

October 9, 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 9th day of October, 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 read the following proclamation:

Proclamation for October Breast Awareness Month

In recognition of October as Breast Cancer Awareness Month, I and the Secaucus Town Council will be launching an awareness campaign in order to reflect the seriousness of this disease and its impact on our citizens. Through friends and family, we are all touched by someone in our lives who has had the misfortune of dealing with different forms of cancer, specifically breast cancer.

AS part of the awareness project, Secaucus resident Sheila Menkes, volunteer with the Susan G. Komen, For the Cure will orchestrate a pink ribbon display around trees in our community to heighten the awareness of the campaign.

The first item on the agenda is as follows:

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

BOND ORDINANCE AMENDING SECTION 4.I. OF THE BOND ORDINANCE (ORD. NO. 2007-21) ENTITLED: BOND ORDINANCE TO AUTHORIZED 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 FURNISHING IN, BY AND FOR THE TOWN OF SECAUCUS, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BOND" ADOPTED AUGUST 28, 2007.

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

Section 1. Section 4.I. of Ordinance 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 FURNISHING IN, BY AND FOR THE TOWN OF SECAUCUS, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,390,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE

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OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

Adopted by the Town Council of the Town of Secaucus, in the County of Hudson, New Jersey (the "Town) on August 28, 2007 (the "Prior Ordinance") is hereby amended to correct an inadvertent error in a description of a property to be acquired by changing "Block 193, Lot 9" to Block 193, Lot 12", and shall hereafter read as follows:

"{Section 4.} I. Acquisition of the following parcels of real property, including preliminary site improvements, if any: (i) 276 County Avenue (with existing structure) (Block 42, Lot 12 on the Town Tax Assessment Map) for future use in connection with the expansion of the Washington Hook and Ladder Co. Firehouse and (ii) Keiswetter Lane (Block 193, Lot 12 on the Town Tax Assessment Map) for future use for storm sewer improvements, neighborhood enhancements and off-street parking.

Appropriation and Estimated Cost	\$ 800,000
Down Payment Appropriated	\$ 38,100
Bonds and Notes Authorized	\$ 761,900
Period of Usefulness	40 years

Section 2. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Town Clerk and is available for public inspection.

Section. 3 This ordinance shall take effect twenty days after the first publication thereof after final passage.

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.

Acting Town Administrator, Margaret Barkala explained that in this ordinance, no changes in amount or equipment have occurred. She stated that it is merely a correction of a Block and Lot number.

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

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

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

The following ordinance was read for introduction: No. 2007-30

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

Councilman Shinnick 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. 2007-37

BOND ORDINANCE TO AMEND IN ITS ENTIRETY THE BOND ORDINANCE (ORD. NO. 2005-5 ENTITLED: "BOND ORDINANCE TO AUTHORIZED THE MAKING OF VARIOUS RECREATION IMPROVEMENTS IN, BY AND FOR THE TOWN OF SECAUCUS, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$9,000,000 TO PAY THE COST THEREOF, TO APPROPRIATE THE ISSUANCE OF

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BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE TO FOR THE ISSUANCE OF SUCH BONDS" ADOPTED ON APRIL 26, 2005.

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

Mayor Elwell announced that the Town Engineer as well as the construction manager will be at the public hearing.

Councilman Kane 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.

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. 2007-158

**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, Stipulations of Settlement resolving the Complaints filed by:

The Children's Place for property situated at Block 53, Lot 1, for tax years 2005, 2006, 2007 and 2008.

Assessment reduced:

<u>Tax year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2005	\$11,733,300	Withdrawn
2006	\$11,733,300	Withdrawn
2007	\$11,733,300	\$10,750,000
2008	\$ 9,000,000	\$ 9,000,000

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

All in accordance with the discussions held at certain caucus meeting of the Town Council on October 9, 2007.

The following resolution was read: No. 2007-159

**RESOLUTION ENDORSING THE "GREEN ACRES, FARMLAND, BLUE ACRES, AND
HISTORIC PRESERVATION BOND ACT OF 2007"**

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey's economy, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; and

WHEREAS, New Jersey continues to face incredible pressure from development, losing over 40 acres of open space daily to new development projects; and

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; and

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WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres Farmland and Historic Preservation programs, is virtually depleted despite the continued need for the programs it makes possible; and

WHEREAS, on November 6, 2007 the voters of New Jersey will be asked to approve the Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2007, which authorizes the state to issue \$200 million in bonds to fund New Jersey's preservation programs for one year and the Blue Acres program to purchase flood prone properties; and

WHEREAS, passage of the Bond Act is desperately needed to fund the continued protection of New Jersey's natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Town of Secaucus, in County of Hudson and State of New Jersey as follows:

1. The municipality encourage the votes of New Jersey to vote yes on the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007 on November 6, 2007.

