

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 12th day of December at 7:00 P.M Secaucus Municipal Government Center, 1203 Paterson Plank Road, Secaucus, NJ in Chamber II.

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 29, 2022.

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

Pledge of Allegiance

Raj Patel presented a check to the Town of Secaucus.

Children's Recreational Soccer teams were presented with sweatshirts.

First item on the agenda:

APPROVAL OF MINUTES

The following resolution was read: No. 2023-342

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, that the minutes of the Regular Meetings of September 12, 2023, September 26, 2023, October 11, 2023, and October 24, 2023 are hereby approved.

Councilman Costantino moved to approve the Regular Meeting Minutes, seconded by Councilwoman Tringali.

The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Tringali, Gonnelli
NAYS: None
ABSENT: None

Attest: Town Clerk

Councilman Gerbasio abstained on the approval of the Regular Minutes of September 26, 2023 and October 24, 2023.

ORDINANCE FOR PUBLIC HEARING

The following ordinance was read for public hearing: No. 2023-31

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:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Eighth Street	West	On the west side of Eighth Street, beginning at a point 56 feet north of the northwest corner of Clarendon Street and Eighth Street continuing north for a distance of 18 feet in front of 839 Eighth Street

BE IT FURTHER 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 adding the following locations:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Centre Avenue	North	On the north side of Centre Avenue, beginning at a point 70 feet west of the northwest corner of Humboldt Street and Centre Avenue continuing west for a distance of 20 feet in front of 124 Centre Avenue
Julianne Terrace	South	On the south side of Julianne Terrace, beginning at a point 505 feet west of the southwest corner of Schopmann Drive and Julianne Terrace continuing west for a distance of 20 feet in front of 295 Julianne Terrace.

That the parking space designated for 124 Centre Avenue adopted by Ordinance is to be personalized for Placard Number P2719654.

That the parking space designated for 295 Julianne Terrace adopted by Ordinance is to be personalized for Placard Number P2696287.

SECTION 2

SEVERABILITY

BE IT FURTHER ORDAINED, that the provisions of this ordinance are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such persons or circumstances, to which the ordinance or part thereof is held inapplicable, had been specifically exempted therefrom.

SECTION 3

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

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

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

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

The following ordinance was read for public hearing: No. 2023-32

AN ORDINANCE REPEALING CHAPTER 26 OF THE CODE OF
THE TOWN OF SECAUCUS ENTITLED "PUBLIC CONTRACTS"

WHEREAS, the Town previously adopted Chapter 26 of the Code of the Town of Secaucus on August 25, 2009, with subsequent amendments, to address contribution limitations on the award of certain contracts; and

WHEREAS, in April 2023, the State of New Jersey enacted the Elections Transparency Act (2023 N.J. Laws 30) to address pay-to-play regulations statewide; and

WHEREAS, the State of New Jersey Division of Local Government Services issued Local Finance Notice 2023-14 recommending that municipalities repeal local pay-to-play ordinances that were previously permitted under N.J.S.A. 40A:11-51; and

WHEREAS, the Town of Secaucus, upon review of the above and the advice of Town Counsel, is repealing its Ordinance to reflect the State's regulations and guidance.

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 26, Article I of the Code of the Town of Secaucus entitled "Public Contracts, Pay to Play Reform Ordinance," originally adopted on August 25, 2009, under Ordinance Number 12-2009 and with subsequent amendments to certain provisions, be repealed in its entirety.
2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective.

This Ordinance shall be published in accordance with law and shall take effect upon such.

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

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

NAYS: None

ABSENT: None

Motion carried.

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

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

NAYS: None

ABSENT: None

Motion carried.

Mayor Gonnelli paused the public hearing to acknowledge the Elias Family, of 242 Centre Avenue, for their donation of \$315.00 to the Secaucus Youth Alliance.

The following ordinance was read for public hearing:

No. 2023-33

AN ORDINANCE AMENDING CHAPTER 160A OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED "HAIR SALONS, BARBERSHOPS, TANNING SALONS, BEAUTY PARLORS, TATTOO PARLORS, NAIL SALONS AND MESSAGE PARLORS" TO UPDATE PROVISIONS FOR LICENSING

WHEREAS, the Town of Secaucus has previously adopted an Ordinance licensing hair salons, barbershops, tanning salons, beauty parlors, tattoo parlors, nail salons and massage parlors in the interest of the safety, health and welfare of the public; and

WHEREAS, licensing is done annually for the various personal service businesses by the Board of Health pursuant to Chapter 160A of the Code of the Town of Secaucus; and

WHEREAS, upon the recommendation of the Department of Health, the Mayor and Council have determined that an update to Chapter 160A addressing the categories, requirement and annual license fees are warranted.

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 160A entitled "Hair Salons, Barbershops, Tanning Salons, Beauty Parlors, Tattoo Parlors, Nail Salons and Massage Parlors" 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 marked by ~~excesses~~):

§ 160A-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BODY ART - Practice of physical body adornment in approved establishments by operators utilizing, but not limited to, body piercing, tattooing, or permanent cosmetics.

COSMETOLOGY BUSINESS - Cosmetology Business shall encompass any person, firm or corporation that represents to the public that said person, firm or corporation is or are engaged in the occupation or business of shaving, trimming of facial hair; shampooing, cutting, arranging, dressing, curling, or any styling of hair; applying cosmetic preparations, antiseptics, tonics, lotions, creams, or makeup to scalp, face, or neck; massaging, cleansing, or stimulating face, neck, chest, or back only with or without cosmetic preparations; removing hair from face, neck, arms, legs or other areas by use of waxing, tweezing, or electrolysis; manicuring of nails or nail sculpting; pedicuring of toenails; and/or application or removal of semi-permanent or permanent cosmetics on eyes, lips, or, eyebrows. Cosmetology Business shall incorporate all persons, firms or corporations operating as, but not limited to, a nail salon, hair salon, barbershop, beauty parlor, spa, skin-care spa or specialty personal service spa.

PERSONAL CARE SERVICE BUSINESS - shall refer to all services licensed under this Chapter, including all persons, firms or corporations operating a tattoo parlor, tanning salon, massage parlor or cosmetology business, including but not limited to, a nail salon, hair salon, barbershop, beauty parlor, spa, skin-care spa, specialty personal service spa.

MESSAGE PARLORS - Any business offering the activity of structured touch which includes holding, applying pressure, positioning, and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, body work or somatic principals. Such application may include the use of therapy such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, explaining, and describing myofascial movement, self-care and stress management as it relates to massage, body work and somatic therapies. Massage, body work and somatic therapy practices are designed to affect the energetic systems of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage, body work and somatic therapies will not

include the diagnosis or treatment of illness, disease, impairment or disability.

TATTOO PARLOR OR BODY ART PARLOR- Tattoo parlor shall mean any place wherein any person, firm or corporation represents to the public that the said person, firm or corporation is or are engaged in the occupation or business of body piercing or permanent affixing of tattoos or body art.

TANNING SALON - Tanning salon shall mean anyplace wherein any person, firm or corporation represents to the public that the said person, firm or corporation is or are engaged in the occupation or business of providing beds or booths, which tans or alters the color of the skin.

§ 160A-2. License required; regulations applicable to all licenses issued under this chapter; fees.

The following regulations are applicable to all licenses issued for personal care services. The meeting of said requirements is in addition to any regulations specified in this Chapter for a particular category of personal care services, as defined above and specified in the applicable section.

- A. Required. It shall be unlawful to operate any ~~barber-shop, hair-salon, beauty parlor, tattoo parlor, nail salon, tanning salon, massage parlor,~~ personal care service business in the Town of Secaucus, County of Hudson, State of New Jersey, without first obtaining a license therefor as required and provided for in this chapter. A current license from the Town of Secaucus Department of Health must be maintained at all times.

Both initial and renewal applications shall be completed fully with accurate information. Applications shall be submitted with all documentation required by the Board of Health, including but not limited to:

- (1) Photo identification of all owners, operators, and other licensed service providers at the premises.
- (2) Proof of current licensure for all owners, operators, and other licensed service providers at the premises.
- (3) Proof of liability insurance.

For initial applications, attendance at a Board of Health meeting by the owner and/or applicant is required. Attendance shall be at the first Board of Health meeting following the initial inspection and prior to final licensure approval.

