

September 10, 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 10th day of September 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: Michael Gonnelli
Robert Costantino
William McKeever
James Clancy
Mark Dehnert
John Gerbasio
Orietta Tringali

Secaucus Recreation Girls U-12 Soccer Team and the Boys U-10 Soccer team were each presented with sweatshirts.

Secaucus Cares/People to People/Hygiene Project achieved gold status.

APPROVAL OF MINUTES

The following resolution was read: No. 2019-250

**TOWN OF SECAUCUS, HUDSON COUNTY
RESOLUTION**

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, that the of the Regular Meeting of July 23, 2019 are hereby approved.

Councilman McKeever moved to approve the foregoing resolution, seconded by Councilman Clancy.

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

The following ordinance was read for introduction: No. 2019-36

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

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

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

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.

The following resolution was read: No. 2019-251

**A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS FOR APPROVAL OF CHANGE ORDER #1 TO A
CONTRACT CAPTAIN CONSTRUCTION FOR THE 2019 ROAD PROGRAM 9TH STREET**

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WHEREAS, the Town of Secaucus has a contract with Captain Construction for the 2019 Road Program 9th Street under Resolution 2019-152 in the amount of \$357,139.00; and

WHEREAS, it has been determined that additional work is needed, including an increase in concrete and tree removal, which will increase the total cost by Ten Thousand Seven Hundred Sixty-Three Dollars 50/100 (\$10,763.50); and

WHEREAS, there is a need for a Change Order #1 to increase the contract with Captain Construction in the amount of Ten Thousand Seven Hundred Sixty-Three Dollars 50/100 (\$10,763.50) for the work set forth, which will increase the overall contract amount to Three Hundred Sixty-Seven Thousand Nine Hundred Two Dollars 50/100 (\$367,902.50); and

WHEREAS, the Chief Financial Officer certifies that there are sufficient funds under account 10-2150-55-70608-001 for said contract.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Town of Secaucus, County of Hudson, that the above statements are incorporated herein and Change Order #1 for Captain Construction in the amount of Ten Thousand Seven Hundred Sixty-Three Dollars 50/100 (\$10,763.50) is hereby approved.

The following resolution was read:

No. 2019-252

RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL REGARDING
LOT 6.04 IN BLOCK 227 AS SET FORTH ON THE OFFICIAL TAX MAPS
OF THE TOWN OF SECAUCUS OWNED BY EPT MEADOWLANDS LP

WHEREAS, EPT Meadowlands LP, the owner of real property located at 455 Plaza Drive, otherwise designated as Lot 6.04 in Block 227 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the Assessed Value of said property for the Tax Years 2010, 2011, 2016 and 2018; and

WHEREAS, the Parties have agreed to a reduction in the real property's Assessed Values as follows:

1. Tax Year 2010 \$24,000,000
2. Tax Year 2011 \$24,000,000
3. Tax Year 2018 \$24,000,000; and

WHEREAS, the Complaint filed for 2016 shall be withdrawn along with the Town's withdrawal of its Counterclaim; and

WHEREAS, by further agreement of the Taxpayer the Freeze Act shall not apply to the 2012 and 2013 Tax Years, respectively; and

WHEREAS, the Assessed Value for the 2020 Tax Year shall be \$19,000,000; and

WHEREAS, the Taxpayer has further agreed to waive statutory pre-judgment interest on the tax refund; and

WHEREAS, the Town Tax Assessor has agreed to the reduction in Assessed Value on the real property for the subject Tax Years in accordance with the settlement; and,

WHEREAS, the agreed upon reductions in Assessed Values has resulted in a total tax recapture by the Taxpayer for the property of \$195,124; and

WHEREAS, the total tax recapture shall be provided to the Taxpayer as follows: \$97,562 as a credit and \$97,562 as a refund; and

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WHEREAS, the Governing Body has determined that it is in the best interests of the Town of Secaucus to adjust the Assessed Values on the subject real property in accordance with the terms of settlement set forth herein.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