2. The municipal clerk is hereby authorized to provide a copy of this resolution to the following:

Duly authenticated copies of this resolution shall be transmitted to:

The Honorable Jon Corzine, Office of the Governor, PO Box 001, Trenton, NJ 08625
State Senators
State Assembly persons
Keep It Green c/o NJ Audubon Society, 142 W. State Street, Trenton, NJ 08608
Daily & Weekly Newspapers

The following resolution was read:

No. 2007-160

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey awarded the Reconstruction to Castle Road Contract to Tomaro Contracting Co., in the amount of \$1,277,000 plus Change Order #1 through #4 for \$153,278.20.

WHEREAS, a proposal was received for Change Order #5 in the amount of \$54,490.18 due to additional grading and paving needed at the Command Web loading Dock area. Also Concrete Dolly pads were installed in order to accommodate the weight of the unloading of tractor trailers. Also included is some cost for additional resurvey/staking required due to the delays in completing the work.

WHEREAS, a proposal was received for Change Order #6 in the amount of \$40,180.00 to adjust some of the as-built unit quantities. This overrun represents some additional paving done at some of the driveways as well as some overrun in the tonnage quantity of asphalt.

THEREFORE, Tomaro Contracting Co. requires an additional amount of \$94,670.18 for Change Orders #5 and #6.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey hereby approve Change Order #5 and #6 in the amount of \$94,670.18 to Tomaro Contracting Co.

Financial Officers
Certification attached.

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The following resolution was read:

No. 2007-161

RESOLUTION AUTHORIZING CONTRACT FOR HOPS LANE ROAD IMPROVEMENTS

WHEREAS, the Mayor and Council advertised for and received the following bids for the Hops Lane Improvements on October 4, 2007:

<u>Bidder</u>	<u>Bid Amount</u>
Mark Paving Co., Inc.	\$175,000.00
Batata Construction, Inc.	\$184,395.00
AJM Contractors, Inc.	\$185,505.00
Let It Grow, Inc.	\$339,132.92

WHEREAS, the Town Engineer and Town Attorney have reviewed the bids and determined that the bid of Mark Paving Co. Inc., is the lowest responsive bid; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that the Hops Lane Road Improvements contract be awarded to Mark Paving Co. Inc., in the amount of \$175,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk be authorized to execute a Contract for the Hops Lane Road Improvements with Mark Paving Co. Inc., in the amount of \$175,000.00.

Financial Officers
Certification attached.

The following resolution was read:

No. 2007-162

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus that Anthony Citro is hereby appointed as Recycling Coordinator effective July 1, 2007 at an annual salary of \$6,000. He has completed the requirements of New Jersey Recycling Certification.

The following resolution was read:

No. 2007-163

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, awarded the Contract for Construction Engineering Management Services-Recreation Center to Mast Construction Services, Inc. , following response to its Fair & Open Solicitation Process regarding the Recreation Center; and

WHEREAS, a proposal was received from Mast Construction Services, Inc., to amend their contract in the amount of \$73,126.00 for additional compensation, the construction period being from October 1, 2007 to November 30, 2007; and

WHEREAS, the contract needs to be increased by \$73,126.00.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, hereby approve additional funds of \$73,126.00 for said contract.

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

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

Motion carried.

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The following resolution was read:

No. 2007-159A

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of New Jersey entered into a contract with PMK Group the year 2007 in the amount of \$37,000.00 for Town Engineer, General Engineering Services;

WHEREAS, there is a need to amend the contract for the following Engineering service: Asbestos Management Service & Phase I Environmental Site Assessment, 276 County Avenue, Block 42, Lot 12;

Preliminary Environmental Site Assessment	\$5,500.00
Asbestos Identification Survey	\$4,000.00
Lead-Based Paint Identification Survey	\$1,000.00
Universal Waste Identification Survey	\$ 500.00

WHEREAS, the contracts needs to be increased by \$11,000.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approve additional funds of \$11,000.00 for said contract.

Financial Officers
Certification attached.

Councilman Reilly moved to adopt the foregoing resolution , seconded by Councilman Kane.

Councilman Jeffas asked that this resolution be pulled because he felt that more discussion needs to be had regarding the investigation costs.

Councilman Jeffas moved that foregoing resolution be tabled, seconded by Councilman Bueckner.

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

Motion carried.

