None

Motion carried.

The following resolution was read:

No. 2007-151

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT FOR
CLARKE CATON HINTZ**

WHEREAS, the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey require the professional services of a Expert Planning Services regarding the Damascus Bakery Litigation.

WHEREAS, this type of work constitutes a professional service as defined by N.J.S.A. 40A:11-2(6) and as such is exempted from the bidding requirements pursuant to N.J.S.40A:11-5; and

WHEREAS, the Town has received a proposal from Clarke Caton Hintz to perform the proposed work; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that the Mayor and Town Clerk are hereby authorized to execute a contract with Clarke Caton Hintz for preparing a report, certification costs, research and consulting services in regard to Damascus Bakery Litigation

BE IT FURTHER RESOLVED, that Clarke Caton Hintz, shall be paid an amount not to exceed \$4,500.00.

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BE IT FURTHER RESOLVED, that a copy of the resolution and a statement of the terms of the contract shall be published and maintained in the office of the Town Clerk.

Financial officers
Certification attached.

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

Councilman Shinnick stated that this money is being spent to allow the for litigation against the NJMC to stop the Damascus Bakery from coming to Enterprise Avenue.

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

Motion carried.

PAYMENT OF CLAIMS

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

Town of Secaucus Payroll Acct. w/ending 09/07/07	191,492.01
Adm. & Exec	3,535.17
Mayor & Council	9,171.88
Municipal Clerk	2,644.59
Legal Dept.	1,201.15
Treasurer	7,779.76
Tax Assessor	2,319.77
Tax Collector	2,530.48
Municipal Court	7,517.94
Engineering	750.00
Community Shuttle Bus	2,579.92
Pub. Bldgs. & Grds.	13,954.29
Off. Of Inspect.	2,742.02
Planning Board	514.66
Bd. Of Adjustments	514.66
Public Defender	900.00
Comm. & Security Adm.	1,643.36
Fire Department	000.00
Police Dept.	129,797.16
Construction	4,359.44
School Cross Grds.	200.00
Office of Emergency Man.	300.29
Unif. Fire Safety Off.	2,086.52
Rd. Repair & Maint.	44,596.60
Sewer System	155.18
Recycling Coord.	4,047.65
Bd.of Health	449.48
Mosquito Control	000.00
Social Services	5,250.40
Pks. & Play Grds.	320.00
Supv. Of Play Act.	9,689.62
Rec. Activities	692.88
Pool Oper.	9,711.34
CDBG	304.29
Town of Secaucus Tax Escrow Acct. w/ending 09/07/07	89,932.30
Town of Secaucus Payroll Acct. w/ending 09/14/07	162,907.41
Adm. & Exec	3,535.17
Mayor & Council	765.25
Municipal Clerk's Off.	2,644.59
Legal Dept.	1,201.15
Treasurer	7,781.41
Tax Assessor	2,619.77
Tax Collector	2,030.48
Municipal Court	6,142.21
Engineering	000.00
Community Bus	2,607.18
Pub. Bldg. & Grds.	14,047.92
Off. Of Inspect.	2,412.26
Planning Board	000.00
B. Of Adjustments	100.00