1. The Assessed Value of the Property located at 455 Plaza Drive (Lot 6.04 Block 227) (together with the other terms of settlement) shall be as follows:

Tax Year 2010 \$24,000,000

Tax Year 2011 \$24,000,000

Tax Year 2018 \$24,000,000

2. Tax Year 2016 Complaint shall be withdrawn.

3. The Freeze Act shall not apply to Tax Years 2012 and 2013, respectively.

4. The agreed upon Assessed Value for Tax Year 2020 shall be \$19,000,000.

5. The Town Tax Collector is hereby authorized to issue a check to the Taxpayer upon receipt of the Tax Court Judgments representing fifty (50%) of the Total Tax Recapture attributable to the reduction in Assessed Values set forth herein \$97,562.

6. The Town Tax Collector is hereby authorized to apply a credit in the amount of \$97,562 to the Taxpayer's Tax Year 2020 tax bill.

7. The Town Tax Appeal attorney is hereby authorized to withdraw the Town's counterclaims filed for each of the subject year.

8. This Resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read:

No. 2019-253

RESOLUTION AUTHORIZING THE WITHDRAWAL OF THE TOWN'S COUNTERCLAIM IN THE
TAX APPEAL REGARDING LOT 8 IN BLOCK 50 QUALIFIER HM AS SET
FORTH ON THE OFFICIAL TAX MAPS OF THE TOWN OF SECAUCUS
OWNED BY GMA GROUP LLC.

WHEREAS, GMA Group LLC, the owner of property located at 255 Secaucus Road, otherwise designated as Lot 8 in Block 50 on the official Tax Maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the Assessed Value of said property for Tax Year 2019; and

WHEREAS, the Taxpayer has agreed to withdraw its appeal filed for that year; and

WHEREAS, the Town has been asked to consider the withdrawal of its Counterclaim filed for the subject Tax Year; and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interests of the Town to withdraw the Counterclaim for Tax Year 2019.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

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1. The Town's Tax Appeal counsel is hereby directed and authorized to withdraw the Counterclaim filed in connection with the Taxpayer's 2019 Tax Appeal.

2. This resolution shall take effect immediately or as otherwise provided by law

The following resolution was read:

No. 2019-254

RESOLUTION AUTHORIZING THE WITHDRAWAL OF THE TOWN'S COUNTERCLAIM IN THE
TAX APPEAL REGARDING LOT 10 IN BLOCK 138 AS SET FORTH ON
THE OFFICIAL TAX MAPS OF THE TOWN OF
SECAUCUS OWNED BY MCC ENTERPRISES, LLC.

WHEREAS, MCC Enterprises LLC, the owner of property located at 55 Flanagan Way, otherwise designated as Lot 10 in Block 138 on the official tax maps of the Town of Secaucus, has taken appeals to the Tax Court of the State of New Jersey from the Assessed Value of said property for the Tax Years 2017 and 2019; and

WHEREAS, the property owner has withdrawn its appeal filed for Tax Years 2017 and 2019; and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interests of the Town to withdraw the Counterclaim for Tax Years 2017 and 2019.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

1. The Town's Tax Appeal counsel is hereby directed and authorized to withdraw the Counterclaims filed in connection with the Taxpayer's 2017 and 2019 Tax Appeal.

2. This resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read:

No. 2019-255

RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL REGARDING LOT 6
IN BLOCK 7 AS SET FORTH ON THE OFFICIAL
TAX MAPS OF THE TOWN OF SECAUCUS

WHEREAS, PSEG Power, LLC, formerly owned property located at New County Road Area, otherwise designated as Lot 6 in Block 7 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey alleging that the property was taken from it by the State of New Jersey's eminent domain authority and, therefore PSEG was not the record owner of said property for the Tax Years 2016, 2017, 2018 and for a portion of 2019; and

WHEREAS, despite this PSEG inadvertently paid the taxes for the vacant property in the specified tax years; and

WHEREAS, the Town has been provided proof of the taking and shall revise its' municipal tax records to indicate the correct owner of the subject property the same being the State of New Jersey; and

