

# Kearny Town Council

## Regular Meeting

- Agenda -

Tuesday, July 14, 2015

7:00 PM

Kearny Town Hall

I. CALL TO ORDER: PUBLIC MEETINGS LAW NOTICE

II. ROLL CALL

III. SALUTE TO THE FLAG

IV. CONDUCT OF MEETING NOTICE

V. CAUCUS MEETING

A. Communications

1. Ann Bonaccorso, 22 Jefferson Avenue: requesting permission on behalf of the residents of Jefferson Avenue to close Jefferson Avenue from West Bennett Avenue to the Belleville Turnpike from 9:00 a.m. to 8:00 p.m. for their annual block party on Saturday, September 19, 2015. Ms. Bonaccorso is also asking for the assistance of the KPD/DPW to provide the necessary barricades. **POLICE/FIRE/DPW**
2. Ralph Cattafi, 16 John Hay Avenue: requesting permission for a partial street closure towards the end of John Hay Avenue on Saturday, July 25, 2015 from 3:00 p.m. to 5:00 p.m. for a birthday party that includes a bounce house and pony rides. **POLICE/DPW/REC/HEALTH**
3. Charles D. Kerr, 380 Devon Street: requesting the ability to purchase from the Town of Kearny two (2) old fire hydrants that have been replaced with new ones, at the current “scrap metal” price for cast iron. **FIRE/WATER/M&C**
4. James Pickel, KHS Head Softball Coach: requesting permission to hold a canning fundraiser on Saturday, March 26, 2016 and Saturday, April 2, 2016 from 9:00 a.m. to 1:00 p.m. for the KHS Softball Program. **POLICE/DPW/REC**
5. Len Twist, TNR Administrator: asking permission to put cat houses and feeding stations on Stern Avenue, South Kearny (paper road) **M&C/POLICE/DPW**
6. LICENSES: 9 – GARAGE SALE; 1 – PARKING PERMIT  
1 – ICE CREAM TRUCK; FOR MANDEE LOT  
1 – LUNCH TRUCK; 1 – LIMOUSINE OWNER  
2 – TAXI LICENSES 2 – SIDEWALK CAFÉ  
**LICENSES**

B. Reports of Department Heads

1. Construction Code Enforcement Department Report for May 2015
2. Construction Code Enforcement Department Report for June 2015
3. Fire Department Monthly Report for January-March 2015
4. Fire Department Monthly Report for April-June 2015
5. Engineer’s Report dated July 14, 2015

C. Presentation by TNR Administrator Len Twist

D. Reports of Council Members

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- VI. PUBLIC HEARING ON BOND ORDINANCE NO. 2015-35  
BOND ORDINANCE PROVIDING FOR PLAYGROUND AND PARK  
IMPROVEMENTS IN AND BY THE TOWN OF KEARNY, IN THE COUNTY OF  
HUDSON, NEW JERSEY, APPROPRIATING \$1,300,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$1,235,000 BONDS OR NOTES OF THE  
TOWN TO FINANCE PART OF THE COST THEREOF
- VII. PUBLIC HEARING TO CONSIDER THE APPLICATION OF DVL KEARNY  
HOLDINGS, LLC (“DVL”) FOR A WAIVER OF TOWN CODE CHAPTER 4,  
SECTION 16.2 CONSTRUCTION HOURS - PROHIBITED ACTS.
- VIII. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO COMMENT ON AGENDA  
ITEMS AND MATTERS OF PUBLIC INTEREST
- IX. BUSINESS OF THE MAYOR AND COUNCIL:  
ORDINANCES FOR INTRODUCTION

**2015-(O)-38**

**McCURRIE**

Ordinance Vacating Handicapped Parking Zone at 81 Devon Street

**2015-(O)-39**

**McCURRIE**

Ordinance Establishing Handicapped Parking Zones at 169 Beech Street and 154  
Chestnut Street

**2015-(O)-40**

**McCURRIE**

Ordinance Amending and Supplementing Section 23-20 of the Town Code so as to  
Provide Restoration Requirements When Two or More Unconnected Trenches are  
Dug in a Series and are Only 10-feet or Less Apart

