

March 26, 2019

MINUTES of the Regular Meeting of the Mayor and Board of Council of the Town of Secaucus, County of Hudson, State of New Jersey held on the 26th day of March 26 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 Jersey Journal on December 27, 2018.

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: Robert Costantino
William McKeever
James Clancy
Mark Dehnert
John Gerbasio
Orietta Tringali
Absent: Michael Gonnelli

ORDINANCES FOR PUBLIC HEARING

The following ordinance was read for public hearing: No. 2019-7

AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED "COURT" TO SPECIFY CURRENT STATUTORY REFERENCES AND CURRENT PUBLIC DEFENDER APPLICATION FEE FOR THE SECAUCUS MUNICIPAL COURT

WHEREAS, the New Jersey Legislature through N.J.S.A. 2B:24-1 et seq. has found that Municipal Public Defenders are critical components of the court system for the administration of justice and for effective, fair and equal representation of those who demonstrate need; and

WHEREAS, the Town's governing body has supported and continues to support the Public Defender Program in the Secaucus Municipal Court with one appointed Public Defender and named Alternate Public Defenders in the interest of justice and fairness; and

WHEREAS, based upon review of the Court Administrator and Town Attorney, updates to Town Ordinance Chapter 7 entitled "Court" are being undertaken, including to specify Public Defender duties and application fees under governing statutes for the Secaucus Municipal Court.

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 7 entitled "Court." 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 ~~strikethroughs~~):

§ 7-4. Judge: appointment; term of office.

The Mayor and Council of the Town of Secaucus shall appoint a Judge to said Court in accordance with N.J.S.A. 2B:12-1 et seq., who shall have such qualifications as provided by ~~N.J.R.S. 2A:8-1 et seq.~~, N.J.S.A. 2B:12-7 and who shall serve for a term of three (3) years from the date of ~~his~~ their appointment and until ~~his~~ their successor is appointed and qualifies.

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2. The following shall be added as under the current Chapter 7 entitled "Court." of the Code of the Town of Secaucus. Chapter 7 shall be, and is hereby amended and supplemented with the following: (additions are indicated in bold):

§ 7-7 Municipal Public Defender; duties

The Mayor and Council of the Town of Secaucus shall appoint a Municipal Public Defender to the Secaucus Municipal Court in accordance with N.J.S.A. 2B:12-1 *et seq.* The Municipal Public Defender shall have, possess and exercise all the functions, powers, duties and jurisdiction conferred by the provisions of such or by any other act of the legislature and to be conducted in such manner as provided by such statute and any rules promulgated by the Supreme Court of the State of New Jersey for the conduct of Municipal Courts.

§ 7-8 Municipal Public Defender; application.

A person applying for representation by the Secaucus Municipal Court Public Defender shall file an application with the Secaucus Municipal Court on a form provided by the Court. Pursuant to N.J.S.A. 2B:24-17, an applicant shall pay an application fee not to exceed Two Hundred Dollars (\$200.00). In accordance with guidelines promulgated by the Supreme Court, the Secaucus Municipal Court may waive the required application fee, in whole or in part, if the Court determines, in its discretion, upon a clear and convincing showing by the applicant, that the application fee represents an unreasonable burden on the person seeking representation. The Secaucus Municipal Court may permit a person to pay the application fee over a period not to exceed four months.

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 7 of the Code of the Town of Secaucus shall remain in full force and effect.

While adding to Chapter 7, changing one provision to reflect the current statutory reference for the appointment/qualifications of municipal court judge. By reflecting N.J.S.A. 2B:12-1 *et seq.*, this provision is also now in line with the employee ordinance provision § 23-230 to -232. The prior provision noted (N.J.R.S. 2A:8-1) was repealed since 1974 when the Ordinance appears to have last been amended.

Acting Mayor McKeever 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 Councilman Costantino.

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

Motion carried.

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

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

Motion carried.

The following ordinance was read for public hearing:

No. 2019-8

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWN OF SECAUCUS, NEW JERSEY.