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WHEREAS, The Town shall refund to the Plaintiff any and all taxes inadvertently paid to it by PSEG during Tax Years 2016; 2017; and 2018 and a portion of 2019 amounting to approximately \$13,000.00 Dollars; and

WHEREAS, the Town has agreed to make payment of statutory interest to the Plaintiff only if the refund is not within sixty (60) days of the date of the entry of the Tax Court Judgment; and

WHEREAS, the PSEG has agreed to waive statutory pre-judgment interest on the tax refund; and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interests of the Town to revise its municipal tax records to reflect the actual owner of the property and effectuate the refund as previously described.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows: the tax records for Lot 6 in Block 7 shall be adjusted to reflect the fact that PSEG did not own the subject property during Tax Years 2016; 2017; 2018 and a portion of 2019.

2. The Town Tax Collector is hereby authorized to issue a check to PSEG in the amount equal to the real property taxes paid by PSEG to the Town for Tax Years 2016; 2017; 2018 and a portion of 2019.

3. This resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read:

No. 2019-256

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS AUTHORIZING
THE AWARD OF A CONTRACT FOR MAINTENANCE OF TOWN
ELEVATORS TO ELEVATOR MAINTENANCE CORP. (EMCO)

WHEREAS, the Town of Secaucus has elevators in their buildings located at 1203 Paterson Plank Road, 1379 Paterson Plank Road, 1200 Koelle Boulevard, and 145 Front Street which, in the interest of public safety and welfare, need to be properly maintained; and

WHEREAS, the Town of Secaucus needs to appoint a qualified company with the skill and expertise to perform elevator maintenance; and

WHEREAS, four (4) quotes were obtained for these services; and

WHEREAS, Elevator Maintenance Corp. (EMCO) of Kearny, New Jersey possesses the required qualifications as set forth above; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds to award this contract are available under line item 01-2010-00-11092-069.

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 the Maintenance of Town Elevators to Elevator Maintenance Corp. (EMCO) for a one (1) year term, with an annual fee not to exceed Seven Thousand Two Hundred Dollars 00/100 (\$7,200.00) (billed monthly at \$600.00); and

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BE IT FURTHER RESOLVED, that Elevator Maintenance Corp. (EMCO) 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 Elevator Maintenance Co. (EMCO) for the Maintenance of Town Elevators 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. 2019-257

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 Captain Carlos Goyenechea, that pending the successful completion of a background check and drug screening the below person(s) are hereby appointed to fill the vacated positions of regular part time Parking Enforcement Officer (PEO) (night shifts) in the Police Traffic Department (#31002) effective September 10, 2019 as follows:

Patel, Hiren	\$14.50 / Hour
Escoto, Johann	\$14.50 / Hour

The following resolution was read: No. 2019-258

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 that the below person (s) are hereby re-appointed to the seasonal part time position(s) in the Recreation Fall Sports Program (#81076) effective September 10, 2019 as follows:

<u>Directors</u>	<u>Stipend</u>
Pena, Sean - Football	\$3,000.00
Severino, Kerry - Cheerleading	\$3,000.00
McStowe, Jack - Soccer	\$9,000.00

The following resolution was read: No. 2019-259

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
FOR APPROVAL OF CHANGE ORDER #2 TO A CONTRACT WITH MARINI BROTHERS CONSTRUCTION FOR
THE 2019 ROAD PROGRAM GILLIS PLACE & BLONDEL DRIVE

WHEREAS, the Town of Secaucus has a contract with Marini Brothers Construction for 2019 Road Program Gillis Place and Blondel Drive under resolution 2019-165 in the amount of \$285,058.00; and

WHEREAS, Change Order #1 was approved for Resolution 2019-218, increasing the total contract to Two Hundred Eighty-Five Thousand Seven Hundred Twenty-Five Dollars and 40/100 (\$285,725.40); and

WHEREAS, it has been determined that a change in work is needed, including an increase in driveway reconstruction quantity, and a reduction in asphalt surface course quantity, which will decrease the total cost by Five Thousand Two Hundred Eighty Dollars and 00/100 (\$5,280.00); and

