



# Kearny Town Council

## Caucus / Regular Meeting

~ Agenda ~

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

Admin

Tuesday, August 7, 2012

7:00 PM

Kearny Town Hall

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

### II. ROLL CALL

Attendee Name	Present	Absent	Late	Arrival
Council Member Carol Doyle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Laura Pettigrew	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Michael Landy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Alexa Arce	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Susan McCurrie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Eileen Eckel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member Albino Cardoso	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilwoman Madeline Peyko	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Alberto G. Santos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### III. SALUTE TO THE FLAG

### IV. CONDUCT OF MEETING NOTICE

### V. CAUCUS MEETING

#### A. Communications

- Jody Hill, Kearny Girls Basketball Head Coach: requesting permission to have a canning fundraiser on Saturday, December 01, 2012 and Saturday, January 26, 2013 between the hours of 9:00 a.m. and 1:00 p.m. **POLICE/DPW/REC**
- Jorge Gonzalez: requesting permission to commemorate the 187<sup>th</sup> anniversary of the Independence of Uruguay (1825-2012) with a flag raising ceremony and dance performance at Town Hall Park on Sunday, August 26, 2012 beginning at 12:00 pm, and requesting that Kearny Avenue, between Grove and Liberty Streets, be closed to traffic between 12:00 pm and 2:00 pm. **POLICE/DPW/REC**
- Jorge Gonzalez: inviting Mayor Santos and Council to join the Uruguayan Community in celebrating the 187<sup>th</sup> anniversary of the Independence of Uruguay at Town Hall Park on Sunday, August 26, 2012 beginning at 12:00 pm. **M&C**
- UNICO National, Kearny Chapter: requesting permission to use the Frank A. Vincent Marina on Sunday, September 16, 2012 to hold an "Italian" Flea Market. **POLICE/DPW/REC**
- Linda R. Kraus-D'Isa: requesting permission on behalf of the Terrace Place Block Party Committee to host their 17<sup>th</sup> Annual Terrace Place Block Party on Saturday, September 15, 2012 (rain date: Sunday, September 16, 2012) from 12:00 noon until 9:00 pm. **POLICE/FIRE/DPW**
- LICENSES: 2-ABC; 1-BINGO; 1-LUNCH TRUCK; 6-RAFFLE; 35-PARKING PERMITS **LICENSES**

#### B. Reports of Department Heads

- NEA Construction Management Report of Hours 06/30/12-07/27/12

#### C. 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 2012-42

Ordinance Vacating Handicapped Parking Zones at 96 Kearny Avenue and 10 Wilson Avenue

**Ordinance 2012-43**

Ordinance Establishing Handicapped Parking Zone at 435 Davis Avenue

**Ordinance 2012-44**

Ordinance Designating the Construction Code Office as the “Appropriate Municipal Agency” Pursuant to N.J.S.A. 40:48-2.60 et seq. Pertaining to the Regulation of the Placement and Use of Donation Clothing Bins and Providing that No Fee Shall be Required of 501 (C)(3) Entities

ATTACHMENTS:

- NJSA Governing Placement and Usage of Donation Clothing Bins (PDF)

**Ordinance 2012-45**

Ordinance Amending Town Code Section 11-1.4A Precluding Pets from Town Parks, Playgrounds and Recreation Areas to Include Manor Playground

**Ordinance 2012-46**

Ordinance Revoking Ordinances 2000-(O)-2 and 2000-(O)-14 Pertaining to the Regulation and Restriction of Parking on Certain Specified Streets

**Ordinance 2012-47**

Bond Ordinance Providing for Various Capital Improvements of the Town of Kearny, in the County of Hudson, New Jersey, Appropriating the Aggregate Amount of \$2,000,000 Therefor and Authorizing the Issuance of \$1,900,000 Bonds or Notes of the Town to Finance Part of the Cost Thereof.