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Public Defender	300.00	
Comm. & Security Adm.	1,643.36	
Fire Department	000.00	
Police Dept.	130,659.71	
Construction	4,336.88	
School Cross Grds.	1,677.51	
Emergency Management	300.29	
Unif. Fire Safety Off.	2,086.52	
Rd. Repair & Maint.	42,205.47	
Sewer System	436.87	
Recycling Coord.	4,188.53	
Bd.of Health	324.48	
Mosquito Control	000.00	
Social Services	5,127.34	
Pks. & Play Grds.	439.91	
Supv. Of Play Act.	7,921.00	
Rec. Activities	692.88	
Pool Oper.	6,317.09	
CDBG	1,304.29	
Town of Secaucus Tax Escrow Acct. w/ending 09/14/07		86,625.02
Town of Secaucus Payroll Acct. w/ending 09/21/07		173,519.78
Adm. & Exec	3,535.17	
Mayor & Council	765.25	
Municipal Clerk's Off.	2,644.59	
Legal Dept.	1,201.15	
Treasurer	7,857.71	
Tax Assessor	2,579.77	
Tax Collector	2,030.48	
Municipal Court	6,423.91	
Engineering	000.00	
Community Shuttle Bus	2,927.63	
Pub. Bldg. & Grds.	14,321.11	
Off. Of Inspect.	2,545.05	
Planning Board	000.00	
Bd. Of Adjustments	000.00	
Public Defender	900.00	
Comm. & Security Adm.	1,643.36	
Fire Department	000.00	
Police Dept.	132,128.73	
Construction	4,382.01	
School Cross Grds.	5,939.48	
Office Emerg. Management	300.29	
Unif. Fire Safety Off.	2,086.52	
Rd. Repair & Maint.	42,079.70	
Sewer System	663.00	
Recycling Coord.	4,211.49	
Bd.of Health	324.48	
Mosquito Control	000.00	
Social Services	4,964.44	
Pks. & Play Grds.	1,093.90	
Supv. Of Play Act.	13,990.61	
Rec. Activities	692.88	
Pool Operations	3,389.27	
CDBG	304.29	
Town of Secaucus Tax Escrow Acct. w/ending 09/21/07		89,417.59
Town of Secaucus Payroll Acct. w/ending 09/28/07		175,561.47
Adm. & Exec	3,935.17	
Mayor & Council	765.25	
Municipal Clerk's Off.	2,644.59	
Legal Dept.	1,201.15	
Treasurer	7,914.71	
Tax Assessor	2,579.77	
Tax Collector	2,030.48	
Municipal Court	6,720.74	
Engineering	000.00	
Community Shuttle Bus	3,034.18	
Pub. Bldg. & Grds.	13,933.08	
Off. Of Inspect.	2,476.83	
Planning Board	100.00	
Bd. Of Adjustments	000.00	
Public Defender	1,200.00	
Comm. & Security Adm.	1,643.36	
Fire Dept.	000.00	
Police Dept.	135,529.70	
Construction	4,291.75	

School Cross Grds. 6,313.09

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Emer. Management	300.29	
Unif. Fire Safety Off.	2,086.52	
Rd. Repair & Maint.	42,370.50	
Sewer System	544.67	
Recycling Coord.	4,050.99	
Bd.of Health	324.48	
Mosquito Control	000.00	
Social Services	5,007.00	
Pks. & Play Grds.	885.25	
Supv. Of Play Act.	13,173.88	
Rec. Activities	692.88	
Pool Oper.	3,423.53	
CDBG	304.29	
Town of Secaucus Tax Escrow Acct. w/ending 09/28/07		90,493.13
Total Amount Claims Check No. 21661-21842		\$1,801,136.94
Claims (Early Bills List) No. 21419-21420		\$36,248.48
Recreation Acct. Check No. 1873-1874		\$ 149,619.28
Current Account Check No. 1481-1492		\$8,643.84
Trust Account Check No. 1104		\$500.00

Mayor Elwell offered explanation regarding Contractor Supply and the reason for the additional expenses.

Councilman Bueckner gave explanation of his vote. He asked for a specific breakdown of the bills.

Councilman Reilly asked for an explanation of Intervention Strategies.

Mayor Elwell explained the program.

Councilman Reilly also offered his explanation of the program.

Councilman Gonnelli spoke of his vote and asked Mrs. Barkala to do comparison buying. He asked for payment to held up on ERC until a new inventory is done. He noted bills on PortoJohns on Mill Ridge Road.

Mayor Elwell stated that it would be looked into. He recommended that there be further discussion of ERC at the next caucus as the bill will be researched.

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell
NAYS: Bueckner on Calvanico and Becht, Contractors Supply, ERC and Intervention Strategies Int., Gonnelli on ERC, Contractors Supply, Becht and Calvanico, Jeffas on Calvanico and Becht, Reilly on Jersey City Medical Center only.
ABSTAIN: Bueckner on Taj Mahal under Recreation, Gonnelli on all Fire Bills, Johnson & Johnson and NJMC, Jeffas on ERC and Contractors Supply, Taj Mahal, Elwell for Stone Industries and Rudox Engineering (if applicable).
ABSENT: None Motion carried.

BINGO/RAFFLE APPLICATIONS

Councilman Shinnick moved that the following applications for Raffle License be approved, seconded by Councilman Bueckner.

R-1010 Immaculate Conception Church Off premise 50/50

0

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

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COMMUNICATIONS REQUIRING ACTION BY MAYOR AND COUNCIL

The following letter was received:

Chicora Park Engine Co. No. 3
Secaucus Fire Department
146 Centre Avenue
Secaucus, NJ 07094

Mayor Elwell:

Be advise that as of 9/6/07 Firefighter Anthony Iacono of Engine Co. No. 3 has resigned from Engine Co. No. 3 and the Secaucus Fire Department.