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BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF SECAUCUS, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Town" or "Municipality" is the Town of Secaucus, County of Hudson, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of New Jersey II, LLC
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 10 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount required by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. The Company's Line Extension Policy, as set forth in the Company's Application, shall govern any extension of plant beyond the Primary Service Area.

Comcast will comply with all lawful rules and regulations governing the operation of its cable television system and cable communications system within the (name of municipality). If any referenced regulations are deemed unlawful by a court of competent jurisdiction or superseded by a duly enacted State or federal statute or regulation, Comcast will not be bound by such regulation, nor will the company be bound by any provision of the Municipal Consent Ordinance or Renewal Certificate of Approval with regard to same. Comcast reserves the right to seek administrative or judicial review of the validity of any statute, regulation or ordinance.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work and in accordance with any applicable municipal authority.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables. The Company agrees that it shall, at the sole cost and expense of the Company, properly dispose of all trees, branches or trimmings removed in accordance with this paragraph.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint

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Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designed as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise, the Company shall give to the municipality a bond in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS

- a. The Company shall continue to provide residents with a system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.
- b. The Company shall continue to provide a system-wide leased access channel maintained by the Company for the purpose of cablecasting commercial access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.
- c. The Company shall continue to provide two dedicated local access channels maintained by the Company for the purpose of cablecasting non-commercial access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.
- d. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.
- e. The Communications Act of 1934, as amended (47 U.S.C. §543(b)(4)), allows the Company to itemize and/or identify the amount on the monthly bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and governmental channels, or the use of such channels or any other services required under the franchise. The Company reserves its external cost, pass-through rights to the extent permitted by law.

SECTION 15. COMMITMENTS BY THE COMPANY

- a. The Company shall provide standard installation and basic cable television service on one (1) outlets at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets except for equipment.

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- b. The Company shall provide free basic Internet service, via high speed cable modem, to one (1) non-networked personal computer in each school and public library and to such school and libraries that may be constructed in the future. All facilities must be located with 200 feet of active cable distribution plant.
- c. The Company shall provide standard installation and basic cable television service at no cost on one (1) outlet to Secaucus Town Hall, 1203 Paterson Plank Road; Secaucus DPW, 370 Secaucus Road; Secaucus Senior Center/Social Services, 101 Centre Avenue; Secaucus Recreation Center; 1200 Koelle Boulevard; Secaucus Teen/Tot Center, 145 Front Street; Coast Guard Auxillary/Fire Boat, 5 Meadowlands Parkway; Secaucus Police Department, 1203 Paterson Plank Road; Office of Emergency Management Services, 1377 Paterson Plank Road; Secaucus Public Library, 1379 Paterson Plank Road; Washington Hook & Ladder Fire Company, 272 Country & Lincoln Avenue; Engine Company #1 Fire Company, 150 Plaza Centre Road; Hose Company #2 Fire Company, 746 7th Street; Hose Company #1/Engine 2, Rescue, Marine Rescue, Squad 1, 1561 Paterson Plank Road; Engine Company #3 Fire Company, 146 Centre. Provided each facility is located within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets except for equipment.
- d. Within one-year of request from the Town, the Company shall build an additional access channel return line at no cost to the Town and at a location of the Town's choosing provided the return is located with 200 feet of existing and active cable plant.
- e. Within six (6) months of the issuance of a Renewal Certificate of Approval by the Board, the Company shall provide to the town a one-time access related technology grant in the amount of \$60,000.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 20. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

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SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Acting Mayor McKeever 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 Councilman Costantino.

Councilman McKeever called on Don Evanson.

Mr. Evanson asked if there were other companies that came in?

Town Administrator, Gary Jeffas explained that Comcast has the right to continue operate here.

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

Acting Mayor McKeever asked if anyone else wished to be heard. There being no one requesting the floor, Councilman Clancy moved that the foregoing ordinance be finally adopted, seconded by Councilman Dehnert.

