

Kearny Town Council

Caucus / Regular Meeting

- Agenda -

Tuesday, January 15, 2013	7:00 PM	Kearny Town Hall
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- 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. Veterans of Foreign Wars Wilson-Gugelman Post #1302 (VFW): requesting permission to hold their annual fundraiser Festival at the Frank A. Vincent Marina from April 4 through April 14, 2013.  
**POLICE/RECREATION/DPW**
- 2. Veterans of Foreign Wars Wilson-Gugelman Post #1302 (VFW): requesting permission to hang a banner at Locust and Kearny Avenue from April 1 through April 14, 2013 to promote their annual fundraiser at the Frank A. Vincent Marina.  
**POLICE/DPW**
- 3. Kevin M. Quinn, President, United Irish Associations of West Hudson, Inc.: requesting permission to conduct the annual West Hudson St. Patrick’s Day Parade on Sunday, March 10, 2013 beginning at 2 p.m. in Harrison, proceeding through East Newark and ending in Kearny. United Irish Associations is also requesting permission to place a County band shell in front of the Town Hall on Kearny Avenue, and that side streets along the parade route be closed to traffic.  
**POLICE/DPW/REC**
- 4. Ralph Cattafi, Assistant Recreation Supervisor: requesting permission to have a canning fundraiser on Saturday, February 16, 2013 and Saturday, February 23, 2013 for the Recreation Department Hockey program.  
**POLICE/DPW/REC**
- 5. LICENSES: 3- TOWING – AFTON AUTO BODY INC.  
– AJACO TOWING INC.  
– MORAN AUTOMOTIVE & TOWING, INC.  
4- CANVASSING  
2- DISTRIBUTOR  
3- JUKE BOX  
3- LUNCH TRUCK  
1- POOL TABLE  
3- RAFFLE  
3- VIDEO/PINBALL/VENDING MACHINES  
109-PARKING PERMITS that include:  
21- AMERICAN LEGION/VFW  
4- BRIGHTON PLAYGROUND  
10- CHESTNUT LOT  
13- DOWD PLAYGROUND  
4- MANDEE LOT  
4- MANDEE LOT (BUSINESS)  
28- POLICE SUBSTATION  
11- PROVIDENT BANK  
9- SOPRANOS LOT  
5- WEST HUDSON HOSPITAL DECK  
**LICENSES**

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- B. Reports of Department Heads
  - 1. Construction Code Monthly Report for November 2012
  - 2. Construction Code Monthly Report for December 2012
  - 3. Construction Code Annual Report for 2012
  - 4. Water Department Monthly Operations Report for November 2012
  - 5. Water Department Monthly Operations Report for December 2012
  - 6. Engineer’s Report dated January 10, 2013
  - 7. NEA Construction Management Annual Report for 2012
  - 8. NEA Construction Management Report of Hours 11/17/12-12/31/12
- C. Proclamation 100<sup>th</sup> Birthday Celebration of Anthony Dusman
- D. Reports of Council Members
- VI. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO COMMENT ON AGENDA ITEMS AND MATTERS OF PUBLIC INTEREST
- VII. BUSINESS OF THE MAYOR AND COUNCIL: ORDINANCES FOR INTRODUCTION

**2013-(O)-01** **McCURRIE**  
Ordinance Establishing Handicapped Parking Zones at 23 John Street, 82 Woodland Avenue, 86 Chestnut Street and 179 Highland Avenue

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

**\*2013-(R)-36**  
Bills List Resolution

**\*2013-(R)-37**  
Resolution Authorizing Refund of Overpaid Taxes in the Amount of \$1,334.01 for **Block 2, Lot 14** as a Result of NJ Tax Court Judgment for 2010, 2011 and 2012.

**\*2013-(R)-38**  
Resolution Authorizing Refund of Overpaid Taxes in the Amount of \$13,421.60 for **Block 24, Lot 20** as a Result of NJ Tax Court Judgment for 2010, 2011 and 2012.

**\*2013-(R)-39**  
Resolution Authorizing Tax Overpayment Refund in the Amount of \$2,801.26 to Najarro, Rolando for 4<sup>th</sup> Quarter 2012 Taxes, **Block 53, Lot 54**.

**\*2013-(R)-40**  
Resolution Authorizing Refund of Overpaid Taxes in the Amount of \$7,064.00 for **Block 57, Lot 15** as a Result of NJ Tax Court Judgment for 2010, 2011 and 2012.