COMMITTEE REPORTS

Councilman Reilly spoke about a traffic problem at the Tenth Street intersection and the amount of traffic.

Mayor Elwell said that he too asked the Police Chief to look at this problem and recommended that the "Stop" should be on Centre Avenue.

Councilman Reilly stated that the police department did make some recommendations and would like to discuss them at the next caucus meeting. He wanted to the public to know that they are aware of the problem.

Councilman Kane noted that the Recreation Department instituted a Flag Football League for young children. He said that on Saturday they will be playing.

Councilman Kane stated that on Wednesday night there will be an open gym for high school students starting at 8:00 at the Recreation Center on Centre Avenue.

Councilman Kane thanked Councilman Reilly for helping with the problem of children being at the Clarendon School parking lot late at night.

UNFINISHED BUSINESS

Councilman Gonnelli thanked the Mayor for the Recreation Center report that he received today.

Councilman Gonnelli spoke about items that he has requested at past meetings.

Mayor Elwell stated that he and John Dubiel have gone to Garry Terrace

and waiting for rain to see where the water is coming in. He said that

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according to Glen Beckmeyer, it would be easier to do the work in the streets as opposed to the yards.

Councilman Gonnelli stated that residents have photos.

Mayor Elwell said that has spoke to residents several times, but has not seen photos. He said that on Franklin Street they found a collapsed line which will be worked on. He said that he will call again on speed bumps as they have been ordered.

Councilman Gonnelli mentioned Hops Lane.

Mayor Elwell said that speed bumps are worked into that project, similar to Stonewall Lane.

Councilman Gonnelli asked for a list of trees that were removed and sidewalk work that was done.

Mayor Elwell said that is being worked on.

Councilman Gonnelli said for the work from the last two years as wells as expenditures for the Summer Concert Series. He said that he has worked with Mrs. Barkala and appreciates her help.

Mrs. Barkala stated that she is working on getting him the information.

Mayor Elwell said that he asked Mr. Dubiel to call a Shade Tree Committee Meeting and noted that Councilman Gonnelli is the chairman.

Councilman Gonnelli stated that in 1985 he was taken off the Arbor Day events, then corrected that it was 2005. He said that he would call a meeting every month.

Mayor Elwell stated that there will be a meeting called as there are many things that need to be done.

Councilman Gonnelli asked for all JIF settlements.

Town Attorney, Frank Leanza stated that he called the Attorney and has requested them.

Councilman Gonnelli stated that he is interested in one specific case with Access Taxi where allegations were made against a Councilman, Police Department personnel and others. He said that he was told that the case was settled and the Council was not notified.

Councilman Gonnelli spoke about Port o Johns on Mill Ridge Road.

Mrs. Barkala stated that she spoke with John Voli, Recreation Director, and stated that they are still there but the Town will be billed for the Port O Johns from October on. She stated that the Town bathrooms were not open 100% of the time and they now are.

Councilman Jeffas stated that according to the Construction people the Recreation Center will open in February, and his concern is getting soft costs. He asked if there is a committee.

Mayor Elwell explained that the Town already has people working on that and mentioned Mr. Constantino. He said John Voli as well as others have been visiting the site and are gathering information on costs. He said that what they are recommending, is that the Town start asking people who would be interested in joining and getting feedback.

Councilman Jeffas said that he does not want the Town to be rushed at the last minute.

Mayor Elwell said that the Town has a good idea of what needs to be done and some of the difficulties based on other facilities. He said that the next step would be finding out how the people would like to use the facilities and the hours of operation. He said that he would consider appointing a committee. He mentioned packages for membership.

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NEW BUSINESS

Town Clerk, Michael Marra stated that the Town Clerk's Office will be opened until 9:00pm for late night voters registration. He mentioned that in February 2008, there will be a Primary Election for President only.

REMARKS OF CITIZENS

Sam Maffei
Thomas Troyer
Arthur Glaeser
Barbara Napierski
Joseph Kellenberger
Frank Mac Cormack
Wanda Bosinski

Councilman Kane moved to go into closed session at 8:10 pm to discuss personnel matters, seconded by Councilman Gonnelli.

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

Councilman Shinnick moved to go to into open session at 9:17 PM.
Seconded by Councilman Jeffas.

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

Councilman Shinnick moved that at the closing on property at 276 County Avenue, no taxes would be collected, retroactive to October 9, 2007, seconded by Councilman Reilly.

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

Councilman Shinnick moved to adjourn the meeting at 9:20 PM, seconded by Councilman Reilly.

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

Michael Marra, Town Clerk