- B. Compliance; misrepresentation. Any application which fails to conform or to comply with the requirements of this chapter or which contains any false statements or misrepresentations shall constitute sufficient grounds for the denial of the application. ~~and any~~ Any license which may be issued with ~~an intentional~~ based on false information or misrepresentation contained in the application shall be subject to suspension or revocation in addition to penalties hereinafter mentioned.
- C. Terms. Each such license shall become effective January 1 of any given year and will be renewable ~~by mail~~ annually. In order to continue operation, each establishment shall apply for a renewal of their license no later than January 31 of each year. If a renewal application and payment are not received by January 31, the Secaucus Department of Health has right to deem the license forfeited.
- D. Annual fee. The annual Annual fee is due with the application and will be required to be paid by January 31 of ~~any given~~ each year ~~after~~. The current annual license fee shall be kept on file in the Town Clerk's Office. All fees are non-refundable.

~~All annual fees are \$20 with the exception of the following:~~

- (1) ~~Salon (Nail, Hair and Barbershops): \$75.~~
- (2) ~~Tanning Salon: \$50.~~
- (3) ~~Tattoo Parlor: \$150.~~

(4) ~~Massage Parlors. The applicant shall pay a \$50 fee upon filing an initial application for the operation of a business engaged in providing massage therapy services and any individual applicant (as opposed to a business entity) who wishes to be licensed for massage therapy purposed under this chapter shall pay an initial application fee of \$20. All licenses shall be valid for a period one year. All provisions of this chapter, including the requirement of filing fees, shall apply to renewals in the same manner as they apply to applications for initial licenses.~~

- E. ~~Nontransferable. These licenses~~ Licenses are not transferable.
 - F. ~~Lists of suppliers. Upon request, every Every owner or applicant of a barber shop, hair salon, beauty parlor, tattoo parlor, nail salon, tanning salon, massage parlor upon request of the Board of Health shall furnish to the Board Department of Health the names and addresses of any person, firm or corporation supplying them with any item that is used in its establishment for the purpose of enabling the Board Department of Health to examine the sanitary and hygienic conditions under which said materials are handled.~~
 - G. ~~Water supply. Every licensed premises barbershop, hair salon, beauty parlor, tattoo parlor, nail salon, tanning salon, massage parlor upon request of the Board of Health shall contain hot and cold running water.~~
 - H. ~~Sterilization of equipment and instruments, use of medication. All shaving brushes, razors, scissors, clipping machines, pincers needles, nail clippers, combs, brushes and any other instrument or equipment used in a barbershop, hair salon, beauty parlor, tattoo parlor, nail salon, tanning salon upon the person of any customer or otherwise shall be sterilized before usage. Any material or medication used to stop the flow of blood or otherwise applied in treatment of facial or skin injury shall be of safe character and shall be applied in a sterile manner and be properly disposed.~~
 - I. ~~Use of linen. It shall be unlawful to wash or dry in the licensed premises any towels that were used or that have come into contact with a patron. It shall be unlawful to use covering cloths on more than one person successively, except when either a clean towel or a paper neck is applied next to the skin between each covering cloth and the skin to prevent contact of the skin with such covering cloth.~~
- Adherence to Regulations. Each licensee shall be deemed responsible for a clean and safe business operation on the premises in accordance with all health and sanitary codes. All applicable federal, state and local laws, regulations and rules must be adhered to at all times. Violations or convictions, whether criminal or civil in nature, against the personal service care business or any person, firm or corporation related to the licensee's business may result in adverse action against an application or a license.
- J. ~~Separation of living quarters. No part of the premises that contains the licensed business shall be used, as a barbershop, hair salon, beauty parlor, tattoo parlor, nail salon, tanning salon, massage parlor shall be occupied, or used or furnished for sleeping quarters. and rooms in the rear or to the side of the Rooms located on the premises which may be used as are permitted and zoned as living quarters shall be separated from the barbershop the licensed business by a permanent partition extending from ceiling to floor, And and any door leading thereto shall be kept closed at all times except as used for ingress and egress.~~
 - K. ~~Sign stating hours of operation, required. All barber-shop, hair salon, beauty parlor, tattoo parlor, nail salon, tanning salon, massage parlor personal care service businesses shall have a sign not less than 18 inches wide by 16 inches long on which shall be prominently stated the hours of the premises. The said sign shall be displayed in such a manner that all persons frequenting the said location shall have an unobstructed view~~

thereof.

- L. Inspections; reinspection fee. The Health Officer or his/her their designee shall enter said premises at any time with no advance warning. The premises must be inspection ready at all times. The Health Officer, Public Health Investigator, the Secaucus Police Department of their designees are the other authorities that may enter said premises for complaints or general inquiries. All findings will be reported to the Health Officer as soon as possible.

~~Each barbershop, hair salon, beauty parlor, tattoo parlor, nail salon, tanning salon, massage parlor, and spa personal care service business will be inspected at least one time annually, where a certificate of inspection (pass or fail) will be posted. This certificate must be posted in clear view of all patrons entering said locations.~~

~~At which time an inspection is made and it is found to be of unsatisfactory condition it will put the said location on notice and schedule a reinspection and a reinspection fee of \$40 will be charged.~~

If an unsatisfactory inspection occurs, the personal service business will be put on notice and a reinspection must be scheduled. There shall be a \$100.00 non-refundable fee for each reinspection needed.

- M. Licenses must be displayed. All licenses issued by the Board of Health must be posted and available to all patrons entering said location. In the locations where there is additional licensing (by the State of New Jersey), all individual licenses of operators and owners must be posted at the said premises and must be valid. (The personal information that is on the license may be blocked out but must be accessible to the inspecting individual.)

- N. Appeals. ~~In the event that any applicant for a license shall have been refused a license or in the event that any license shall have had his/her license revoked or suspended by the Health Officer, said person shall have the right and privilege to appeal from such refusal to grant license or suspension or revocation of license to the Board of Health of the Town of Secaucus provided however that not less than 14 days written notice of such appeal shall have been served upon the Board of Health either in person or registered mail return receipt requested and a date of hearing before the Board of Health shall be fixed no later than 30 days after the receipt of said notice of appeal. Thereupon the Board of Health shall notify said person of the place, date and time of hearing.~~

- O. Fines. Any barbershop, hair salon, beauty parlor, tattoo parlor, nail salon, tanning salon, or any other establishment that comes under the jurisdiction of the Board of Health, that violates any part of this chapter shall be fined as follows and be paid within 10 days of said violation.

- A. ~~First offense: \$100.~~

- B. ~~Second offense: \$300.~~

- C. ~~Third and subsequent offenses: \$500. (said offense requires a review meeting with the Board of Health).~~

~~If licensee fails to correct any violation within the given time period, the license may be revoked until such corrections are made.~~

- P. ~~Reapplication After Revocation Prohibited. No person, business entity, owner, corporate officer, partner, limited liability member, immediate family member, associate or someone acting in their behalf, after having their license revoked, shall be granted a license upon reapplication. The Board of Health or any member thereof shall not be permitted to issue a license to operate a massage parlor under this or any other ordinance of the Town of Secaucus to any such revokee. If the applicant hereunder is a person this ordinance shall apply to all immediate family members of said person.~~

§ 160A-3. Additional Requirements for Massage parlor licenses.

- A. ~~It shall be unlawful to operate any massage parlor in the Town of Secaucus, County of Hudson, State of New Jersey without first obtaining a license therefor. The owner of a massage parlor desiring a license shall make written application to the Board of Health of the Town of Secaucus, County~~

~~of Hudson, State of New Jersey, setting forth the name of the applicant, location of the places sought to be licensed, whether or not the applicant is registered by the New Jersey State Department of Health and any other facts which the Board of Health may consider pertinent. Said application shall be on a form prescribed by the Board of Health of the Town of Secaucus.~~

- B. A. Conditions for issuance. In addition to the requirements of §160A-2, a A license to operate a massage parlor shall not be issued to any person, firm or corporation a business entity or person unless he/she/it meets the following conditions are met:

- (1) Owners, corporate officers, partners, and/or limited liability members submit a completed application as required by the Ordinance, along with proof of State Licensure to own/operate a massage parlor.
- (2) Owners, corporate officers, partners, and/or limited liability members Is are at least 18 years of age.
- (3) Is Provides documentation of current license/certification licensed/eertified pursuant to N.J.S.A. 45:11-53 et seq. (The Massage, Body Work and Somatic Therapy Certification Act) and regulations promulgated hereto.
- (4) Submits a certification from a duly licensed physician of the State of New Jersey stating that the applicant(s) is/are free from contagious and communicable disease, dated within thirty (30) days of the date of the application.
- (5) Applicant sSubmits three (3) recent photographs that shall be approximately 2 x 2 inches showing the head and shoulders of the applicant(s) is/are in a clear and distinguishing manner. Each applicant shall be fingerprinted by the Chief of Police or his designee and shall undergo a background check by the Chief of Police or a specified third party, which cost shall be borne by the applicant. (If there have been no violations of this chapter and the applicant has been continually licensed from their initial application, fingerprinting shall only be required upon the initial application). The applicant completes an application in a form maintained on file with the Board of Health, Town of Secaucus.
- (6) The applicant(s) has/have not been convicted or pled guilty to violating any provisions of the Criminal Code included in N.J.S.A. 2C:34-1 et seq. and/or N.J.S.A. 2C:14-2 or their equivalent in another jurisdiction.
- (7) The applicant(s) has/have Has not made a false statements in connection with an application for licensure under this Ordinance.
- (8) Does not have violations of any requirements of Article II of this Chapter.