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

ORDINANCES FOR INTRODUCTION

The following ordinance was read for introduction: No. 2019-9

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 to accept the first reading of the foregoing ordinance, seconded by Councilman Costantino.

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

The following ordinance was read for introduction: No. 2019-10

AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED "VEHICLES AND TRAFFIC" TO UPDATE STREET SWEEPER LOCATIONS

Councilman Costantino moved to accept the first reading of the foregoing ordinance, seconded by Councilman Gerbasio.

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

Public hearing for the abovementioned ordinances will be on April 23, 2019.

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.

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The following resolution was read:

No. 2019-74

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
TO AWARD THE CONTRACT FOR RENOVATION FOR THE NEW MUNICIPAL PARKING LOT AT 1212
PATERSON PLANK ROAD, SECAUCUS TO 4 CLEAN-UP, INC.

WHEREAS, the Town of Secaucus has determined the need for Renovations for the New Municipal Parking Lot at 1212 Paterson Plank Road, Secaucus; and

WHEREAS, A Fair and Open Solicitation Process for Renovations For the New Municipal Parking Lot at 1212 Paterson Plank Road, Secaucus was held pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Town duly advertised for bids on February 28, 2019; and

WHEREAS, on March 14, 2019, the following four (4) bids were received for Renovation for the New Municipal Parking Lot at 1212 Paterson Plank Road, Secaucus:

<u>VENDOR</u>	<u>AMOUNT</u>
1) 4 Clean-Up, Inc. P.O. box 5098, North Bergen, NJ 07047	\$ 149,440.60
2) Diamond Construction 35 Beaverson Blvd., Suite 12C Brick, NJ 08723	\$ 173,931.00
3) Adamo Brothers Construction 1033 Alexander Avenue, Ridgelyfield, NJ 07657	\$ 179,424.00
4) Paving Materials & Contracting, LLC 150 River Road, Suite H4, Montville, NJ 07045	\$ 179,178.00

WHEREAS, it has been determined that 4 Clean-Up, Inc., P.O. Box 5098, North Bergen, NJ 07047, is the lowest responsive and responsible bidder; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds to award this contract are available under line items 10-2150-55-70607-012 and 10-2150-55-70605-010.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the Town of Secaucus, County of Hudson, State of New Jersey, award the contract Renovations for the New Municipal Parking Lot at 1212 Paterson Plank Road, Secaucus to 4 Clean-Up, Inc. in an amount not to exceed One Hundred Forty-Nine Thousand Four Hundred Forty Dollars and 60/100 (\$149,440.60) in accordance with the specifications utilized in connection with the bidding.

BE IT FURTHER RESOLVED, that 4 Clean-Up, Inc. shall provide any and all compliance information requested by the Town of Secaucus' Office of Purchasing; and

BE IT FURTHER RESOLVED, that the Mayor, Town Administrator or their designee are hereby authorized to execute any documents regarding the awarding of this contract; and

BE IT FURTHER RESOLVED, that the Mayor, Town Administration, or their designee are hereby authorized to take any action necessary to effectuate the spirit and purpose of this resolution

The following resolution was read:

No. 2019-75

RESOLUTION AUTHORIZING CANCELLATION OF PROPERTY TAXES DUE TO SUBDIVISION

WHEREAS, the Tax Collector of the Town of Secaucus has determined that action is required as a result of a certain property not reflected in the 2019 Tax Duplicate; and

WHEREAS, Tax Assessor has confirmed that Block 79 Lot 1, also known as 684 Third Street, was subdivided into C0001/C0002.

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NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is authorized to cancel 1st and 2nd Quarter 2019 billing, for Block 79, Lot 1 in the amount shown.

1 st Q. 2019	\$1,030.00
2 nd Q. 2019	\$1,030.00

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Town Tax Collector, Town Tax Assessor, and Chief Financial Officer.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to execute any documents or take any other action necessary to effectuate the spirit and purpose of this resolution.