Sincerely,
Secretary
Jason Leppin

Councilman Jeffas moved to accept the resignation of Firefighter Anthony Iacono, seconded by Councilman Shinnick.

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

Motion carried.

Mayor Elwell asked that a letter to sent to Mr. Iacono thanking him for his years of service.

COMMITTEE REPORTS

Mayor Elwell stated that the Town received an E-Mail from Mr. Gehm from the High School regarding the work being done on the original website by students. He noted that the governing body has decided to hire a professional company to maintain the site. He asked that a letter be sent to thank them for time and service. He noted that they have been doing the work since 1997.

Councilman Kane stated that he has received good reports on the soccer and football programs. He thanked John voli and his staff for a job well done.

UNFINISHED BUSINESS

Councilman Gonnelli noted that at the last meeting he asked for reports from PMK and DEP regarding the Recreation Center.

Mayor Elwell said that he is waiting for PMK to send them to him. He said that he will provide what he has.

Councilman Gonnelli asked for the Fraternity Meadows agreement as well.

Mayor Elwell said that he will provide it.

Councilman Gonnelli asked about a committee for one way streets.

Mayor Elwell appointed Councilmen Bueckner, Kane and Shinnick to that committee.

Councilman Gonnelli spoke about the parking stripes on Acorn and the ticketing.

Mayor Elwell said he will follow up on that issue.

Councilman Gonnelli thanked Councilman Reilly for speaking with the Police Chief about the high school games.

Councilman Gonnelli asked about Garry Terrace.

Mayor Elwell stated that he has asked John Dubiel to come up with a plan and he said that they are waiting for an estimate from PMK Group. He said that it would go out for bid for other streets and Garry

Terrace could be done in house.

Councilman Gonnelli asked that this be done before the winter sets in.

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Mayor Elwell agreed.

Councilman Gonnelli spoke about Mr. Snyder's raise and stated that it was not a raise, but compensation for loss of overtime.

Mayor Elwell stated that the Town did add \$5,000 into his base pay.

NEW BUSINESS

Councilman Jeffas stated that he received a letter and a call regarding the parking lot on Centre Avenue. He said there is a problem with young people parking there at night and the noise. He asked that the police drive by regularly and asked that the gates be closed and reopened in the morning.

Mayor Elwell said that there a number of people who live in that area that park there overnight. He said that if it were locked, they would not be able to get out. He said it is a relief area for residents in that area. He asked that Councilman Reilly contact the Chief of Police and speak with him about this problem.

Councilman Kane thanked the Mayor, Councilman Reilly and the Home News for the report on the bicycle helmet law.

Councilman Jeffas stated that there was a request regarding the Fire house at the Plaza Center and trucks backing up. He suggested painting the streets yellow and placing signs.

Mayor Elwell stated that the Town is looking into placing rumble strips as have been placed on Paterson Plank Road near Huber Street School.

Councilman Reilly noted that at the convention they look at different types of traffic control and will look into new devices.

Councilman Jeffas noted that there was a request made under OPRA for gas records, GPS and fire call records for fire department chiefs. He said that he is concerned with the release of GPS records. He stated that he thought that information needs to be protected. He stated that it is an invasion of privacy. He said that, in his opinion, it should be protected as it is for police cars. He said that it is a public safety issue.

Councilman Jeffas made a motion to protect the GPS records, seconded by Councilman Bueckner.

Town Attorney , Frank Leanza stated that he did not think that this is something of a proper nature for the Council to vote on. He said that the person who is responsible for this is the Town Clerk, Michael Marra, who is the custodian of records. He said that he serves as his attorney as the Town Attorney. He said that he did not think that this is a matter appropriate for the Mayor and Council. He said that there is something at the State called the Open Public Records Act and the person in this Town who is responsible for complying with it is Town Clerk. He advises Mr. Marra that under the law, he give these records to the public. He said that if he does not and the matter is sent to the Government Records Council, the Town is subject to sanctions as well as Mr. Marra individually. He said for those reasons, he does not think that the Town can override Mr. Marra as the custodian of records.

Councilman Bueckner stated that if the motion has to be pulled back, he suggests that the GPS's be removed from the fire vehicles and he feels that it is an invasion of privacy.

Councilman Jeffas stated that as an attorney he understands Mr. Leanza's position, and respects what he has recommended. He said that in Caucus he did suggested that the GPS be removed from the fire chief's trucks.