- X. BUSINESS OF THE MAYOR AND COUNCIL:  
ORDINANCES FOR 2<sup>ND</sup> READING (PUBLIC HEARING)

**2015-(O)-35**

**McCURRIE**

Bond Ordinance Providing for Playground and Park Improvements in and by the Town  
of Kearny, in the County of Hudson, New Jersey, Appropriating \$1,300,000 Therefor  
and Authorizing the Issuance of \$1,235,000 Bonds or Notes of the Town to Finance  
Part of the Cost Thereof

**2015-(O)-36**

**McCURRIE**

Ordinance Vacating Handicapped Parking Zone at 72 Hoyt Street

**2015-(O)-37**

**McCURRIE**

Ordinance Relocating Handicapped Parking Zone on 132 Wilson Avenue Apt. 1  
around the Corner to the Devon Street Side of the 132 Wilson Avenue Residence

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### XI. BUSINESS OF THE MAYOR AND COUNCIL: MOTIONS AND RESOLUTIONS

**CONSENT AGENDA:** All matters listed with an asterisk (\*) are considered to be routine and non-controversial by the Mayor and Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which case the item may be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- A. \*Minutes be Approved (pending any corrections): None
- B. \*Motion to Suspend the Reading of Communications (read by title)

#### **\*2015-(R)-370**

Bills List Resolution

#### **\*2015-(R)-371**

Resolution Authorizing the Return of Unused Escrow Deposit to T-Mobile USA, Inc. Relative to Site Plan Application #451 at 682-686 Schuyler Avenue, **Block 134, Lot 1**, in the Amount of \$3,767.58.

#### **\*2015-(R)-372**

Resolution Extending and Supplementing the Authorization for Brown & Caldwell as Agent for Tierra Solutions, Inc. to Encroach upon Town Right-of-Way in Third Street, Near the Central Avenue Intersection for Environmental Sampling.

#### **\*2015-(R)-373**

Resolution Authorizing Permission to Encroach Upon Town Right of Way at 150 Pleasant Place, **Block 120, Lot 7**, for the Purpose of Replacing a Retaining Wall.

#### **\*2015-(R)-374**

Resolution Authorizing Permission to Encroach Upon Town Right of Way at 340 Kearny Avenue, **Block 230, Lot 7**, for the Purpose of Removing a Fuel Tank.

#### **\*2015-(R)-375**

Resolution Granting Permission to PSE&G for Road Opening Permit at 74 Pennsylvania Avenue, (off Central Avenue), **Block 284, Lot 48**, in Order to Install Gas Main Protection.

#### **\*2015-(R)-376**

Resolution Granting Permission to PSE&G for Road Opening Permit at 126 Dukes Street, **Block 271, Lot 2**, 158 Dukes Street, **Block 271, Lot 12**, and 197 Dukes Street, **Block 267, Lot 52**, in Order to Install Gas Main Protection.

#### **\*2015-(R)-377**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 48 Grant Avenue, **Block 8, Lot 11**, in Order to Repair Gas Main/Service.

#### **\*2015-(R)-378**

Resolution Authorizing Refund of Recreation All Day Playground Program Fee in the Amount of \$225.00 to Ling Yin for Leshan and Ruoshui Xia.

#### **\*2015-(R)-379**

Resolution Authorizing Ten (10) Hours Overtime to Susan A. Evanchick, Administrative Clerk in the Construction Code Department, to Issue Permits, Escrows and to Respond to OPRA Requests. (\$692.40)

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**\*2015-(R)-380**

Resolution Authorizing Ten (10) Hours Overtime to Christine Nee, Permit Clerk in the Construction Code Department, to Issue Permits, Escrows and to Respond to OPRA Requests. (\$519.30)

**\*2015-(R)-381**

Consent Agenda Resolution

**DOYLE**

**2015-(R)-382**

Resolution Authorizing Eighteen (18) Hours Overtime within the Department of Public Works to Repair KPD Vehicles and to Put a Steel Cover Plate over a Verizon Utility Pit on Midland Avenue. (\$923.19)

**SANTOS**

**2015-(R)-383**

Resolution Appointing John Albizu and Michael Moore to the Permanent Position of Laborer in the Department of Public Works at the Current Annual Salary of \$32,299, Effective July 20, 2015.