**Ordinance 2012-48**

Refunding Bond Ordinance Providing for Payment of Amounts Owning to Others for Taxes Levied in and by the Town of Kearny, in the County of Hudson, New Jersey, Appropriating \$750,000 Therefor and Authorizing the Issuance of \$750,000 Bonds or Notes of the Town for Financing the Cost Thereof

**Ordinance 2012-49**

Ordinance Authorizing a Special Emergency Appropriation in the Amount of \$1,100,000 for the Payment of Contractually Required Severance Obligations and Liabilities, in and by the Town of Kearny, in the County of Hudson, New Jersey

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

**Ordinance 2012-39**

Ordinance Governing the Use of Portable Storage Units

**Ordinance 2012-40**

Ordinance Designating the Construction Code Office as the “Appropriate Municipal Agency” Pursuant to N.J.S.A. 40:48-2.60 et seq. Pertaining to the Regulation of the Placement and Use of Clothing Bins for Solicitation Purposes and Providing that No Fee Shall be Required of 501 (c)(3) Entities

**Ordinance 2012-41**

Ordinance Amending Schedule A to Code Section 5-33.6 to Clarify the Hours Within Which Night Towing Rates Shall Apply

**IX. BUSINESS OF THE MAYOR AND COUNCIL: MOTIONS AND RESOLUTIONS**

**Resolution 2012-416**

(\* ) Bills List Resolution

**Resolution 2012-417**

(\* ) Resolution Authorizing the Return of Unused Escrow Deposit to Wayne Kerekes in the Amount of \$750.55, Block 95, Lot 1.

**Resolution 2012-418**

(\* Resolution Authorizing the Return of Unused Escrow Deposit to American Art Stone in the Amount of \$2,932.01, Block 150, Lot 4.01.

**Resolution 2012-419**

(\* Resolution Authorizing the Return of Unused Escrow Deposit to Town Transportation Service, LLC in the Amount of \$170.13, Block 204, Lot 5.

**Resolution 2012-420**

(\* Resolution Authorizing the Return of Unused Escrow Deposit to Kearny Mosque in the Amount of \$761.67, Block 224, Lot 30.

**Resolution 2012-421**

(\* Resolution Authorizing the Return of Unused Escrow Deposit to FM Home Improvement, Inc. in the Amount of \$29,998.98, Block 261, Lot 1.

**Resolution 2012-422**

(\* Resolution Authorizing the Return of Unused Escrow Deposit for Site Plan Application #2011.22 to 177 Franklin Street Assoc., LCC in the Amount of \$1,532.75, Block 269, Lot 5.

**Resolution 2012-423**

(\* Resolution Authorizing the Return of Unused Escrow Deposit to 177 Franklin Street Assoc., LCC for Schuyler Avenue Redevelopment Plan (SARP.005) in the Amount of \$311.83, Block 269, Lot 5.

**Resolution 2012-424**

(\* Resolution Authorizing the Return of Unused Escrow Deposit to Dubrow Management in the Amount of \$3,089.50, Block 252, Lot 9.

**Resolution 2012-425**

(\* Resolution Authorizing the Return of Fee for Construction Permit #2010291 for Work Cancelled at 148 Seeley Avenue, Block 143, Lot 18, to New Jersey Housing Services, Inc. in the Amount of \$190.00.

**Resolution 2012-426**

(\* Resolution Authorizing the Return of Construction Permit Fee for a Projection Sign that was not in Compliance with Zoning Ordinance at 186 Kearny Avenue, Block 243, Lot 2, to John Costa in the Amount of \$51.00.

**Resolution 2012-427**

(\* Resolution Authorizing the Return of DCA Fee for Construction Permit #20120748 at 187 Brighton Avenue, Block 156, Lot 2, to A.P.A. Construction in the Amount of \$14.00.

**Resolution 2012-428**

(\* Resolution Authorizing the Return of Overpayments for Residential Overnight Parking Permits.

**Resolution 2012-429**

(\* Resolution Authorizing Permission to Encroach Upon Town Right of Way at 52 Liberty Street, Block 57, Lot 8, for the Purpose of Removing a Fuel Tank.

ATTACHMENTS:

- NEA Report 52 Liberty Street\_072612 Oil Tank Removal (PDF)

**Resolution 2012-430**

(\* Resolution Granting Permission to JAR Plumbing & Mechanical, 157 3rd Avenue, Elizabeth, N.J. for Road Opening Permit at 229 Wilson Avenue, Block 251, Lot 79, in Order to Install and Connect a Sanitary Sewer Lateral.

ATTACHMENTS:

- NEA Report 229 Wilson Avenue Road Opening Permit (PDF)

**Resolution 2012-431**

(\* ) Resolution Granting Permission to Shin Chai Mark Lin, 45 Mechanic Street, Millburn, N.J. for Road Opening Permit at 146 Midland Avenue, Block 196, Lot 20, in Order to Install Water Service for Sprinkler System.

