



# Kearny Town Council

## Caucus / Regular Meeting

~ Minutes ~

402 Kearny Avenue  
Kearny, NJ 07032  
[www.kearnynj.org](http://www.kearnynj.org)

Admin

Tuesday, April 9, 2019

7:00 PM

Kearny Town Hall

### I. CALL TO ORDER: PUBLIC MEETINGS LAW NOTICE

### II. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Carol Jean Doyle	Kearny Town Council	Council Member	Present	
Susan McCurrie	Kearny Town Council	Council Member	Present	
Eileen Eckel	Kearny Town Council	Council Member	Present	
Albino Cardoso	Kearny Town Council	Council Member	Present	
Richard Konopka	Kearny Town Council	Council Member	Present	
Marytrine DeCastro	Kearny Town Council	Council Member	Present	
Peter Santana	Kearny Town Council	Council Member	Present	
Gerald Ficeto	Kearny Town Council	Council Member	Present	
Alberto G. Santos	Kearny Town Council	Mayor	Present	

### III. SALUTE TO THE FLAG

### IV. CONDUCT OF MEETING NOTICE

### V. CAUCUS MEETING

#### A. Communications

1. Rev. John E. Wassell, Pastor, St. Cecilia Church: requesting permission to hold a procession for Our Lady of Fatima on Sunday, May 5, 2019. The procession will start at Kearny Avenue and Hoyt Street at 7:45 p.m.

**M&C/POLICE/DPW**

2. Mariola DeMatos, President, KHS Band Parents Association: requesting permission to use the Frank A. Vincent Marina on Saturday, November 9, 2019 to hold a fundraising Flea Market for the Band.

**M&C/POLICE/DPW/REC**

3. LICENSES: 1 - PARKING PERMIT - MANDEE LOT  
1 - CANVASS; 1 - RAFFLE;

1 - FILMING; 2 - SIDEWALK CAFE

**LICENSES**

**B. Reports of Department Heads**

- 1. DPW Operations Report for March 2019
- 2. Certified Tree Experts (CTE) Report dated March 22, 2019 including Recommended Tree Removal(s)
- 3. Engineer’s Report dated April 9, 2019

**C. Proclamations honoring:**

- 1. Police Officer of the Year 2018 John Fabula
- 2. Fireman of the Year 2018 Juan Barroso

**D. Reports of Council Members**

**VI. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO COMMENT ON AGENDA ITEMS AND MATTERS OF THE PUBLIC INTEREST**

**VII. BUSINESS OF THE MAYOR AND COUNCIL: ORDINANCES FOR INTRODUCTION**

**Ordinance 2019-14**

Ordinance Disbanding the Beautification and Environmental Committee and Establishing in its Place an Advisory Committee on the Environment and Sustainability (ACES)

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 4/23/2019 7:00 PM</b>
<b>MOVER:</b>	Susan McCurrie, Council Member	
<b>SECONDER:</b>	Carol Jean Doyle, Council Member	
<b>AYES:</b>	Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos	

**Ordinance 2019-15**

Ordinance Amending Section 11-3.4 (e), (f) and (g) of the Town Code Regarding Permit Fees and Charges for Ballfield Use at Gunnell Oval, Harvey Field, Michael Branin Memorial Soccer Facility, and Veteran’s Memorial Field

**RESULT:** INTRODUCED [UNANIMOUS] **Next: 4/23/2019 7:00 PM**  
**MOVER:** Susan McCurrie, Council Member  
**SECONDER:** Gerald Ficeto, Council Member  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

## VIII. BUSINESS OF THE MAYOR AND COUNCIL: ORDINANCES FOR 2ND READING (PUBLIC HEARING)

### Ordinance 2019-11

Ordinance Establishing Handicapped Parking Zone at 154 Chestnut Street

ATTACHMENTS:

- KPD Agenda Item -Establish HZ 154 Chestnut St add to ordinance (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Susan McCurrie, Council Member  
**SECONDER:** Eileen Eckel, Council Member  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

### Ordinance 2019-12

Ordinance Amending Sections 4-2.1 and 4-2A-1 of the Town Code Pertaining to Drug-Free Zones Around Schools and Public Properties, by the Approval of Updated Drug-Free Zone Maps

ATTACHMENTS:

- 2019 Drug Free Zone Maps (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Susan McCurrie, Council Member  
**SECONDER:** Carol Jean Doyle, Council Member  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

### Ordinance 2019-13

Ordinance Pursuant to N.J.S.A. 40A:12A-7 Approving and Adopting an Amended Schuyler Avenue Redevelopment Plan

ATTACHMENTS:

- Schuyler Avenue Redevelopment Plan - 02-06-19 (00121606xD43F8) (00124338xD43F8) (DOC)
- Proposed Figure 2 (Version2) (PDF)