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**\*2013-(R)-41**

Resolution Authorizing Refund of Overpaid Taxes in the Amount of \$3,052.09 for **Block 78, Lot 1** as a Result of NJ Tax Court Judgment for 2011 and 2012.

**\*2013-(R)-42**

Resolution Authorizing Refund of Overpaid Taxes in the Amount of \$2,847.95 for **Block 96, Lot 9** as a Result of NJ Tax Court Judgment for 2010, 2011 and 2012.

**\*2013-(R)-43**

Resolution Authorizing Tax Overpayment Refund in the Amount of \$2,454.46 to LI, Xiaoliu & Chen En for 4<sup>th</sup> Quarter 2012 Taxes, **Block 97, Lot 38**.

**\*2013-(R)-44**

Resolution Authorizing Tax Overpayment Refund in the Amount of \$2,478.88 to Matos, Antonio for 4<sup>th</sup> Quarter 2012 Taxes, **Block 141, Lot 18**.

**\*2013-(R)-45**

Resolution Authorizing Refund of Overpaid Taxes in the Amount of \$10,539.49 for **Block 158, Lot 8** as a Result of NJ Tax Court Judgment for 2010, 2011 and 2012.

**\*2013-(R)-46**

Resolution Authorizing Refund of Overpaid Taxes in the Amount of \$24,322.04 for **Block 186, Lot 4** as a Result of NJ Tax Court Judgment for 2011 and 2012.

**\*2013-(R)-47**

Resolution Authorizing Refund of Overpaid Taxes in the Amount of \$22,679.40 for **Block 252, Lot 9** as a Result of NJ Tax Court Judgment for 2009, 2010, 2011 and 2012.

**\*2013-(R)-48**

Resolution Authorizing Permission to Encroach Upon Town Right of Way at 9 Highland Avenue, **Block 9, Lot 38**, for the Purpose of Removing a Fuel Tank.

**\*2013-(R)-49**

Resolution Authorizing Permission to Encroach Upon Town Right of Way at 449 Kearny Avenue and 91 Quincy Avenue, **Block 69, Lot 28**, for the Purpose of Installing Water Service for a Sprinkler System.

**\*2013-(R)-50**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 65 New Lawn Avenue, **Block 73, Lot 20**, in Order to Repair Gas Service.

**\*2013-(R)-51**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 84 N. Hackensack Avenue, **Block 298, Lot 10**, in Order to Install Gas Service.

**\*2013-(R)-52**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 100 Bergen Avenue, **Block 29, Lot 23**, in Order to Repair Gas Service.

**\*2013-(R)-53**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 123-125 Bergen Avenue, **Block 37, Lot 46**, in Order to Enlarge Gas Service.

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**\*2013-(R)-54**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 137 Midland Avenue, a/k/a 139-143 Midland Avenue, **Block 189, Lot 19**, in Order to Repair Joint.

**\*2013-(R)-55**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 177 Windsor Street, **Block 55, Lot 18**, in Order to Repair Gas Main.

**\*2013-(R)-56**

Resolution Granting Permission to PSE&G for Road Opening Permit at 187 Brighton Avenue, **Block 53, Lot 48**, in Order to Install Gas Service.

**\*2013-(R)-57**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 197 Laurel Avenue, **Block 166, Lot 51**, in Order to Repair Gas Service.

**\*2013-(R)-58**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 299 Highland Avenue, **Block 45, Lot 17**, in Order to Repair Gas Service.

**\*2013-(R)-59**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 330 Kearny Avenue, **Block 230, Lot 4**, in Order to Repair Gas Service.

**\*2013-(R)-60**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 335 Devon Street, **Block 232, Lot 35**, in Order to Repair Gas Main.

**\*2013-(R)-61**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 511 Davis Avenue, **Block 181.01, Lot 17**, in Order to Install Test Station.

**\*2013-(R)-62**

Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 515 Davis Avenue, **Block 181.01, Lot 15**, in Order to Install Test Station.

**\*2013-(R)-63**

Resolution Authorizing Six and One-half (6.5) Hours Overtime in the Health Department for Health Emergency at 33 McWhirter Road and Subsequent Transport of Employees to Clara Maass Hospital on December 24, 2012. (\$399.85)

**\*2013-(R)-64**

Resolution Granting Permission to Four (4) FMBA Members of the Kearny Fire Department to Attend the Annual FMBA Mid-Year Convention February 5-7, 2013, Pursuant to N.J.S.A. 11A-6-10.