The following resolution was read:

No. 2019-76

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
AUTHORIZING THE AWARD OF A NON-FAIR
AND OPEN CONTRACT FOR MATERA GARDEN AND NURSERY CENTER

WHEREAS, the Town of Secaucus, Department of Public Works has a continuing need to acquire various nursery and garden supplies, as well as power equipment and parts for the proper maintenance of such, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Matera Garden and Nursery Center at 514 Broad Avenue Ridgefield, New Jersey 07657 was awarded a one (1) year contract on March 13, 2018, and the Town of Secaucus wishes to continue to utilize their specialized services; and

WHEREAS, the term of this contract is one (1) year; and

WHEREAS, Matera Garden and Nursery Center will submit a Pay to Play disclosure form which certifies that Matera Garden and Nursery Center has not made any reportable contributions to a political or candidate committee in the Town of Secaucus in the previous year and that the contract will prohibit Matera Garden and Nursery Center from making any reportable contributions through the term of the contract, in compliance with necessary regulations and measures of the State of New Jersey under N.J.S.A. 19:44a-20.27.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the Town of Secaucus, County of Hudson, State of New Jersey authorize the award a Non-Fair and Open contract for Matera Garden and Nursery Center, for nursery and garden goods and services as described herein, for a one (1) year term, for an annual amount not to exceed Eighty Thousand Dollars (\$80,000.00); and

BE IT FURTHER RESOLVED, that Matera Garden and Nursery Center shall provide any and all compliance information requested by the Town of Secaucus' Office of Purchasing; and

BE IT FURTHER RESOLVED, that the Finance Director certifies that funds are available for these services under line item 01-2010-00-31502-036; and

BE IT FURTHER RESOLVED, that the Mayor, Town Administrator or their designee are hereby authorized to execute any documents regarding the awarding of the contract; and

BE IT FURTHER RESOLVED, that the Mayor, Town Administrator or their designee are hereby authorized to take any action necessary to effectuate the spirit and purpose of this resolution.

Financial officers
Certification attached.

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The following resolution was read:

No. 2019-77

TOWN OF SECAUCUS
COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Town of Secaucus desires to further the public interest by obtaining funding in the amount of \$325,000.00, in the form of a \$325,000.00 matching grant from the State to fund the following project(s): Town of Secaucus Duck Pond Revitalization Project at a cost of \$650,000.00

NOW, THEREFORE, the Town Council of the Town of Secaucus resolves that Gary Jeffas or the successor to the office of Town Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Town Council of the Town of Secaucus;

1. That the Town Administrator of the above-named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as the Town of Secaucus Duck Pond Revitalization Project;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$325,000.00;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

CERTIFICATION

I, Michael Marra, Town Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Town Council of the Town of Secaucus at a meeting held on the 26th day of March, 2019.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 26 _____ day of March, 2019.

Michael Marra, Town Clerk

The following resolution as read:

No. 2019-78

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, and State of New Jersey, pursuant to the recommendation of Michael Pero Superintendent Recreation Department that the below person is hereby appointed to as the replacement for the regular part time Café position in the Recreation Center Department (#85000) effective as follows:

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Ianuale, Sydney (start 3/27/19)

\$8.85 / hour

The following resolution was read:

No. 2019-79

RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING THE SUSTAINABLE JERSEY
GRANT APPLICATION TOWN OF SECAUCUS

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Town of Secaucus strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Town of Secaucus is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Town Council of the Town of Secaucus has determined that the Town should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Secaucus, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant and the Town Administrator is authorized to sign all documents related to the grant.

