

MINUTES OF A SPECIAL MEETING OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK-
HELD IN THE MUNICIPAL BUILDING ON TUESDAY, DECEMBER 2nd, 1930.

The Mayor called the meeting to order, and on the roll call the following Councilmen responded: Mayor Van Wagner, Councilmen Warner, Morten and Paquin. This meeting was called pursuant to due notice and with the consent of all the Councilmen.

Report of Building Inspector for November - Total Valuations, \$420,351.00 - Total fees, \$1,253.00 - 50% due Township - \$626.50. Check for that amount attached.

Referred to Town Manager.

Mr. Morten - What about the fees from the Building Inspector, are they deducted by him and the balance turned over, or is he turning over the full amount?

Mr. Diehl - He turns over 50%.

Mr. Morten - He deducted that and gave us the balance. I suggest that the Manager be empowered to take the matter up with the Building Inspector to have him follow the same course as the Health Officer, turning in all fees and all checks made to the Township.

Mayor - If there are no objections, that will be the order.

Communication from Geo. M. Brewster & Son requesting permission to use temporarily the following streets for the trucking of earth fill - Garrison Avenue south to Sagamore Avenue, Sagamore Avenue and Grayson Place east to Queen Anne Road; Elizabeth Street from Queen Anne Road to Teaneck Road; Robinson Street from Teaneck Road east to Madison Avenue; Madison Avenue to the right of way of the State Highway. All trucks to be equipped with pneumatic tires.

Referred to Township Manager.

Certification from County Clerk of results of Police and Firemen's referendum - Yes - 3117. No. - 1294.
File.

The following resolution was offered by Mr. Morten, seconded by Mr. Paquin:
WHEREAS the Board of Public Utility Commissioners have ordered the elimination of a grade crossing in the Borough of Bogota over the tracks of the West Shore Railroad by the construction of a new road and overpass south of Port Lee Road; and

WHEREAS the new plan if constructed will be disadvantageous to residents of the Township of Teaneck, and the best interests of the Township and its residents will be served by a reconsideration of the matter;

BE IT RESOLVED by the Township Council of the Township of Teaneck, County of Bergen, State of New Jersey:

That the Township of Teaneck join with the Borough of Bogota and County of Bergen in requesting the Board of Public Utility Commissioners to grant a rehearing in the matter of the elimination of the grade crossing aforesaid.

That the proper officers of the Township, the Mayor, the Township Manager, and the Township Clerk be and they are hereby authorized and directed to sign and execute an application for such rehearing with the officers of the Borough of Bogota and County of Bergen.

On roll call all Councilmen present voting in favor and none against, resolution was declared adopted.

The following resolution was offered by Mr. Paquin, seconded by Mr. Morten:
BE IT RESOLVED that in accordance with the power and authority given to the Municipal Council under Section 705 of the Municipal Manager Law, there be and hereby is appointed a Financial Advisory Board who shall have power to make investigations and recommendations concerning the 1931 budget, the fixed and assessment debt situation of the Township, the status of all assessments, and the equality of assessments, and be it further

RESOLVED that the members of said Advisory Board shall be Charles A. Weiner, Gaston G. L. Vallee, Jos. A. Kenyon, Robert P. Lewis and Irwin G. Ross, - and that said members shall serve without compensation.

On roll call all Councilmen present voting in favor and none against, resolution was declared adopted.

The following resolution was offered by Mr. Morten, seconded by Mr. Paquin:

BE IT RESOLVED that in accordance with the power and authority given to the Municipal Council under section 705 and 708 of the Municipal Manager Law, there be and hereby is appointed a Police Advisory Board which shall have the power to make an investigation of the conduct of the Police Department, and which is directed upon the the completion of such investigations to submit to the Municipal Council their recommendations for furthering the efficiency of the Department, and be it further

RESOLVED that the members of said Advisory Board shall be - F. J. Reilly - Rev. Geo. A. Hagedorn - George Fox - Wm. Mackey and Donald M. Waesche, - and that said members shall serve without compensation.

On roll call all Councilmen present voting in favor and none against, resolution was declared adopted.