- C. B. Restrictions on location. No application for a new massage parlor establishment license shall be granted unless the establishment is more than 1,000 feet away from any public or private educational institution (including day care centers, elementary, high school and/or college level) or house of worship.

~~§ 160A-4. Tattoo parlor license. [Added by BOH Ord. No. 2013-1]~~

- A. Definition. Tattoo parlor shall mean any place wherein any person, firm or corporation represents to the public that the said person, firm or corporation is or are engaged in the occupation or business of body piercing, or permanent affixing of tattoos.
- B. License required. It shall be unlawful to operate a tattoo parlor in the Town of Secaucus, County of Hudson, State of New Jersey without first obtaining a license therefor. The owner of a tattoo parlor desiring a license shall make written application to the Board of Health of the Town of Secaucus, County of Hudson, State of New Jersey, on a form prescribed by the Board of Health of the Town of Secaucus, and include the following:

- (1) ~~All relevant requirements of Section 160A-2.~~
 - (2) ~~Photo Identification of the owner.~~
 - (3) ~~Proof of liability insurance.~~
 - (4) ~~Application fee as found in Section 160A-2.~~
- C. ~~Attendance at Board of Health meeting required. Applicants must attend the first Board meeting following the initial inspection and prior to final approval.~~
- D. ~~Term renewal. Said license will be valid for one year. Renewals will be required on January 31 of each year.~~

~~§ 160A-5. Tanning salon license. [Added by BOH Ord. No. 2013-1]~~

- A. ~~Definition. Tanning salon shall mean anyplace wherein any person, firm or corporation represents to the public that the said person, firm or corporation is or are engaged in the occupation or business of providing beds or booths, which tans or alters the color of the skin.~~
- B. ~~License required. It shall be unlawful to operate a tanning salon in the Town of Secaucus, County of Hudson, State of New Jersey without first obtaining a license therefor. The owner of a tanning salon desiring a license shall make written application to the Board of Health of the Town of Secaucus, County of Hudson, State of New Jersey, on a form prescribed by the Board of Health of the Town of Secaucus, and include the following:~~
- (1) ~~All relevant requirements of Section 160A-2.~~
 - (2) ~~Photo Identification of the owner.~~
 - (3) ~~Application fee as found in Section 160A-2.~~
- C. ~~Attendance at Board of Health meeting required. Applicants must attend the first Board meeting following the initial inspection and prior to final approval.~~
- D. ~~Term renewal. Said license will be valid for one year. Renewals will be required on January 31 of each year.~~

~~§ 160A-6. Hair salon and barbershop license. [Added by BOH Ord. No. 2013-1]~~

- A. ~~Definition. Hair salon and/or barbershop shall mean anyplace wherein any person, firm or corporation represents to the public that the said person, firm or corporation is or are engaged in the occupation or business of shaving, clipping, cutting, coloring, shampooing or trimming of hair.~~
- B. ~~License required. It shall be unlawful to operate a hair salon, barbershop in the Town of Secaucus, County of Hudson, State of New Jersey without first obtaining a license therefor. The owner of a hair salon, barbershop, nail salon, or spa desiring a license shall make written application to the Board of Health of the Town of Secaucus, County of Hudson, State of New Jersey, on a form prescribed by the Board of Health of the Town of Secaucus, and include the following:~~
- (1) ~~Photo Identification of the owner.~~
 - (2) ~~Proof of state licensure of the owner and all employees.~~
 - (3) ~~Application fee as stated in Section 160A-2.~~
- C. ~~Attendance at Board of Health meeting required. Applicants must attend the first Board meeting following the initial inspection and prior to final approval.~~
- D. ~~Term renewal. Said license will be valid for one year. Renewals will be required on January 31 of each year.~~

~~§ 160A-7. Nail salon license. [Added by BOH Ord. No. 2013-1]~~

- A. ~~Definition. Nail salon shall mean anyplace wherein any person, firm or corporation represents to the public that the said person, firm or corporation is or are engaged in the occupation or business of clipping, cutting, filing or massaging the hands or feet.~~
- B. ~~License required. It shall be unlawful to operate a nail salon in the Town of Secaucus, County of Hudson, State of New Jersey without first obtaining a license therefor. The owner of a nail salon desiring a license shall make written application to the Board of Health of the Town of Secaucus, County of Hudson, State of New Jersey, on a form prescribed by the Board of Health of the Town of Secaucus, and include the following:~~
- ~~(1) Photo Identification of the owner.~~
 - ~~(2) Proof of State licensure of the owner and all employees.~~
 - ~~(3) Application fee as may be found in Section 160A-2.~~
- C. ~~Attendance at Board of Health meeting. Applicants must attend the first Board meeting following the initial inspection and prior to final approval.~~
- D. ~~Term; renewal. Said license will be valid for one year. Renewals will be required on January 31 of each year.~~

§160A-4 License suspension or revocation; penalty.

The person, firm or corporation receiving a license pursuant to this Chapter shall comply with all conditions set forth. Noncompliance with the requirements of this Chapter or with a license may subject the person, firm or corporation receiving a license to a penalty pursuant to §160A-5 and/or suspension or revocation of the license.

§160A-5 Violations and penalties.

Any person who violates any provision of this Chapter shall be liable to a fine of not more than \$2,000.00 at the direction of the Municipal Court. Every day in which such violation continues after due notice has been served shall constitute a separate violation or offense.

§160A-6 Appeal of a license suspension or revocation.

Whenever an application for a license or renewal is denied, or a license is revoked or suspended pursuant to this Chapter, the applicant or licensee may appeal such to the Town Administrator by filing a written notice of appeal with the Town Clerk within ten (10) days after receiving written notice of the denial, revocation or suspension. The Town Administrator shall thereafter hold a hearing within twenty (20) days on the matter and may modify, affirm or reverse the decision. Any appeal of the Town Administrator's decision shall be made in writing within ten (10) days to the Board of Health. The Board of Health shall review the record and modify, affirm or reverse the decision of the Town Administrator within twenty (20) days. If desired, the Board of Health may hold a hearing on the matter. At the sole discretion of the Health Officer, the licensee may or may not be permitted to operate pending the final decision.

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ARTICLE II
Additional Massage Parlor Regulations

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§ 160A-17. ~~Term of license.~~

~~Generally speaking, a license shall be issued for three calendar years beginning with the year in which the license was issued.~~

§ 160A-18. ~~Display of license.~~

~~All licenses issued hereunder shall be exhibited in a prominent place inside the business establishment.~~

§ 160A-19. Revocation of license.

In addition to Article I of this Chapter, the following are grounds for revocation of massage parlor licenses:

- A. The conviction of any applicant or licensee of any criminal offense, quasi-criminal offense or sanitary code violation related to the licensee's business, or any sex-related offense may constitute a forfeiture of the

license and said license shall be deemed revoked.

- B. Each licensee shall be deemed responsible for a clean and safe business operation on the premises. The violation of any law at said premises or any provisions of this chapter may be grounds for the revocation of the license to operate massage therapy on the premises.

~~§ 160A-20. Revocation procedure.~~

- A. ~~Licenses issued under this chapter may be revoked by the Town Clerk, Town Administrator, Construction Code Official or Chief of Police for violations of any terms or conditions of this chapter.~~
- B. ~~Notice of an informal hearing for revocation of a license before any of the individuals identified in Subsection A above, shall be given in writing setting forth the grounds of complaint and time and place of hearing. Such notice shall be served personally upon the licensee or mailed by registered letter to the licensee at his last known address at least five days prior to the date set for hearing.~~
- C. ~~In the event of a revocation of license, the Town Clerk, Town Administrator, Construction Code Official or Chief of Police shall report his/her findings and reasons therefor to the applicant/licensee in writing.~~

~~§ 160A-21. Appeal.~~

~~The applicant or licensee may appeal any denial or revocation of a license within 30 days of receiving written notice of such denial or revocation by submitting to the City Town Clerk a written request for a hearing by the Mayor and Council. The Mayor and Council shall hold a hearing within 45 days within the date of request for a hearing. The Mayor and Council shall issue a decision to the applicant or licensee within 10 days of its decision or within 45 days of the hearing whichever is sooner. The time provided may be extended and/or waived on a mutually agreeable basis by the Mayor and Council and the applicant and/or licensee.~~

~~In the event of any appeal, the license will remain in effect until the Mayor and Council renders its discussion.~~

~~§ 160A-22. Violations and penalties.~~

- A. ~~The Town of Secaucus may, in lieu of revocation, impose a fine or suspend a license. The fine may not exceed \$1,250. Each day the violation is committed or permitted to continue shall constitute a separate offense and each day shall be subject to such a fine.~~
- B. ~~A violation of any section of this Article may also be grounds for revocation of any license, certificate of occupancy or permit issued by the town for the premises.~~

~~§ 160A-23. Non-preemption.~~

~~This chapter Article is intended to be read in pari materia with any and all state regulations appertaining to the same or similar subject matter, including, but not by way of limitation, any and all rules, regulations and guidance established by the New Jersey Board of Massage and Bodywork Therapy. Massage, Bodywork and Somatic Therapy Examining Committee operating under the New Jersey Board of Nursing (P.L. 1999, c. 19, approved February 8, 1999, Assembly Bill No. 843).~~

2. The above reflects the full revisions to Chapter 160A. There are no other changes to this Chapter of the Code of the Town of Secaucus.
3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
4. 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.