The following resolution was read:

No. 2019-80

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, pursuant to the recommendation of Kevin O'Connor, Superintendent Public Works Department (#50000) the following person is hereby appointed to the replacement full time Laborer/Driver position effective as follows:

Formisano, Frank (start date 03/27/19) \$35,000.00 / annum

The following resolution was read:

No. 2019-81

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, pursuant to the recommendation of Lisa Snedeker, Director, Social & Senior Services the following person is hereby appointed to the full-time position of Administrative Assistant (#74000) effective as follows:

Lennon, Eileen (start date 3/27/19) \$35,000.00 / annum

The following resolution was read:

No. 2019-82

RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS AUTHORIZING
THE AWARD OF CONTRACT FOR THE PROVISION OF A
CONCESSIONAIRE/SECAUCUS SWIM CLUB CONCESSION

WHEREAS, the Town of Secaucus has a continued need for a contract for the concession services at the Secaucus Swim Club; and

WHEREAS, the services of a Concessionaire Vendor need not be bid, and permits a governing body to solicit proposals and award based upon the most advantageous price and other factors considered, pursuant to N.J.A.C. 5:34-9.4 (g); and

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WHEREAS, the Town of Secaucus advertised and requested proposals from authorized vendors to provide concessions services for the Secaucus Swim Club on February 19, 2019; and

WHEREAS, on March 19, 2019 one (1) proposal was received from DMD Concessions of 45 N. Fullerton Avenue, Suite 104, Montclair, New Jersey 07042; and

WHEREAS, the Town's Administrator and Legal Counsel have reviewed the proposal and provided a recommendation to the Mayor and Council as to the most advantageous proposal to the Town, financial benefit and other factors considered.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the Town of Secaucus, County of Hudson, State of New Jersey award the contract for Concessionaire/Swim Club Concession Stand to DMD Concessions for a one (1) year term, with two (2) one (1) year options to renew; and

BE IT FURTHER RESOLVED, that DMD Concessions shall provide any and all compliance information requested by the Town of Secaucus Office of Purchasing; and

BE IT FURTHER RESOLVED, that the Mayor, Town Administrator or their designee are hereby authorized to execute any documents regarding the awarding of the contract with DMD Concessions for the contract for Concessionaire/Swim Club Concession Stand as described herein; and

BE IT FURTHER RESOLVED, that the Mayor, Town Administrator or their designee are hereby authorized to take any action necessary to effectuate the spirit and purpose of this resolution.

The following resolution was read:

No. 20119-83

A RESOLUTION OF THE TOWN OF SECAUCUS AUTHORIZING THE
SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE
ON AN ONLINE AUCTION WEBSITE WWW.GOVDEALS.COM

WHEREAS, the Town of Secaucus has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus property no longer needed for public use pursuant to N.J.S.A. 40A:11-36 through the use of an online auction service; and

WHEREAS, the Town of Secaucus intends to utilize the online auction services of GovDeals, Inc., with a website of www.GovDeals.com pursuant to New Jersey State Contract 83453.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, in the County of Hudson, State of New Jersey, that the Town of Secaucus is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled www.GovDeals.com; and

BE IT FURTHER RESOLVED, the Town of Secaucus shall utilize the online auction services of GovDeals, Inc., with a website of www.GovDeals.com pursuant to the fee schedule, terms and conditions of New Jersey State Contract 83453; and

BE IT FURTHER RESOLVED, that the auction for the items listed on Schedule A will start online on or about April 15, 2019 and end on or about April 22, 2019, with dates certain to be set forth in the auction notice and the auction shall be in accordance with the following:

- a) The surplus property is no longer needed for public use.
- b) The sale will be online at www.GovDeals.com.
- c) The sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9.
- d) The surplus property as identified in Schedule A shall be sold in an "as is" condition without express or implied warranties.
- e) Arrangements to see the vehicles can be made by contacting George Miller at (201) 330-2080.
- f) All bidders participating must agree to the terms and conditions contained on the online website and agree to be bound by such. A copy of said terms and conditions are available on the online website www.GovDeals.com and in the Town Clerk's Office.
- g) The Town of Secaucus reserves the right to accept or reject any bid submitted.