**SANTOS**

**2015-(R)-384**

Resolution Designating Russo Development, LLC Redeveloper of Certain Properties in the Passaic Avenue Redevelopment Area.

**SANTOS**

**2015-(R)-385**

Resolution Authorizing a Contract with Neglia Engineering Associates for Services Related to Water Main Relocation or Adjustment, as Needed, in Connection with the Design and Construction of the NJDOT Portway-Fish House Road and Pennsylvania Avenue CR-659 Project in the Amount of \$5,000.00.

**SANTOS**

**2015-(R)-386**

Resolution Authorizing the Application to DEP for a Public Space Bonus Recycling Grant in the Amount of \$11,892 Which Requires a Match of Town Funds.

**SANTOS**

**2015-(R)-387**

Resolution Authorizing Change Order #4 & Final for the CDBG Kearny Avenue Resurfacing to DLS Contracting, Inc., 633 Franklin Avenue, Suite 170, Nutley, NJ (\$38,080.00 Decrease / -7.98%).

**SANTOS**

**2015-(R)-388**

Resolution Authorizing Close Out of Contract for CDBG Kearny Avenue Resurfacing to DLS Contracting Inc., 633 Franklin Avenue, Nutley, New Jersey.

**SANTOS**

**2015-(R)-389**

Resolution Authorizing Change Order #2 & Final for the 101 Kearny Avenue Parking Lot to 4 Clean-Up Inc., P.O. Box 5098, North Bergen, NJ (\$7,318.75 Decrease / -4.16%).

**SANTOS**

**2015-(R)-390**

Resolution Authorizing Close Out of Contract for 101 Kearny Avenue Parking Lot to 4 Clean-Up Inc., P.O. Box 5098, North Bergen, New Jersey.

**SANTOS**

**2015-(R)-391**

Resolution Authorizing Change Order #2 for the NJDOT Midland Avenue (Section 2) to Reivax Contracting Corp., 356 Thomas Street, Newark, NJ (\$10,983.22 Decrease / -0.76%).

**SANTOS**

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### **2015-(R)-392**

**SANTOS**

Resolution Authorizing Change Order #5 for the 2014 Municipal Road Program Phase 'B' to Reivax Contracting Corp, 356 Thomas Street, Newark, NJ 07114 (\$1,092.84 Increase / 0.04%).

### **2015-(R)-393**

**SANTOS**

Resolution Authorizing and Approving Settlement of a Tax Appeal filed by Lisbon Developing, for 457-459 Elm Street, **Block 190, Lot 21**.

### **2015-(R)-394**

**SANTOS**

Resolution to Enter into Closed Session to Discuss the Following Matter(s):  
Discussion of Proposed Tax Appeal Settlement for Lisbon Developing, Block 190, Lot 21, Review of 2015 Residential Tax Appeal Settlements by Tax Assessor

### **2015-(R)-395**

**DOYLE**

Resolution Authorizing the Issuance of Not Exceeding \$10,000,000 Tax Anticipation Notes of 2015 of the Town of Kearny, in the County of Hudson, New Jersey.

### **2015-(R)-396**

**DOYLE**

Resolution Pursuant to N.J.S.A. 40:48-2.14 Charging the Costs of Removal of Brush, Weeds, Etc. Against Properties, Which Costs Shall Hereby Become Liens Against Such Properties:

65 Washington Avenue, <b>Block 91, Lot 19</b>	209 Laurel Avenue, <b>Block 167, Lot 51</b>
7 Prospect Place, <b>Block 148, Lot 31</b>	340 Forest Street, <b>Block 211, Lot 5</b>
129 Windsor Street, <b>Block 46, Lot 22</b>	354 Forest Street, <b>Block 211, Lot 11.01</b>
171 Seeley Avenue, <b>Block 130, Lot 36</b>	478 Schuyler Avenue, <b>Block 204, Lot 1</b>
179 Magnolia Avenue, <b>Block 161, Lot 20</b>	72 Argyle Place, <b>Block 174, Lot 5</b>

### **2015-(R)-397**

**LANDY**

Resolution Awarding a Contract to Applied Landscape Technologies for the Veteran's Memorial Field Improvements Project in the Amount of One Million Five Hundred Fifty-Two Thousand Five Hundred Dollars and Zero Cents (\$1,552,500.00).