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

IT IS FURTHER ORDAINED that the remainder of this Chapter 160A of the Code of the Town of Secaucus shall remain in full force and effect.

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

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

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

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

The following ordinance was read for public hearing: No. 2023-34

AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE OF THE TOWN OF SECAUCUS ENTITLED
"SWIMMING POOLS, PUBLIC" TO UPDATE PROVISIONS FOR PUBLIC SWIMMING POOLS

WHEREAS, the Town has previously adopted an Ordinance licensing public and quasi-public swimming pools in the interest of the safety, health and welfare of the public; and

WHEREAS, licensing is done annually by the Board of Health pursuant to Chapter 159 of the Code of the Town of Secaucus; and

WHEREAS, upon the recommendation of the Department of Health, the Mayor and Council have determined that an update to Chapter 159 addressing the annual license fees and penalties for non-compliance are warranted.

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

6. Chapter 159 entitled "Swimming Pools, Public" 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 marked by ~~crossouts~~):

§ 159-4 Fee.

~~The annual fee for a license to operate a swimming pool is hereby fixed at \$200.~~

The current annual license fee shall be kept on file in the Town Clerk's Office. The fee is non-refundable.

§ 159-5 Violations and penalties.

~~The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuance of the violation may be punished as provided above for each separate offense.~~

Failure to comply with this chapter may result in suspension or revocation of the license and/or the issuance of a summons in accordance with this chapter. Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine as follows:

First offense: \$100. \$300.

Second offense: \$300. \$600.

Third and subsequent offense: \$500 \$1,000. (said offense requires a review meeting with the Board of Health).

The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the

continuance of the violation may be punished as provided above for each separate offense.

This fine shall in no way limit the licensee's culpability for compliance with the other provisions of the licensing ordinance.

7. The above reflects the full revisions to Chapter 159. There are no other changes to this Chapter of the Code of the Town of Secaucus.
8. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
9. 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.
10. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

IT IS FURTHER ORDAINED that the remainder of this Chapter 159 of the Code of the Town of Secaucus shall remain in full force and effect.

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

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

NAYS: None

ABSENT: None

Motion carried.

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

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

NAYS: None

ABSENT: None

Motion carried.

The following ordinance was read for public hearing:

No. 2023-35

AN ORDINANCE UPDATING THE CODE OF THE TOWN OF SECAUCUS, CHAPTER 80A HOTELS, MOTELS,
ROOMING HOUSES AND BOARDING HOUSES

WHEREAS, the Town previously adopted §80A-1 to -13 of the Code of the Town of Secaucus to address the licensing and certain operational requirements of hotels, motels and rooming and boarding houses within the Town; and

WHEREAS, the Town of Secaucus licenses approximately 17 hotels and motels within the Town and the safety, health and welfare of all guests, visitors, residents, employees and the general public are of utmost concern to the Mayor and Council; and

WHEREAS, updates to this Chapter are recommended to address local safety, fire, health and welfare concerns in the issuance of said licenses.

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

4. Chapter 80A of the Code of the Town of Secaucus entitled "Hotels, Motels, Rooming Houses and Boarding Houses" shall be amended as follows (deletions reflected by ~~excesses~~; additions reflected in bold):

~~CHAPTER 80A HOTELS, MOTELS, ROOMING HOUSES AND BOARDING HOUSES~~

§ 80A-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CRITICAL CLASSIFICATIONS

A job classification related to housekeeping, food preparation or food service, front desk/front service and engineering at a hotel. Such classifications include but are not limited to room attendants, house persons, bell/door persons, front desk agents, engineers and maintenance employees, cooks, stewards, bartenders and servers.

CRITICAL EMPLOYEES

Employees who work in Critical Classifications.

DISQUALIFYING VIOLATION

A conviction or finding of liability for:

(1)

A crime involving terrorism or moral turpitude, including, but not limited to, prostitution, human trafficking, drug crimes and child pornography.

(2)

A violation of health and safety laws or codes, including, but not limited to, building safety, fire safety, and food hygiene laws which occurred within the past five years.

(3)

A violation of labor laws or codes which occurred within the past three years.

(4)

A willful violation of any of the provisions of Chapter 80A which occurred within the past five years.

GUEST

Any person who occupies a unit of dwelling space either as a temporary occupant or transient in an establishment holding itself out as serving transients or on a temporary or permanent basis in an establishment providing housekeeping or dining services on a regular basis to occupants.

HOTEL, MOTEL

~~Any person, partnership, firm, association or corporation in the business of conducting a hotel, motel, inn, tourist home, or similar establishment where sleeping accommodations are furnished for pay to persons, regardless of whether such persons are tourists, transients or residents.~~

Any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and part thereof, which contains ten or more units or sleeping facilities for twenty-five or more persons, and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests. At least 85% of the hotel or motel units must be for transient guests. The term hotel, motel and lodging house shall be used interchangeably.

HOTEL OPERATOR

Any person, partnership, firm, association, corporation or limited liability corporation in the business of owning or conducting a hotel, motel, inn, tourist home, or similar establishment where sleeping accommodations are furnished for pay to persons, regardless of whether such persons are tourists,

transients or residents. This shall include an An agent of the hotel owner, which operates the entirety of the hotel or motel.

HOTEL OWNER

The person or entity which has title to the premises which operates as a hotel or motel.

LICENSEE

The holder of the license to conduct such hotel or motel business.

MODIFIABLE MEDIA

Any media which has yet to be disseminated or which may be modified after dissemination, including but not limited to any type of digital advertising. By way of example, an ad in print newspaper that has already been printed is not modifiable, but a digital ad is. By way of further example, a hotel's web site, social media account webpage, booking site and the like are modifiable media.

OCCUPANT

~~Any person or persons, including guests, in actual physical possession or occupancy of a unit of dwelling space on a regular basis. For purposes of assigning specific duties or responsibilities, the term "occupant," unless the text indicates otherwise, shall mean the tenant, lessee, head of the family or household or other adult person or emancipated minor assuming basic responsibility for the continued renting or occupancy of the dwelling space.~~

PERSON

An individual, firm, partnership, corporation, limited liability corporation or association of persons.

PREDECESSOR EMPLOYER

A hotel which employed critical employees to provide services at a Hotel immediately prior to a successor employer.

~~ROOMING HOUSES, BOARDING HOUSES AND OTHER LODGING FACILITIES~~

~~Any building, together with any related structure, which is not regulated by the State of New Jersey, Department of Community Affairs pursuant to the Rooming and Boarding House Act of 1979 and amendments thereto.~~

SERVICE DISRUPTION

The occurrence of any of the following:

(1)

The temporary or permanent closure of any advertised amenity for a period of twenty-four (24) hours or more, including but not limited to, pool, spa, shuttle service or food and beverage service.

(2)

Any uncontested or final determination by a local, state or federal court or agency of health or safety violations, including, but not limited to, food safety, fire safety, building safety or the like.

(3)

Any construction that creates unusual noise.

(4)

Any strikes, lockouts, picketing or protest activity.

(5)

Any infestation of hotel rooms by bed bugs, lice or other insects or vermin that are capable of spreading disease or being carried that has not been evaluated and/or in the process of being remedied by a licensed exterminator.

SUCCESSOR EMPLOYER

A new hotel that succeeds the predecessor employer in the provision of any similar services at a hotel.

TRANSIENT GUEST OR TRANSIENT RENTAL

A stay or residence at a hotel or motel for a period lasting no more than ninety (90) days.

§ 80A-2 License required.