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h)

Buyer is responsible for all aspects of removal of any purchased items, including loading and transport, from Town property. All items must be removed within ten (10) business days of the close of the auction or ownership shall revert to the Town of Secaucus; and

BE IT FURTHER RESOLVED, that the Town Administrator or his designee shall be authorized to execute any document related to this online auction; and

BE IT FURTHER RESOLVED, that the Town Clerk shall advertise the auction pursuant to N.J.S.A. 40A:11-36.

The following resolution was read:

No. 2019-84

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
AUTHORIZING THE EXECUTION OF AGREEMENTS
FOR THE 2019 GREEN FESTIVAL

WHEREAS, the Town of Secaucus will be hosting its annual "Green Festival" (hereinafter "Event") on Saturday, May 4, 2019 from 11:00 a.m. to 4:00 p.m. at Secaucus Xchange; and

WHEREAS, the Town of Secaucus will be arranging a variety of activities and festivities with various co-hosts and vendors as part of the Event, including, food trucks, vendors and entertainment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Town of Secaucus, County of Hudson, in the State of New Jersey, that the Town Administrator, Secaucus Environmental Coordinator or their designee is authorized to enter and sign on behalf of the Town of Secaucus any agreements, contracts and other documents related to the arrangements and execution of the "Green Festival"; and

BE IT FURTHER RESOLVED, that the Secaucus Environmental Coordinator is also expressly authorized to enter and sign on behalf of the Town of Secaucus an agreement to host an electric vehicle driving experience during the Event in conjunction with Plug In America; and

BE IT FURTHER RESOLVED, that the Town Administrator, Secaucus Environmental Coordinator or their designee is hereby authorized to take any action or execute any agreements, contracts and other documents necessary to effectuate the purpose and intent of this Event.

The following resolution was read:

No. 2019-85

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, Mr. Luay Alnabtiti has presented to Suez Water New Jersey an application for an extension to its distribution system running as above described and consisting of installing 80' of 6" main in 16 Mutillod Lane, Secaucus.

NOW, THEREFORE, BE IT RESOLVED, that the said extension be made and the same hereby is approved.

Councilman Gerbasio moved to approve the foregoing resolutions on the Consent Agenda, seconded by Councilwoman Tringali.

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

NAYS: None

ABSENT: None

Motion carried

PAYMENT OF CLAIMS

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

Town of Secaucus Payroll Acct. w/ending 3/8/19		\$972,705.18
Adm. & Exec	17,905.83	
Mayor & Council	18,163.37	
Municipal Clerk	7,543.20	
Community Shuttle Bus	2,376.85	
Legal Dept.	7,050.42	
Municipal Court	18,132.57	
Engineering	6,731.06	