WHEREAS, there is a need for a Change Order #2 to decrease the contract with Marini Brothers Construction in the amount of Five Thousand Two Hundred Eighty Dollars and 00/100 (\$5,280.00) for the work set forth, which will decrease the overall contract amount to Two Hundred Eighty Thousand Four Hundred Forty-Five Dollars and 40/100 (\$280,445.40); and

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WHEREAS, the Chief Financial Officer certifies that there are sufficient funds under account 10-2150-55-70608-001 for said contract.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Town of Secaucus, County of Hudson, that the above statements are incorporated herein and Change Order #2 for Marini Brothers Construction in the amount of Five Thousand Two Hundred Eighty Dollars 00/100 (\$5,280.00) is hereby approved.

The following resolution was read:

No. 2019-260

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
AUTHORIZING APPOINTMENT AS THE BOARD OF ADJUSTMENT SECRETARY

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, in the State of New Jersey, hereby appoint Maryam Eldesouki, as Secretary for the Board of Adjustment, with a base salary increase from \$39,000.00 to \$41,000.00 which reflects a \$2,000.00 annual salary increase and a stipend of \$200.00 per meeting, effective September 9, 2019. Should the employee be removed or step down from the position of Secretary of the Board of Adjustment, any stipend and/or salary increase associated will be deducted from the annual salary.

Councilman Dehnert moved to approve the foregoing resolutions on the Consent Agenda, seconded by Councilwoman Costantino.

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

Motion carried.

BINGO/RAFFLE APPLICATIONS

R-1566 Secaucus Fire Department Hose Co. 1 Casino Night
R-1567 St. Matthew Evangelical Lutheran Church Off-Premise 50/50

Councilman Gerbasio moved to approve the foregoing Raffle applications, seconded by Councilman Costantino.

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

Motion carried.

COMMUNICATION REQUIRING ACTION BY MAYOR AND COUNCIL

Request by the Indian Caucus of Secaucus to use Buchmuller Park on October 12, 2019

Request by the Indian Caucus of Secaucus to use the Recreation Center Basketball Courts on October 19, 2019

Request by Meadowlands FC to use Kane Stadium from September 8, 2019 through December 8, 2019.

Request by Michelle Palmer to use Humboldt Street Basketball Courts on Saturday, October 12, 2019 from 9:00am to 12:00pm.

Request by USSSA to use Mill Ridge Field 3 on Sundays from September to November 2019.

Councilman Costantino moved to approve the foregoing requests, seconded by Councilman Clancy.

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

Motion carried.

COMMITTEE REPORTS

Councilman Gerbasio spoke about the necessity to lock cars. He noted that an arrest has been made.

Councilman Clancy reminded residents about garbage and trash need to be in receptacles. He also mentioned the problem of people who put the trash out prior to 6:00pm the evening before the pickup. He also asked residents to curb dogs and to pick up after them.

Councilwoman Tringali gave details on upcoming events.

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Councilman McKeever gave details on upcoming events.

Councilman Costantino announced that the Food Pantry is looking for donations of soup.

Mayor Gonnelli stated that there will be supplies sent to the Bahamas.

Councilman McKeever spoke about an event to be held at the Library.

NEW BUSINESS

Councilwoman Gerbasio gave details on an event being held at the Library regarding how to pay for college. He gave information about an event being held at the Hudson County offices. He also gave details on a fundraiser.

Councilman Costantino gave details on an upcoming event at the Highschool. He also gave details on the upcoming Restaurant Night.

Councilman Clancy gave details on upcoming events.

Councilman Dehnert spoke about a program for PSEG assistance. He also spoke about the town wide garage sale.

Mayor Gonnelli announced that on September 22, 2019, the Town will be dedicating a dog park in memory of Sue Pirro.

REMARKS OF CITIZENS

None

Councilman McKeever moved to adjourn the meeting at 7:36 pm, seconded by Councilman Costantino.

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

NAYS: None

ABSENT: None

Motion carried.

Michael Marra, Town Clerk