**\*2013-(R)-65**

Resolution Authorizing Advertisement for Bids for Sidewalk Replacements and Repairs.

**\*2013-(R)-66**

Consent Agenda Resolution

**DOYLE**

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**2013-(R)-67**

**SANTOS**

Resolution Authorizing Eighty-five and One-half (85.50) Hours Overtime within the Department of Public Works to Salt and Plow Streets on November 27, 2012, Clear Blockages at 1 Kearny Avenue, 12 Jefferson Avenue, 14 Peden Terrace, 57 East Midland Avenue, 59 East Midland Avenue and 231 Stewart Avenue, Assist with the Installation of Cameras, Perform Leaf Collection, Accept a Salt Delivery, Repair P.V.O. Vehicles, Repair Sidewalk Sweeper, Open the Playgrounds, Remove a Bypass Pump at Quincy Place, Assist Contractors at Quincy Place, Sellers Street and Harrison Avenue Pump Stations, and Repair a Street Sign at Davis Avenue and Tappan Street. (\$4,198.52)

**2013-(R)-68**

**SANTOS**

Resolution Supporting a Bill to Amend the Definition of Hazardous Substances within the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11(b).

**2013-(R)-69**

**SANTOS**

Resolution Authorizing Execution of a Federal Aid Agreement with the New Jersey Department of Transportation for Grant Funding of \$121,567 for Design/Permitting/Surveying Costs Relating to the Riverbank Park Bike Trail.

**2013-(R)-70**

**SANTOS**

Resolution Awarding a Contract to Reivax Contracting in the Amount of \$311,884.00 for Riverbank Park Improvements – Magullian Site.

**2013-(R)-71**

**SANTOS**

Resolution Authorizing the Town Clerk to Issue a Supplemental Request for Proposals for the Position of Labor Counsel and Appraiser for Calendar Year 2013.

**2013-(R)-72**

**SANTOS**

Resolution Approving the Retention of Cali Carting without Public Advertising to Assist in Abating the Emergent Conditions Caused by Hurricane Sandy and Approving the Payment of \$45,713.55 for the Labor and Services Rendered.

**2013-(R)-73**

**SANTOS**

Resolution Pursuant to Town Code Section 23-7 Approving Curb Cut at 266 Laurel Avenue, ***Block 179, Lot 13.01*** to Accommodate a New Driveway.

**2013-(R)-74**

**SANTOS**

Resolution to Enter into Closed Session to Discuss the Following Matter(s):  
Update on PBA/SOA Negotiations, CS11 Litigation, CS11 Contract, 15 Pending Tax Appeals, Dept. Heads/Asst. Dept. Heads Upcoming Negotiations, Retirement of Tax Assessor.

**2013-(R)-75**

**DOYLE**

Resolution Appointing Michael Wallace to the Permanent Part Time Position of Electrical Subcode Official in the Construction Code Office to Work a Maximum of 19.5 Hours at the Current Hourly Rate of \$24.89 Effective January 16, 2013.

**2013-(R)-76**

**PETTIGREW**

Resolution Amending Resolution 2012-651 Authorizing the Execution of a Person-to-Person Transfer of Plenary Retail Distribution License #0907-44-051-007 to Reflect the Correct Buyer's Name as MAA Liquors LLC.

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**2013-(R)-77** **PETTIGREW**  
Resolution Authorizing the Police Chief pursuant to N.J.S.A. 40A:11-36(6) to Sell Eight Vehicles Whose Total Value is Less than \$21,000 at Private Sale Without Advertising for Bids.

**2013-(R)-78** **LANDY**  
Resolution Rescinding Resolution 2012-492 and Re-Appointing Joseph Gurkas to the Permanent Non-Competitive Part Time Position of Lifeguard in the Recreation Department.

**2013-(R)-79** **LANDY**  
Resolution Authorizing an Unpaid Internship in the Recreation Department for Sandy Silva of 342 Forest Street to Fulfill her Practicum Requirements at Kean University.

**2013-(R)-80** **ECKEL**  
Resolution Approving Acting Pay for John Donovan as Chief Fire Inspector in the Amount of \$7,336.29.

**2013-(R)-81** **CARDOSO**  
Resolution Authorizing Sixteen (16) Hours Overtime for the Municipal Court Staff, Carol Liotti, Ledy More, Cintia Valdez and Catherine Colon for Monday Evening Court Session on February 4, 2013. (\$1,200.00)

- X. EXECUTIVE (CLOSED) SESSION
  
- XI. ADJOURNMENT