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Pub. Bldgs. & Grds.	56,879.04	
Off. Of Inspect.	10,364.72	
Planning Board	000.00	
Bd. Of Adjustments	000.00	
Comm. & Security Adm	6,095.58	
Environmental	2,197.41	
Construction	24,679.58	
Treasurer	26,439.48	
Tax Assessor	7,149.14	
Tax Collector	6,455.27	
Police Dept.	425,194.92	
Police Department Part time	212.70	
School Cross Grds.	18,225.69	
Office of Emergency Man.	576.92	
Unif. Fire Safety Off.	000.00	
Rd. Repair & Maint.	165,335.74	
Sewer System	00.00	
Recycling Coord.	8,466.90	
Bd.of Health	3,279.23	
Mosquito	000.00	
Social Services	20,538.88	
Fire Dept. Incentives	-1,500.00	
Pks. & Play Grds.	000.00	
Retiress-Health	-100.00	
Retiress Health (extra copy)	2,063.72	
Supv. Of Play Act.	55,774.43	
Ice Rink S/W	12,205.99	
Social Security	46,542.96	
Pool Social Security	000.00	
Pool Oper.	000.00	
Grant Fund (OEM)	00.00	
CDBG	00.00	
Town of Secaucus Tax Escrow Acct. weekending 3/8/19		\$ 122,128.21
Town of Secaucus Payroll Acct. w/ending 3/22/2019		\$ 960,437.70
Adm. & Exec	17,780.89	
Mayor & Council	2,131.20	
Municipal Clerk	7,487.07	
Community Shuttle Bus	2,559.65	
Legal Dept.	6,975.42	
Municipal Court	18,777.04	
Engineering	7,266.60	
Pub. Bldgs. & Grds.	53,267.98	
Off. Of Inspect.	10,468.14	
Planning Board	00.00	
Bd. Of Adjustments	200.00	
Comm. & Security Adm	5,888.85	
Environmental	2,437.59	
Construction	24,937.29	
Treasurer	26,988.85	
Tax Assessor	7,158.47	
Tax Collector	6,455.27	
Police Dept.	425,696.29	
School Cross Grds.	20,917.35	
Office of Emergency Man.	000.00	
Road Repair/Maintenance	162,879.19	
Unif. Fire Safety Off.	000.00	
Sewer System	000.00	
Recycling Coord.	8,503.09	
Bd.of Health	3,094.44	
Mosquito Control	00.00	
Social Services	22,473.86	
Fire Department	48,850.00	
SHBP Waiver	-100.00	
Pks. & Play Grds.	000.00	
Rec. Activities	60,455.30	
Rec. Activities Parttime	10,430.88	
Social Security	45,306.99	
Pool Social Security	000.00	
Pool Oper.	00.00	
Town of Secaucus Tax Escrow Acct. weekending 3/22/19		\$ 121,435.44
Total Amount Claims	Check No. 57779-58138	\$ 1,139,348.58
Recreation Acct	Check No. 1060	\$ 87,673.28
Recreation On-Line	none	

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

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

BINGO/RAFFLE APPLICATIONS

R-1547 Secaucus Emergency Fund Cancelled
R-1548 Secaucus Emergency Fund Cancelled
R-1552 Immaculate Conception Church On-Premise 50/50
R-1553 American Legion Post 118 Secaucus Memorial Instant Raffle

Councilman Gerbasio moved to approve the foregoing applications, seconded by Councilwoman Dehnert.

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

COMMUNICATIONS REQUIRING ACTION BY MAYOR AND COUNCIL

Request by USSSA NJ to use Mill Ridge Softball fields April thru August.

Request by USSSA NJ to use Mill Ridge Softball fields Sundays, April thru July.

Request by USSSA NJ to use Humboldt Recreation Center for adult Basketball.

Request by Sporting Elite, FC to use Shetik and Kane Stadium Fields for soccer practice for various dates.

Request by Double AA Sports to use Mill Ridge Fields for various dates.

Request by NJSBCL to use Kane Stadium for a cricket tournament.

Request by The Indian Caucus of Secaucus to use the Mill Ridge area on April 27, 2019 for the Holi celebration.

The acceptance of Frank Prezioso to Engine 2/Rescue 1.

Councilwoman Tringali moved to approve the foregoing communications, seconded by Councilman Clancy.

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

COMMITTEE REPORTS

Councilman McKeever spoke about upcoming Yankees games for senior citizens.

UNFINISHED

Councilman Costantino spoke about opening day for the Secaucus Little League.

Councilman Clancy offered information on upcoming events. He also gave details on an upcoming craft event at the Library.

Councilwoman Tringali offered details on an upcoming clean up event. She also spoke about the upcoming Town wide garage sale.

Councilman Dehnert announced that there is a need for donations at the Food Pantry.

NEW BUSINESS

Councilman Gerbasio gave details on an upcoming fund raiser event. He also announced that Street Cleaning will resume this week.

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Councilman Costantino spoke about an upcoming event.

Councilman McKeever offered details on upcoming events. He commented on a request on DD214, which is an honorable discharge needed by veterans to help with getting housing.

REMARKS OF CITIZENS

Barbara Napierski
Tom Troyer
Don Evanson

Councilman Clancy moved to adjourn the meeting at 8:37pm, seconded by Councilwoman Tringali.

AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali

NAYS: None

ABSENT: Gonnelli

Motion carried.

Michael Marra, Town Clerk