No person shall engage in the business of conducting a hotel or motel without first obtaining a license therefor from the Town of Secaucus as hereinafter provided.

§ 80A-3 Application for license.; Requirements for licensure.

A.

Each applicant for such license shall make a written application on a form supplied by the Construction Code Official setting forth or attaching the following to indicate that all license requirements stated below are met:

- (1) The name, residence and postal address of the applicant.
- (2) The exact location of the proposed licensed premises.
- (3) A description of the buildings, structures and accommodations upon said lands.
- (4) A statement of the number of housing or lodging units at said hotel or motel and the maximum number of persons that can be accommodated at any given time.
- (5) A description of the automobile parking spaces and facilities.
- (6) The name and address of the owner of said land and buildings.
- (7) The name or names of the person or persons on the licensed premises upon whom process may be served.
- (8) A detailed description of the register or system used for the registration of persons to whom accommodations are extended as required by § 80A-9 hereof.
- (9) Whether any hotel operator, person, ~~or~~ partner or stockholder of a partnership, firm, association, corporation or limited liability corporation ~~partnership, member of a limited liability corporation~~ or any stockholder of a corporation holding 5% or more of the stock thereof or any director or officer thereof, has ever been liable for a disqualifying violation and if so, the details thereof, including, with respect to each conviction, the name of the person convicted, the date thereof, the nature of the crime,

the court in which the conviction was entered and the punishment imposed.

(10) A statement of the measures that will be taken to prevent criminal activity in the hotel including terroristic acts, prostitution, drug use or sale, theft, assault and battery and the like.

(11) A statement of the measures that will be utilized to avoid excessive noise, congestion and conditions that would necessitate the utilization of public resources and/or impede vehicular or pedestrian traffic, such as public intoxication, loitering, construction, repairs, strikes, pickets, or other activity.

(12) ~~In the case of corporate or Limited Liability Company ("LLC") applicants,~~ the The names and residences of all ~~stockholders/~~ members holding 5% or more of any stock of the corporation, any hotel operator, person, or partner or stockholder of a partnership, firm, association, corporation or limited liability corporation, and the names and residences of all officers of the ~~corporation or LLC~~ and the office held by each.

(13) A copy of the Certificate of Registration issued by the State of New Jersey pursuant to N.J.S.A. 55:13A-12 and N.J.A.C. 5:10-1.11.

(14) A statement of compliance with all relevant provisions of the New Jersey Uniform Fire Code, N.J.A.C. 5:70- 1.1 et al.

(15) A copy of hotel policy on fire safety in units, such as a safe operation guide for any cooking apparatus or a prohibited cooking apparatus list, and a statement as to how copies are provided to each guest or provided in each unit in the interest of fire safety.

B.

Application change. Any change in the information set forth in the application during the term of the license shall be forthwith communicated by the licensee in writing to the Construction Code Official.

C.

Renewal application. Each applicant for a renewal license shall make a written application each year on a form supplied by the Construction Code Official setting forth all of the information set forth in Subsection A and, in addition:

(1) A description of any disruptions that created noise, nuisance or impeded vehicular or pedestrian traffic outside of the hotel, such as public intoxication, loitering, construction/repairs, pickets or protest activity that required outreach to and/or involvement of police or on-site security. For each such incident, provide a detailed explanation, including the licensee's response and plan to prevent recurrence, if any.

(2) A description of any charges filed or convictions based on criminal activity at the hotel, including, but not limited to, terroristic acts, the use or sale of drugs, prostitution, assault or battery, and the like. For each such incident, provide a detailed explanation, including the licensee's response and plan to prevent recurrence.

(3) A list of any fire and alarm system calls and emergency service responses in the preceding year. If excessive or repetitive in nature,

provide a detailed explanation including the licensee's response, actions taken and plan to prevent recurrence.

~~§ 80A-4 Disqualifying violations barring issuance of license.~~

~~No such license shall be issued to or renewed for any person who has a disqualifying violation, nor shall any such license be issued to any corporation or limited liability corporation in which any stockholders/ members holding 5% or more of any of the stock thereof or in which any director, officer or member shall have a disqualifying violation. A license applicant may request a waiver of this bar by submitting a letter with an explanation of the disqualifying violations and how they have been remedied, along with any supporting documentation. The Mayor and Council shall have the authority to grant such a waiver after reviewing the applicant's request, if they determine that the disqualifying violations have been remedied, are unlikely to recur, and denial of a license would be contrary to the interests of the Town and would cause undue hardship to the applicant.~~

§ 80A-4 Hotel and Motel Additional Requirements for Licensure.

All hotels and motels are subject to the following:

- (1) At least 85% of the hotel or motel units must be for transient guests. Transient guests cannot extend their stay longer than ninety (90) days by moving into another unit within the same establishment. A permanent, on-site living arrangement for management personnel is excluded for non-transient rentals.

Hotels and motels licensed for the year 2023 shall adhere to the limitation on non-transient rentals by December 31, 2024. This subsection shall apply immediately to hotels and motels newly licensed after the adoption of this Ordinance on December 12, 2023.

- (2) For hotel and motel units that install or want to permit the preparation, cooking or heating of food in a unit, mechanical ventilation sufficient to promptly remove cooking odors and vapor to the exterior of the premises without first circulating them within the interior habitable space of the unit are required.

This subsection shall not apply to kitchen facilities in hotel and motel units previously permitted and legally operating prior to the adoption of this Ordinance on December 12, 2023.

- (3) A hotel or motel, or any portion of such, shall not be used as an emergency shelter or homeless shelter unless authorized by the Town of Secaucus pursuant to a Resolution in coordination with local and county offices of emergency management, health departments and law enforcement.

§ 80A-5 Investigation; issuance of license.

A.

The Construction Code Official shall forward copies of all applications for initial and renewal licenses to the Health Officer and the Fire Inspector of the Town of Secaucus, each of whom, including the

Construction Code Official, shall inspect the premises to determine whether or not the premises comply with applicable health, fire and construction code ordinances, regulations and statutes. If the premises do not comply with such regulations, said official shall notify immediately the Construction Code Official in a written report, or in the case where the Construction Code Official determines noncompliance with the applicable regulations, which the Construction Code Official shall attach to the application and forward to the applicant, notifying the applicant that his application is denied. The applicant may correct any deficient situation and request a reinspection for the purpose of securing a hotel-motel license. The Construction Code Official shall also forward a copy of the application to the Secaucus Police Department for investigation of the applicant. If the reports of the aforementioned Town officers/inspectors and Police Department indicate that the premises and applicant are satisfactory, the Construction Code Official shall certify the same and issue said license ~~along with a copy of the approved application to the Mayor and Council.~~

B.

The Official shall consider the following in determining whether to grant an initial or renewal license:

- (1) The applicant has demonstrated an ability to ensure the health and safety of customers, employees, residents and others who interact with the applicant's business.
- (2) Applicant's employment practices reflect Secaucus' desire to promote good jobs and economic benefits for its residents and those who work within its boundaries.
- (3) The applicant's business is not substantially disruptive to the peace, comfort or overall well-being of the surrounding community. Examples of disruptions include, but are not limited to, undue noise; congestion; obstruction of pedestrian or vehicular traffic; and circumstances unjustifiably conducive to public intoxication/loitering, crowds/noise and criminal activity.
- (4) The applicant does not rent or offer to rent rooms for periods of less than twelve (12) consecutive hours.
- (5) The applicant's hospitality business is operated in such a manner that attracts and does not deter entities from seeking hospitality services in Secaucus and that promotes Secaucus' competitive advantage with respect to other, nearby hospitality markets.
- (6) The applicant has not violated the ~~rules~~ provisions contained in this ~~section~~, Chapter, or unless the applicant has sufficiently remedied violation(s) and minimized the possibility of the recurrence of such violation(s) in a manner and to an extent that is satisfactory to the Construction Code Official.
- (7) The requirements of N.J.S.A. 55:13A-1 et al. and all local, state and federal regulations are met.
- (8) The applicant, hotel operator, person, partner or stockholder of a partnership, firm, association, corporation or limited liability corporation does not have a disqualifying violation.

(9) The applicant provided full information and not made any false statements in connection with an application for licensure under this Chapter.

...