### **2015-(R)-398**

**LANDY**

Resolution Appointing Fifteen (15) Full time Police Officers in the Kearny Police Department, Effective July 20, 2015 at the Current Annual Salary of \$41,282, Pursuant to NJ Civil Service Certification #OL150446 and Contingent Upon Successful Completion of Pre-employment Processing.

### **2015-(R)-399**

**LANDY**

Resolution Appointing Anjela Coloma to the Seasonal Position of Lifeguard in the Recreation Department to Work a Maximum of Thirty-three (33) Hours per Week at the Current Hourly Rate of \$10.00 for a Period Not to Exceed Beyond August 28, 2015, Pending Pre-employment Processing.

### **2015-(R)-400**

**LANDY**

Resolution to Renew Alcoholic Beverage Licenses Approved by the Kearny Police Investigative Unit, as the designated Alcoholic Beverage Control Investigative and Enforcement Unit (ABCIEU): 24 Plenary Retail Consumption, 22 Plenary Retail Distribution, and 4 Club Licenses.

### **2015-(R)-401**

**LANDY**

Resolution Authorizing the Execution of a Person-to-Person Transfer of Plenary Retail Distribution License #0907-44-024-006 from Orange Energy LLC, t/a Kearny Liquor & Deli, 137 Kearny Avenue, to Flores, LLC, t/a Kearny Liquor & Deli.

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### **2015-(R)-402**

**LANDY**

Resolution Authorizing the Sale on PropertyRoom.Com of Various Items Not Needed for Public Use by the Police Department.

### **2015-(R)-403**

**ECKEL**

Resolution Accepting the Retirement Application of Fire Captain John MacArthur from the Kearny Fire Department after Twenty-five (25) Years of Service, Effective July 01, 2015, Pending Approval of the Police and Firemen's Retirement System (terminal leave pay and unused vacation totaling \$52,968.62 subject to change if additional time is taken).

### **2015-(R)-404**

**ECKEL**

Resolution Appointing Ten (10) Full time Firefighters in the Kearny Fire Department, Effective July 27, 2015 at the Current Annual Salary of \$33,000, Pursuant to NJ Civil Service Certification #OL150327 and Contingent Upon Successful Completion of Pre-employment Processing.

### **2015-(R)-405**

**ECKEL**

Resolution Changing the Title of Part Time Public Safety Telecommunicator Trainee Veronica Baron and Michael Oriente to Public Safety Telecommunicator, Effective June 5, 2015, with No Change in the Hourly Rate of Pay.

### **2015-(R)-406**

**ECKEL**

Resolution Authorizing an Increase in Hours, Effective August 3, 2015, for Part Time Fire Prevention Specialists Andrew Depczek and George Kondek from 24.50 Hours to 40 Hours per Week for a Period Not to Exceed beyond October 2, 2015.

### **2015-(R)-407**

**CARDOSO**

Resolution Authorizing an Increase in Hours, Effective Immediately, for Part Time Building Inspector / Code Enforcement Officer Robert Charles from 24.50 Hours to 35 Hours per Week for the Period August 3, 2015 through October 2, 2015.

### **2015-(R)-408**

**KONOPKA**

Resolution Authorizing an Unpaid Internship in the Health Department for Amanda Badenath to Fulfill her Field Training Requirements at Rutgers University.

### **2015-(R)-409**

**LANDY**

Resolution Accepting the Retirement Application of Police Sergeant Patrick W. Sweeney from the Kearny Police Department after Twenty-five (25) Years of Service Effective August 01, 2015 Pending Approval of the Police and Firemen's Retirement System (terminal leave pay and unused vacation totaling \$54,188.02 subject to change if additional time is taken).

XII. EXECUTIVE (CLOSED) SESSION

XIII. ADJOURNMENT