<b>RESULT:</b>	<b>TABLED</b>
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<b>Next: 4/23/2019 7:00 PM</b>
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## 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): Regular Meeting March 26, 2019
- B. \*Motion to Suspend the Reading of Communications (read by title)

#### Resolution 2019-217

(\*) Bills List Resolution

##### ATTACHMENTS:

- [April 09 2019 Bill List Schedule](#) (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Jean Doyle, Council Member
<b>SECONDER:</b>	Alberto G. Santos, Mayor
<b>AYES:</b>	Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

#### Resolution 2019-218

(\*) Resolution Authorizing the Return of Unused Escrow Deposits to Osborne Capital, LLC in the Amount of \$3,455.65 Relative to Planning Board Application #500 for 232-274 Passaic Avenue, Block 15, Lot 8.02.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Jean Doyle, Council Member
<b>SECONDER:</b>	Alberto G. Santos, Mayor
<b>AYES:</b>	Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

#### Resolution 2019-219

(\*) Resolution Authorizing the Return of Unused Escrow Deposits to Hartz Mountain Industries, LLC in the Amount of \$505,938.67 Relative to Planning Board Application #542 for 435 Bergen Avenue, Block 286, Lot 4.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

### Resolution 2019-220

(\*) Resolution Authorizing Permission to Encroach Upon Town Right of Way at 10 Brighton Avenue, Block 29, Lot 1, for the Purpose of Installing a Fence.

**ATTACHMENTS:**

- NEA Report 10 Brighton Avenue - Fence (00126615xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

### Resolution 2019-221

(\*) Resolution Authorizing Permission to Encroach Upon Town Right of Way at 60 Passaic Avenue (along Marshall Street), Block 14, Lot 4, for the Purpose of Removing an Underground Storage Tank (UST).

**ATTACHMENTS:**

- NEA Report 60 Passaic Avenue - Encroachment for UST 04-09-19 (00128718xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

### Resolution 2019-222

(\*) Resolution Granting Permission to Shauger Property Services, Inc. of East Orange, NJ for Road / Sidewalk Opening Permit at 230 Belgrove Drive, a/k/a 232 Belgrove Drive, Block 28, Lot 9, in Order to Install a 1" Water Service Line.

**ATTACHMENTS:**

- NEA Report 230 Belgrove Drive - Road Opening [SUEZ JFC] 04-04-19 (00128785xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

### Resolution 2019-223

(\*) Resolution Granting Permission to Shauger Property Services, Inc. of East Orange, NJ for Emergency Road Opening Permit at 471 Devon Street, Block 208, Lot 32, in Order to Install New Water Service Line.

**ATTACHMENTS:**

- NEA Report 471 Devon Sreet - Road Opening 04-03-19 [Emergency][Protected] [SUEZ JFC] (00128791xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

### Resolution 2019-224

(\*) Resolution Granting Permission to Shauger Property Services, Inc. of East Orange, NJ for Road / Sidewalk Opening Permit at 621 Chestnut Street, Block 175, Lot 16, in Order to Replace Curb Box.

**ATTACHMENTS:**

- NEA Report 621 Chestnut Street - Road Opening - 04-04-19[Protected] [SUEZ] (00128779xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

### Resolution 2019-225

(\*) Resolution Granting Permission to J. Fletcher Creamer & Son, Inc. of Hackensack, NJ for Road / Sidewalk Opening Permit at 570 Elm Street, a/k/a 557-599 Elm Street, Block 168, Lot 20, in Order to Repair/Replace a Fire Hydrant.

**ATTACHMENTS:**

- NEA Report 570 Elm Street- Road Opening 04-03-19 [Protected] [SUEZ JFC] (00128783xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

#### Resolution 2019-226

(\*) Resolution Granting Permission to J. Fletcher Creamer & Son, Inc. of Hackensack, NJ for Road Opening Permit at 604 Chestnut Street, Block 176, Lot 1, in Order to Repair Service Leak.

ATTACHMENTS:

- NEA Report 604 Chestnut Street [Protected] [SUEZ] (00128781xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

#### Resolution 2019-227

(\*) Resolution Granting Permission to J. Fletcher Creamer & Son, Inc. of Hackensack, NJ for Road / Sidewalk Opening Permit at 780 Kearny Avenue, Block 138, Lot 5, in Order to Repair Water Service.

ATTACHMENTS:

- NEA Report 780 Kearny Avenue - Road Opening [SUEZ JFC] 04-03-19 (00128784xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

#### Resolution 2019-228

(\*) Resolution Granting Permission to JZRJ Properties, LLC of Kearny, NJ for Road Opening Permit at 207 Seeley Avenue, Block 133, Lot 19, in Order to Install a New Sewer Lateral and Water Service Line.