~~§ 80A-12 Suspension or revocation of license; hearing.~~

~~A.~~

~~Any license issued under this chapter may be suspended or revoked by the Construction Code Official for any of the following causes, provided that said licensee shall be afforded a hearing and reasonable notice of such hearing prior to such suspension or revocation before the Town Administrator.~~

~~(1)~~

~~Knowingly permitting the licensed premises to be used regularly, alone or in association with others, for "lewdness" or "public indecency," both defined by Title 2C of the New Jersey Statute Annotated (New Jersey Code of Criminal Justice) or any disorderly conduct or any other violation of the law or failure to make reasonable effort to abate such use by ejecting such tourists, transients, travelers or other occupants of the licensed premises, notifying law enforcement authorities or other legal means.~~

~~(2)~~

~~False statements made in an application for a license.~~

~~(3)~~

~~Finding of a disqualifying violation by:~~

~~(a)~~

~~The licensee, if an individual.~~

~~(b)~~

~~Any stockholder holding 5% or more of the stock of a corporate licensee, or the non-corporate equivalent.~~

~~(c)~~

~~Any partner, member, director or officer of said corporate licensee.~~

~~B.~~

~~Notice of the hearing for suspension or revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be given personally or mailed to the licensee at his last known address at least five days prior to the date set for such hearing.~~

~~C.~~

~~Such license may, pending suspension or revocation proceedings, be suspended for not more than 10 days by the Construction Code Official if, in his opinion, the conduct of the licensee is detrimental to the health, safety and welfare of guests of said hotel or motel or the inhabitants of the Town.~~

~~D.~~

~~A licensee may appeal any decision of the Town Administrator to the Mayor and Council by the filing of a written notice to appeal within seven days of the Town Administrator's decision. The Mayor and Council shall hear such appeal within 10 days of the notice to appeal by the applicant. An appeal to the Mayor~~

~~and Council shall stay a suspension or revocation. The Mayor and Council shall affirm, reverse, modify or remand back to the Town Administrator such decision, to the licensee within 15 days of such hearing.~~

§80A-12 License suspension or revocation; violations; penalty.

A. The person, partnership, firm, association, corporation or limited liability corporation receiving a license pursuant to this Chapter shall comply with all conditions set forth. Noncompliance with the requirements of this Chapter or with a license may subject the person, partnership, firm, association, corporation or limited liability corporation receiving a license to suspension or revocation of the license and/or a penalty as specified in subsection B.

B. Any person, partnership, firm, association, corporation or limited liability corporation, by its officers, employers, agents or members who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days or both. The continuation of each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violations may be punished as provided for above for each separate offense.

...

~~§ 80A-14 Violations and penalties.~~

~~Any person, limited liability corporation or corporation, by its officers, employers, agents or members who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days or both. The continuation of each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violations may be punished as provided for above for each separate offense.~~

§80A-14 Appeal of a license suspension or revocation.

Whenever an application for a license or renewal is denied, or a license is revoked or suspended pursuant to this Chapter, the applicant or licensee may appeal such to the Town Administrator by filing a written notice of appeal with the Town Clerk within ten (10) days after receiving written notice of the denial, revocation or suspension. The Town Administrator shall thereafter hold a hearing within twenty (20) days on the matter and may modify, affirm or reverse the decision. At the sole discretion of the Construction Code Official, the licensee may or may not be permitted to operate pending appeal and the final decision in the interest of health, safety and welfare.

5. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed.
6. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
7. 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.

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

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

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

Motion carried.

Councilwoman Tringali moved that the foregoing ordinance be finally adopted, 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. 2023-342

TOWN OF SECAUCUS, COUNTY OF HUDSON RESOLUTION

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Clerk of Town Council pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated a regulation N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: "Schedule of Findings and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: "Schedule of Findings and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto: and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Secaucus,

hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-343

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-344

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
AUTHORIZING CANCELLATION OF 2023 TAX OVERPAYMENTS
OR DELINQUENT AMOUNTS LESS THAN \$10.00

WHEREAS, N.J.S.A 40A:5-17.1 allows for the cancellation of property tax overpayments or delinquent amounts in the amount of less than \$10.00 and for the cancellation of delinquencies for any charges and fees imposed by the municipality in the amount of less than \$10.00; and

WHEREAS, the governing body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax overpayments or delinquencies of less than \$10.00 and any delinquencies of less than \$10.00 for any charges and fees imposed by the municipality.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Town of Secaucus, County of Hudson, State of New Jersey, to hereby authorize the Tax Collector to cancel said tax amounts as deemed necessary; and

BE IT FURTHER RESOLVED, that the Tax Collector or their designee is hereby authorized to take any action necessary to effectuate said purpose and intent; and

BE IT FURTHER RESOLVED, that a certified copy of the resolution be forwarded to the Tax Collector, the Chief Financial Officer and the Municipal Auditor.

The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-345

TOWN OF SECAUCUS, COUNTY OF HUDSON

RESOLUTION

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION WITH THE NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS the Town of Secaucus desires to apply for and obtain a grant from the New Jersey Department of Community Affairs to carry out a project to purchase protective equipment for the Secaucus Fire Department.

Be it therefore RESOLVED,

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2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Town of Secaucus and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

(signature)

Michael Gonnelli

(type or print
name)

Mayor

(title)

(signature)

(type or print
name)

(title)

The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

The following resolution was read: No. 2023-346

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

RESOLUTION TO APPROVE STREET OPENING PERMIT

WHEREAS, pursuant to Secaucus Town Ordinance 117-2b, permission is required to be obtained prior to the issuance of any street opening permit; and

WHEREAS, a street opening permit has been requested for work necessary to perform installation of gas service along Koelle Boulevard and

WHEREAS, the Town Engineer has made recommendations, attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED that the above referenced street opening permit is hereby approved subject to conditions attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that the Town Engineer and/or Town Administrator are hereby authorized to execute any documents or take any action related to this endeavor.

The foregoing was adopted by the following roll call vote:

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

NAYS: None

ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-347

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

RESOLUTION OF THE TOWN OF SECAUCUS, COUNTY OF HUDSON, STATE
OF NEW JERSEY, REQUESTING PLANNING BOARD REVIEW OF A
RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE TOWN OF
SECAUCUS AS AN AREA IN NEED OF REHABILITATION.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* as amended (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land in the municipality constitute "areas in need of rehabilitation," as defined in the Redevelopment Law; and

WHEREAS, in accordance with the Redevelopment Law, the municipal council (the "Town Council") of the Town of Secaucus (the "Town") has determined to investigate whether the entire area of the Town (the "Study Area") should be designated as an area in need of rehabilitation; and

WHEREAS, Brian Slaugh of Clarke Caton Hintz, on behalf of the Town, prepared a report for the Town dated December 1, 2023, a copy of which is attached hereto as Exhibit A (the "Rehabilitation Report"), which finds that more than half of the housing stock in the delineated area is more than 50 years old and that a program of rehabilitation will help prevent further deterioration and promote the overall development of the Town; and

WHEREAS, Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A14(a)*, provides that prior to the adoption of a resolution designating property (such as the Study Area) as an area in need of rehabilitation, the Town Council must first submit a copy of the proposed resolution designating such property to the Town planning board (the "Planning Board") for review; and

WHEREAS, the Town Council desires to refer to the Planning Board the Rehabilitation Report and the proposed resolution designating the Study Area, attached hereto as Exhibit B, for review and recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Secaucus as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Town Council hereby directs the Town Clerk to transmit a copy of this resolution, inclusive of Exhibits A and B, to the Planning Board for its review.

Section 3. The Planning Board is hereby directed to review and provide its recommendations to the Town Council with respect to the foregoing within forty-five (45) days of receipt of this resolution, pursuant to Section 14 of the Redevelopment Law, N.J.S.A. 40A:12A14a.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the Town.

Section 5. This resolution shall take effect immediately.

The foregoing was adopted by the following roll call vote:

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

NASYS: None

ABSENT: None

Attest: Town Clerk

The following resolution was read:

No.2023-348

TOWN OF SECAUCUS, HUDSON COUNTY

RESOLUTION

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MEADOWLANDS PARKWAY BRIDGE PRESERVATION PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Secaucus formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Town Council and Clerk are hereby authorized to submit an electronic grant application identified as LFIF-2024-Meadowlands Parkway Bridge Preserv-00035 to the New Jersey Department of Transportation on behalf of the Town of Secaucus.

BE IT FURTHER RESOLVED that the Mayor and Town Council are hereby authorized to sign the grant agreement on behalf of the Town of Secaucus and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The foregoing was adopted by the following roll call vote:

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

NASYS: None

ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-349

TOWN OF SECAUCUS, HUDSON COUNTY

RESOLUTION

A RESOLUTION AUTHORIZING A CONTRACT TO STEVENS INSTITUTE OF TECHNOLOGY FOR THE PROVISION OF RETROFITTING GREEN TECHNOLOGY FOR RAIN GARDENS AND PERFORMING WATER QUALITY MONITORING

WHEREAS, the Town of Secaucus was awarded a grant by the New Jersey Department of Environmental Protection (NJDEP) to Mitigate Nonpoint Source Pollution; and

WHEREAS, Stevens Institute of Technology was awarded by the NJDEP to provide these specialized services and

WHEREAS, Stevens Institute of Technology provided a proposal for said services for an amount not to exceed Sixty Thousand Dollars and 00/100 (\$60,000.00); and

WHEREAS, the Chief Financial Officer has determined that sufficient funds to award this contract are available under line item 08-3000-00-92302-022.