Councilman Jeffas moved to have GPS systems removed.

Councilman Jeffas withdrew his original motion and Councilman Bueckner withdrew his second.

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Councilman Kane asked that this issue be held for the next caucus meeting.

Mayor Elwell stated that when the devices were put into the vehicles, there were many discussions. He noted that the police department has immediate access to the GPS and could be used to aid the fire chiefs. He said he felt this over rode the issue of invasion of privacy.

Councilman Reilly noted that when the device was installed it was for the police to expand their patrol and for the Town to be able to see what occurred during a shift. He stated that the reason for the fire chiefs cars to have the device was to start a program to expand the equipment and give the fire chiefs the ability to monitor their trucks that would enhance the records. He noted that the documents are public record and should be given.

Councilman Jeffas spoke further about the use of the GPS and what it is used for.

Conversation continued among the Council.

Councilman Gonnelli noted that the records being requested are his. He asked Mr. Leanza if he could reveal who is requesting the information.

Mr. Leanza said that is not public information.

Councilman Gonnelli said that as a fire chief, the GPS system has done nothing for the fire department. He said it is a tracking system. He said that Councilman Reilly was speaking of a GIS system earlier. He said that it is a total invasion of privacy. He noted some situations of which the GPS system that may be dangerous including homeland security. He continued to say that Mr. Leanza's decision is a farce. He continued that this is an invasion of privacy. He quoted an article in the Home News.

Councilman Reilly gave his opinion and a conversation ensued between Councilman Gonnelli and Councilman Reilly.

Councilman Kane asked for more discussion at a future meeting.

Councilman Jeffas asked if the GPS report can be redacted.

Mr. Leanza stated that his opinion would be that a judge would not allow that.

Councilman Kane moved that the issue of the GPS reports be tabled, seconded by Councilman Reilly.

AYES: Bueckner, Kane, Reilly, Elwell

NAYS: Jeffas

ABSTAIN: Gonnelli

ABSENT: Shinnick

Motion carried.

Councilman Bueckner asked for discussion and a vote at the next caucus meeting on this issue.

Councilman Bueckner stated that there has been publications regarding solar energy. He explained that the NJMC is willing to help communities. He said neighboring towns have received grants to help communities purchase the equipment for solar energy. He asked that at the next meeting...

Mayor Elwell said that he is on the committee at the NJMC and they are attempting to put out a bid on solar power and the Town has sent the information on all the flat roofs that can be a part of it. He explained how it would work.

Councilman Bueckner asked for a time frame.

Mayor Elwell said that they are still working on gathering information and gave an example of other communities and their concerns. He said

that it will take time.

Councilman Bueckner asked if they are the lead agency?

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Mayor Elwell said that they are. He said that he waiting for the final reports to come out and he will report when they are available.

Councilman Jeffas noted that North Bergen did their schools.

Councilman Gonnelli asked if he can receive a list of all sidewalk repairs and trees that have come down?

Mayor Elwell agreed.

Councilman Gonnelli asked Mrs. Barkala for all the expenditures for the summer concert series including the food vendors, advertising, sponsor fees.

Councilman Gonnelli noted he has received complaints of speeding on Franklin Street.

Councilman Reilly said they are working on it.

Councilman Gonnelli asked how many officers are certified in radar?

Councilman Reilly said at least twelve.

Councilman Gonnelli asked about law suits against the municipality. He asked if a lawsuit is settle by JIF and it's against Town officials, is that information that the Council would receive a report on?

Mr. Leanza said that JIF retains the power to settle the cases on their own without input from the Town.

Councilman Gonnelli asked that Mr. Leanza get back to him with all cases that have been settled over the last 5 years?

Councilman Bueckner said it is part of the monthly minutes.

Mr. Leanza said that he does not have communication with JIF, the representative does.

Councilman Bueckner noted that Mr. Iacono's office should have a copy of the books.

Councilman Gonnelli noted a case discussed regarding Access Limo, which was settled and he wants the particulars of the case.

Mr. Leanza said that he would find out for him.

REMARKS OF CITIZENS

Frank Mac Cormack
Thomas Troyer
Don Evanson
Barbara Napierski
Sam Maffei
Carole Acropolis

Councilman Gonnelli moved to adjourn the meeting at 8:40 PM, seconded by Councilman Jeffas.

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

Motion carried.

Michael Marra, Town Clerk