ATTACHMENTS:

- NEA Report 207 Seeley Avenue - Road Opening [JZRJ Properties] 04-03-19 (00128788xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-229**

(\* ) Resolution to Waive All Fees for Businesses for Sidewalk Sales Event on Saturday, May 4, 2019 and Sunday, May 5, 2019.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-230**

(\* ) Resolution Approving Settlement in the Matter of the Ernest Bozzi v. Town of Kearny, et al.

## ATTACHMENTS:

- Settlement Agreement and Release (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-231**

(\* ) Consent Agenda Resolution

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-232**

Resolution Authorizing Forty-seven and One-half (47.5 ) Hours Overtime within the Department of Public Works to Salt and Plow Streets on March 3, 2019, Monitor Temporary Pump Operations and Fuel Usage at the Harrison Avenue Pump Station, Repair Police Vehicles, Respond to Alarms at the Library and Department of Public Works, and Catch up with Paperwork/Permits in the DPW Office. (\$2,637.72)



## ATTACHMENTS:

- OVERTIME - DPW (04-09-18) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-233**

Resolution Appointing James Neubig to the Provisional Position of Public Works Supervisor in the Kearny Department of Public Works, Effective April 8, 2019 at the Current Annual Salary of \$75,268.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-234**

Resolution Appointing Paul Murray to the Provisional Position of Mechanic in the Kearny Department of Public Works, Effective April 15, 2019 at the Current Annual Salary of \$73,817.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-235**

Resolution Awarding a Contract to American Asphalt & Milling Services LLC for the 2018-2019 NJDOT & CDBG Roadway Improvements Project.

## ATTACHMENTS:

- Construction Contract Award Recommendation Letter 04-03-19 (00128695xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-236**

Resolution Authorizing Contract to Neglia Engineering Associates for Construction Management of the 2018-2019 NJDOT & CDBG Roadway Improvements Project (T&M not to Exceed \$88,940.00).

## ATTACHMENTS:

- AGREEMENT NEA CM 2018-2019 NJDOT CDBG Roadways Project (00128665xD43F8) (DOC)
- Proposal Worksheet - NEA CM Roadways - 04-09-19 (Kearny Municipal - 2017) (00128693xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-237**

Resolution Establishing the Maximum Amount of the Agreement with Heyer, Gruel & Associates for Planning Services in 2019 Related to the Town's Fair Share Housing Plan.

## ATTACHMENTS:

- HGA Ltr Affordable Housing estimate (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-238**

Resolution to Enter into Closed Session to Discuss the Following Matters Relating to Anticipated Litigation, Litigation, Contract Negotiations, and Personnel Matters, to wit: Update on Town's Anticipated Litigation against NJSEA with Respect to the Keegan Landfill

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]  
**MOVER:** Alberto G. Santos, Mayor  
**SECONDER:** Peter Santana, Council Member  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-239**

Resolution Authorizing Emergency Temporary Appropriations for the Calendar Year 2019.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-240**

Resolution Appointing Joan Sebastian Rios-Ruiz to the Part-time Position of Computer Operator Trainee for the Town of Kearny Library Effective April 15, 2019.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-241**

Resolution Appointing Sergeant Peter Blair Deputy Emergency Management Coordinator for the Town of Kearny.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-242**

Resolution Authorizing the Police Chief Pursuant to N.J.S.A. 40A:11-36 to Sell Vehicles no Longer Fit for Public Use and Whose Value is Less than the Town's Bid Threshold, at Private Sale Without Advertising for Bids.

## ATTACHMENTS:

- CERTIFICATION - POLICE CHIEF KING (DOC)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-243**

(\*) Resolution Granting Permission to Sicar Construction Corp. of Kearny, NJ for Road Opening Permit on Windsor Street (approximately 60' from the corner of Grove Street), in Order to Run a Sewer Line for New Construction at 15 Grove Street, Block 64, Lot 25.

ATTACHMENTS:

- NEA Report 15 Grove Street- Road Opening 04-08-19 Protected Sicar Construction (00129114xD43F8) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**Resolution 2019-244**

(\*) Resolution Granting Permission to Shauger Property Services, Inc. of East Orange, NJ for Emergency Road Opening Permit at 15 Grove Street (opening on Windsor Street), Block 64, Lot 25, in Order to Install a New 1” Water Service Line, Curb Stop, and Curb Box.

ATTACHMENTS:

- NEA Report 15 Grove Street - Road Opening 04-08-19 Protected SUEZ Shauger (00129118xD43F8) (002) (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Carol Jean Doyle, Council Member  
**SECONDER:** Alberto G. Santos, Mayor  
**AYES:** Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos

**X. EXECUTIVE (CLOSED) SESSION**

**XI. ADJOURNMENT**