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 to Stevens Institute of Technology for the Provision of Retrofitting Green Technology to the Rain Gardens and Performing Water Quality Monitoring as described herein for an amount not to exceed Sixty Thousand Dollars and 00/100 (\$60,000.00); and

BE IT FURTHER RESOLVED, that Stevens Institute of Technology 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 or take any action necessary to effectuate the spirit and purpose of this resolution.

The foregoing was adopted by the following roll call vote:

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

NASYS: None

ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-350

TOWN OF SECAUCUS, HUDSON COUNTY

RESOLUTION

A RESOLUTION ON BEHALF OF THE TOWN OF SECAUCUS
APPROVING EXTENSION OF THE APPOINTMENT LIST FOR THE
SECAUCUS POLICE DEPARTMENT

WHEREAS, the Secaucus Police Department currently has an appointment list for positions ("List") within the Department pursuant to T.O. §28-8, which remains in effect for a one (1) year period; and

WHEREAS, the List has been in effect since January 12, 2023, when an initial appointment from the list was made; and

WHEREAS, the Town Council wishes to extend the List for an additional one (1) year period pursuant to T.O. §28-8(B).

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the Town of Secaucus, County of Hudson, in the State of New Jersey, approve the extension of the appointment list for the Secaucus Police Department for one (1) additional year until January 12, 2025.

BE IT FURTHER RESOLVED, that the Mayor, Town Administrator or their designee is hereby authorized to take any action or execute any other documents deemed necessary to effectuate said purpose and intent of this Resolution.

The foregoing was adopted by the following roll call vote:

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

NASYS: None

ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-351

TOWN OF SECAUCUS, HUDSON COUNTY

RESOLUTION

BE IT RESOLVED that the attached dates for Regular Meetings of the Mayor and Council of the Town of Secaucus for the year 2024 are hereby approved.

The foregoing was adopted by the following roll call vote:

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

NASYS: None

ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-352

TOWN OF SECAUCUS, COUNTY OF HUDSON

RESOLUTION

BE IT RESOLVED, that the attached dates for Caucus Meetings of the Mayor and Council of the Town of Secaucus for the year 2024 are hereby approved.

The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-353

TOWN OF SECAUCUS, HUDSON COUNTY
RESOLUTION

RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL REGARDING LOT
5.0303 IN BLOCK 227 AS SET FORTH ON THE OFFICIAL TAX MAPS OF
THE TOWN OF SECAUCUS OWNED BY MT. PLAZA PARTNERS LLC.

WHEREAS, Mt. Plaza Partners LLC, the owner of real property located at 100 Plaza Drive, otherwise designated as Lot 5.0303 in Block 227 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 valuations upon said property for the 2018, 2019, 2020, 2021 and 2022 Tax Years; and

WHEREAS, for each of the subject years the Town has set the Assessed Value as follows:

<u>2018, 2019, 2020</u>	
Land:	\$ 1,136,000
Improvement:	<u>\$27,515,300</u>
Total:	\$28,651,300
<u>2021, 2022</u>	
Land:	\$ 1,136,000
Improvement:	<u>\$27,615,300</u>
Total:	\$28,751,300

WHEREAS, the Complaints filed for 2020, 2021 and 2022 shall be withdrawn along with the Town's withdrawal of its respective Counterclaims and the Town's Assessed Values shall be upheld; and

WHEREAS, for the 2018 and 2019 Tax Years the Parties have agreed to the following Assessed Values:

	<u>2018</u>		<u>2019</u>
Land:	\$ 1,136,000	Land:	\$ 1,136,000
Land:		Improvement:	<u>\$20,779,200</u>
		Total:	\$21,915,200
1,136,000	\$		
Improvement:	<u>\$20,591,300</u>		
Improvement:			
<u>\$20,779,200</u>			
Total:	\$21,727,300		

WHEREAS, the Town Tax Assessor and the Town's Appraisal Consultant have agreed to the adjustment of the Assessed Value of the real property for the subject Tax Years in accordance with the settlement; and,

WHEREAS, the agreed upon adjustment results in the following reductions in the Assessed Values as to:

2018: \$6,924,000

2019: \$6,736,100

WHEREAS, the Taxpayer and the Town have agreed to a total tax refund of five hundred thousand (\$500,000) dollars; and

WHEREAS, the Taxpayer has further agreed to waive statutory pre-judgment interest on the tax refund and has further agreed to receive the total tax refund over a two (2) year period; and

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

The foregoing was adopted by the following roll call vote:
 AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
 NASYS: None
 ABSENT: None

Attest: Town Clerk

The following resolution was read: No. 2023-354

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEALS REGARDING LOT 2.02 IN BLOCK 185 AS SET FORTH ON THE OFFICIAL TAX MAPS OF THE TOWN OF SECAUCUS OWNED BY REEP-RTL MILL CREEK NJ LLC.

WHEREAS, REEP-RTL MILL CREEK NJ LLC is the current owner and taxpayer of real property located at 1-101 Mill Creek Drive, otherwise designated as Lot 2.02 in Block 185, on the official Tax Maps of the Town of Secaucus and has taken appeals to the Tax Court of the State of New Jersey from the Assessed Valuations upon this property for Tax Years 2019-2023; and

WHEREAS, for the 2019 and 2020 Tax Years, the Property and Improvements were assessed as follows:

Land:	\$10 684,000
Improvements:	<u>\$22,474,200</u>
Total:	\$33,158,200; and

WHEREAS, in 2021 an Added Assessment in the amount of two million (\$2,000,000,000) dollars prorated for a five (5) month period (833,332.53) was placed upon the property; and

WHEREAS, the Assessed Value for the 2022 and 2023 Tax Years was;

Land:	\$10,684,000
Improvement:	<u>\$24,474,200</u>
Total:	\$35,158,200; and

WHEREAS, the Taxpayer has agreed to withdraw all complaints for Tax Years 2019, 2020, 2021, 2021 (Added Assessment) and 2022; and

WHEREAS, the Town has agreed to withdraw each corresponding counterclaim filed for Tax Years 2019, 2020, 2021, 2021 (Added Assessment) and 2022; and

WHEREAS, for the 2023 Tax Yeas, the Parties have agreed to the following Assessed Value;

Land:	\$10,684,000
Improvement:	<u>\$24,124,200</u>
Total:	\$34,808,200

WHEREAS, the Town Tax Assessor and the Town's Appraisal Consultant have agreed to the adjustment of the Assessed Value of the real property for the subject Tax Years in accordance with the settlement; and

WHEREAS, as a result of the adjustment to Assessed Value for the 2023 Tax Year the Taxpayer is entitled to a tax refund of thirteen thousand eight hundred ninety-one dollars and fifty cents (\$13,891.50); and

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

WHEREAS, the Governing Body has determined that it is in the best interests of the Town of Secaucus to adjust the Assessed Value 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 for the 2023 Tax Year for Lot 2.02 Block 185 shall be:

Land:	\$ 10,684,000
Improvement:	<u>\$ 24,124,200</u>
Total:	\$34,808,200

The foregoing was adopted by the following roll call vote:

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

NASYS: None

ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-355

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 the below person(s) are hereby appointed to the seasonal part-time Intern position, effective December 18, 2023.

Cortez, Catherina #5179 (Tax Collector)	\$16.00/ Hour
O'Connor, Daniel #5996 (Engineering)	\$16.00/Hour

The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

The following resolution was read: No. 2023-356

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Town Council of Secaucus, County of Hudson, State of New Jersey, pursuant to the recommendation of the Personnel Committee that the below person is hereby approved for a salary adjustment, effective December 4, 2023:

Lombardo, Lisette	\$16.00 / hour
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The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

The following resolution was read: No. 2023-357

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 Michael Pero Superintendent of Recreation that the following staff below are hereby hired a regular part-time position of Lifeguard at the Recreation Center Department (#85000) effective, December 7, 2023, as follows:

Lifeguard

Wofsy, Megan	\$15.13/Hr.
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The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

The following resolution was read: No. 2023-358

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 pursuant to the recommendation of Mike Pero, Superintendent

Recreation, the below person is hereby hired to regular part time Fitness Attendant position at the Recreation Center Department (#85000) pending successful completion of Drug Screening and Background Check as follows:

Pascale, Benjamin Clark

\$14.13 / Hour

The foregoing was adopted by the following roll call vote:

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

NASYS: None

ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-359

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 Michael Pero, Superintendent of Recreations, that pending the successful completion of the background check and physical including drug screening, the below person is hereby appointed to the regular part time position of Counselor in the Before and Aftercare Programs Department (#81082) retroactive, December 11, 2023.