An ordinance entitled : AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED "AN ORDINANCE TO CREATE A BOARD TO MAKE ASSESSMENTS FOR BENEFITS ACCRUING FROM LOCAL IMPROVEMENTS", was presented and passed on first reading on motion made by Mr. Morten, seconded by Mr. Paquin, said ordinance to take its course according to law.

On roll call all Councilmen present being in favor and none against, motion was declared adopted.

Mr. Volcker - I have no special report to make except you asked me to verify shortage in Tax Collector's office, and I have been informed that it has been paid up.

Mr. Morrison - I have nothing to report except certiorari in Macarone case. Writ was returnable yesterday and was filed.

Mr. Walker - Your honor, I would like to ask question of your attorney if an ordinance can be repealed or amended by a resolution.

Mr. Morrison - An ordinance has to be repealed by same formalities as ordinance passed.

Mr. Walker - With those facts before you, I was somewhat surprised at statement in the press right after last Tuesday night's meeting and I thought the press was in error so I took the trouble to consult your minutes. It is in regard to the Building Inspector which was brought up again this evening. I object seriously to the statement made by the Township Manager. According to your minutes, Mr. Volcker stated (Mr. Walker quoted from minutes of November 25th re fees of Building Inspector.) I object to the fact that Mr. Volcker says the procedure was illegal. The Township in 1927 adopted a Building Code of the Township of Teaneck and in this Building Code it sets the compensation of the inspector to be 50% of the total amount of the fees received. (Mr. Walker quoted passage from Building Code re Building Inspector's fees.)

That ordinance was adopted in 1927. It was prepared by the attorneys of the Township, and I don't think you doubt if it is legal, and I object to the statement it was illegal. Your resolution that you adopted last Tuesday night rescinding this ordinance is in error and procedure will have to be changed by amending the ordinance.

Mr. Volcker - In the first place, I think it is generally conceded, or it should be, that a municipal ordinance cannot change a State Act. The water can never rise higher than its source. Municipal Councils can only pass ordinances which are in accordance with State Act. Any ordinance which is not in accordance with the State Act of the Legislature is not worth the paper it is written on. I think that can be conceded. Under the laws of 1920, on page 559, we find the following - "All moneys received from any source by or on behalf of any municipality, or by any board or department thereof, except school moneys, shall be paid to the treasurer or other officer charged with the custody of the general funds of the municipality, who shall deposit all such receipts within forty-eight hours after the receipt thereof to the credit of the municipality in any bank or trust company of the State, or any national bank doing business in the State."

Mr. Morten - Do you think Township ordinance can supersede the State Act?

Mr. Walker - I don't concede that the statements are true as he read them. I would like to ask the attorney if he thinks the Building Code was illegal when it was passed. Question I object to are insinuations that are made.

Mayor - It was illegal and he has proved his case. If you care to read that law you may do so. Please take the attitude we are only too anxious to correct any errors, we are manly enough to admit our errors, we are only too pleased to have them pointed out and if there were any insinuations, we are dealing with facts.

If you care to read that statute or have it read I will be glad to have it read.

Mr. Morten - It seems too elementary even for discussion that a Township can pass any statute that supersedes State Law and when State directs that all monies be paid to Treasurer, it was absolutely beyond power of Township to change it, and it was illegal and your Township Manager was fully justified in making that statement.

Mr. McCarthy - The question of Mr. Walker's was question of Town attorney at that time to answer. If he thought he had enough law behind him to okay it, you can't blame the Township Committee.

Mr. Morten - You shouldn't criticise the present Township Council by saying that a Township ordinance supersedes the State Law.

Mr. Warner - Building Code is more of a joke book than a Building Code. Old Building Inspector will tell you that it can't be lived up to.

Mayor - There will be a preparatory meeting every Monday night prior to our regular meetings on Tuesday. Public is invited to sit in and listen to our deliberations.

On motion made, seconded and carried, meeting adjourned to December 9th, 1930.

Respectfully submitted,

Henry E. Brehl

Township Clerk.

CC

TOWNSHIP COUNCIL

Edmund W. Jones

MAYOR

Samuel S. Quinn

Ludwick J. Hume

Walter E. Jones

Samuel S. Quinn