Tiruneh, Noah

\$14.13/Hour

The foregoing was adopted by the following roll call vote:

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

NASYS: None

ABSENT: None

Attest: Town Clerk

The following resolution was read:

No. 2023-360

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

A RESOLUTION AWARDED A CONTRACT FOR THE REMOVAL AND REPLACEMENT OF TURF AT SHETIK FIELD TO FIELDTURF THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE

WHEREAS, the Town of Secaucus is in need for the Removal and Replacement of Turf at Shetik Field, a Town owned property frequently used by Secaucus residents; and

WHEREAS, the Town of Secaucus received a quote from FieldTurf of Calhoun, GA providing for the Removal and Replacement of Turf in the amount of Three Hundred Ninety-Two Thousand Seventy-Six Dollars and 00/100 (\$392,076.00); and

WHEREAS, the Services as set forth in the quote submitted by FieldTurf will be procured through the Educational Services Commission of New Jersey (ESCNJ, #65MCESCCPS) via Contract No 22/23-37 Synthetic Turf Maintenance, Repair and Replacement; and

WHEREAS, the Town of Secaucus is a member of ESCNJ previously authorized by Resolution 2016-183; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds to award this contract are available under line item 08-3000-00-92300-018.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the Town of Secaucus, County of Hudson, State of New Jersey, award a Contract for the Removal and Replacement of Turf at Shetik Field to FieldTurf in an amount not to exceed Three Hundred Ninety-Two Thousand Seventy-Six Dollars and 00/100 (\$392,076.00); and

BE IT FURTHER RESOLVED, that FieldTurf 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 or take any action necessary to effectuate the spirit and purpose of this resolution.

The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

The following resolution was read: No. 2023-361

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

RESOLUTION CORRECTING THE DATE OF SUSPENSION OF STREET SWEEPING ENFORCEMENT FROM
DECEMBER 18, 2023 THROUGH MARCH 13, 2024,
IN THE TOWN OF SECAUCUS

WHEREAS, Resolution 2023-309 dated November 28, 2023 suspending the enforcement of street sweeping in the Town of Secaucus misstated the date of such as December 23, 2023; and

WHEREAS, the Resolution should have reflected that the Mayor and Town Council determined that the enforcement of street sweeping in the Town of Secaucus should be suspended beginning December 18, 2023 for the parking convenience of the residents and public during the winter weather months.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 2023-309 shall be rescinded and the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, find that the enforcement of street sweeping in the Town of Secaucus shall be suspended from December 18, 2023 through March 13, 2024; and

BE IT FURTHER RESOLVED, that all other parking signs and winter weather advisories pertaining to parking shall remain in effect and be enforced; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to the Secaucus Police Department.

The foregoing was adopted by the following roll call vote:
AYES: Costantino, McKeever, Clancy, Dehnert, Gerbasio, Tringali, Gonnelli
NASYS: None
ABSENT: None

Attest: Town Clerk

Councilman Costantino moved to approve the resolutions on the Consent Agenda, seconded by Councilman McKeever.

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

Attest: Town Clerk

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 12/08/2023 \$ 1,319,147.67

Admin. And Exec.	\$26,605.32
Mayor & Council	\$19,568.82
Municipal Clerk	\$8,176.02
Community Shuttle Bus	\$2,863.59
Legal Dept.	\$9,627.85
Municipal Court	\$24,717.18
Engineering	\$7,553.12
Public Bldgs. & Grounds	\$93,926.39

Planning Board	\$0.00
Board of Adjustments	\$0.00
Retirees - Health	\$0.00
SHBP - Waiver	\$0.00
Eyeglasses - Tax Free	\$5,087.00
Communications & Security	\$11,211.28
Environmental	\$3,893.41
Construction Code Dept.	\$33,234.62
Treasurer's Office	\$23,117.94
Assessment of Taxes	\$7,656.62
Collection of Taxes	\$6,327.14
Fire Department	\$0.00
Police Department	\$505,741.46
School Crossing Guards	\$20,157.41
Office of Emergency Mgmt.	\$0.00
Office of Inspections	\$16,661.54
Road Repair/Maintenance	\$226,034.72
Sewer System	\$0.00
Solid Waste Mgt. Recycling	\$9,886.37
Pool	\$0.00
Pool Social Security	\$0.00
Board of Health	\$9,300.26
Social Services	\$29,497.08
Parks & Playgrounds	\$0.00
Supervision of Playground	\$81,539.42
Recreational Activities	\$16,147.37
Social Security	\$63,220.80
Workers Comp Reg	\$0.00
Meals on Wheels	\$0.00
DFC - Dave Bratton	\$2,307.72
Off Duty Police Officers	\$55,087.22
Current Fund	\$0.00
Grant	\$0.00
Trust	\$0.00

Town of Secaucus Tax Escrow Acct. weekending 12/07/2023 \$ 110,449.28

Town of Secaucus Payroll Acct. w/ending 12/22/2023 \$ 1,018,053.49

Admin. And Exec.	\$22,322.66
Mayor & Council	\$1,230.78
Municipal Clerk	\$6,869.39
Community Shuttle Bus	\$3,086.46
Legal Dept.	\$7,960.71
Municipal Court	\$25,995.76
Engineering	\$7,329.79

Public Bldgs. & Grounds	\$62,120.60
Planning Board	\$0.00
Board of Adjustments	\$0.00
Retirees - Health	\$0.00
SHBP - Waiver	\$0.00
Eyeglasses - Tax Free	\$0.00
Communications & Security	\$9,367.21
Environmental	\$3,461.79
Construction Code Dept.	\$28,234.91
Treasurer's Office	\$18,962.14
Assessment of Taxes	\$6,943.27
Collection of Taxes	\$5,230.95
Fire Department	\$0.00
Police Department	\$432,913.48
School Crossing Guards	\$24,116.50
Office of Emergency Mgmt.	\$0.00
Office of Inspections	\$12,414.80
Road Repair/Maintenance	\$155,004.45
Sewer System	\$0.00
Solid Waste Mgt. Recycling	\$7,757.56
Pool	\$80.00
Pool Social Security	\$0.00
Board of Health	\$6,574.54
Social Services	\$27,118.25
Parks & Playgrounds	\$0.00
Supervision of Playground	\$79,123.83
Recreational Activities	\$19,323.76
Social Security	\$55,658.03
Workers Comp Reg	\$0.00
Meals on Wheels	\$0.00
DFC - Dave Bratton	\$2,307.72
Off Duty Police Officers	\$49,544.15
Current Fund	\$0.00
Grant	\$0.00
Trust	\$0.00

Town of Secaucus Tax Escrow Acct. weekending 12/21/2023 \$110,646.46

Total Amount Claims Check No. 73020-73207 \$ 521,653.96

Recreation Acct 1121 \$ 123,177.58

Recreation On-Line None

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

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

Attest: Town Clerk

Mayor Gonnelli abstained from voting on all Fire Department Bills.

RAFFLE APPLICATION

R-1612 PTO Secaucus Middle School Of-Premise 50/50

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

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

Attest: Town Clerk

COMMUNICATION REQUIRING ACTION BY MAYOR AND COUNCIL

1. Request by Tom Keough of Bergen Catholic High School to use the Ice Rink on various dates from November to February for High School Hockey Team Practices.
2. Acceptance of Massimo Iacopelli as a member of the Secaucus Volunteer Fire Department, Tower 2.

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

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

Attest: Town Clerk

Mayor Gonnelli abstained on item #2.

COMMITTEE REPORTS

Councilman Gerbasio gave news and updates regarding the Secaucus Police Department.

Councilman Costantino wished the residents of Secaucus a Merry Christmas and Happy New Year.

Councilman Clancy shared information regarding an upcoming event.

Councilwoman Tringali shared that the Town of Secaucus is collecting donations for a Toy Drive.

Councilman Dehnert shared information about alternate side of the street parking.

Councilman McKeever shared information about upcoming events.

UNFINISHED BUSINESS

Councilman Costantino shared information regarding upcoming events.

Councilman Clancy shared information regarding upcoming events.

NEW BUSINESS

Mayor Gonnelli shared information regarding an upcoming event.

Mayor Gonnelli wished the Town of Secaucus residents a Merry Christmas and Happy New Year.

REMARKS OF CITIZENS

None

Councilman Clancy moved to adjourn the meeting 8:15 pm seconded by Councilman Costantino.

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

NAYS: None

ABSENT: None

Attest: Town Clerk

Michael Marra, Town Clerk