ATTACHMENTS:

- NEA Report 146 Midland Avenue Road Opening Permit (PDF)

**Resolution 2012-432**

(\* ) Resolution Granting Permission to C. Freitas Plumbing and Heating Corp. for Road Opening Permit at 101 Davis Avenue, Block 250, Lot 36.01 in Order to Connect New Water & Sewer Line.

**Resolution 2012-433**

(\* ) Resolution Granting Permission to PSE&G for Emergency Road Opening Permit at 401 Highland Avenue, Block 63, Lot 18 in Order to Repair Gas Leak (2 openings).

ATTACHMENTS:

- NEA Report 401 Highland Avenue Road Opening Permit (PDF)

**Resolution 2012-434**

(\* ) Resolution Refunding Towing and Storage Fees of \$154.25 to Juan Chambapauca for Charges Incurred Due to an Emergency Water Main Repair on Johnston Avenue on June 2, 2012.

ATTACHMENTS:

- 27 Johnston Ave Chambapauca Tow (PDF)
- Resolution 27 Johnston Ave 6-2-12 Work Order (2) (PDF)

**Resolution 2012-435**

(\* ) Resolution Authorizing Twenty-eight (28) Hours Overtime for Library Saturday Hours in September, October, November and December 2012. (1,630.00)

**Resolution 2012-436**

(\* ) Resolution Authorizing Twenty (20) Hours Overtime to Susan A. Evanchick, Administrative Clerk in the Construction Code Department, and Twenty (20) Hours Overtime to Christine Nee, Permit Clerk in the Construction Code Department, to Prepare Property Folders for Scanning. LargeDoc Solutions to Reimburse the Town of Kearny for Overtime Costs Incurred. (\$2,416.40).

**Resolution 2012-437**

(\* ) Resolution Authorizing Three (3) Members of the KFSOA FMBA Local 218 and Six (6) Members of FMBA Local 18 to Attend the Annual New Jersey State FMBA 2012 Convention September 18-21, 2012, and Three (3) Members of the KFD to Attend the New Jersey State Firemen's Convention September 14-15, 2012.

**Resolution 2012-438**

(\* ) Consent Agenda Resolution

**CONSENT AGENDA:**

**Resolution 2012-439**

Resolution Authorizing Twenty-six and One-quarter (26.25) hours Overtime within the Department of Public Works to Assist NJMC with Repairs at E. Midland Pump Station and Wilson Avenue, Reset Alarm and Repair Broken Pipe at E. Midland Pump Station, Clear Sewer Blockage at 154 Chestnut Street, Assist Weekend Employees with Generator for Watering Flowers and Inspecting Doyle Pavilion for Damages, and Block Street for Downed Tree from Storm. (\$1,459.44)

**Resolution 2012-440**

Resolution Awarding Contract to 4 Clean-Up, Inc. for the Sellers Street Area Improvements – Phase III in the Amount \$310,310.00 (Funded from CDBG/UEZ Grants).

**Resolution 2012-441**

Resolution Authorizing Contract to Neglia Engineering Associates for the Construction Management of the Sellers Street Area Improvements – Phase III (T&M Not to Exceed \$25,560) (Funded from CDBG/UEZ Grants).

**Resolution 2012-442**

Resolution Authorizing Contract to Smith Soudy Asphalt Construction for the Miscellaneous Roadway Repairs in the Amount of \$22,050.00.

**Resolution 2012-443**

Resolution Authorizing Emergency Contract to Reivax Contracting Corp. for the Repair of the Sanitary Sewer Line on Wilson Avenue in an Amount Not to Exceed \$19,190.26.

**Resolution 2012-444**

Resolution Authorizing Emergency Contract to Montana Construction and Neglia Engineering Associates for the Repair of the Sanitary Sewer Line on East Midland Avenue in an Amount Not to Exceed \$6,048.72.

## ATTACHMENTS:

- Voucher Letter No 1- Montana Emergnecy on 070712\_072412 (PDF)

**Resolution 2012-445**

Resolution Authorizing Emergency Contract to Montana Construction and Neglia Engineering Associates for the Repair of the Sanitary Sewer Line on East Midland Avenue on July 7, 2012 in an Amount Not to Exceed \$10,444.98.

## ATTACHMENTS:

- Letter to M&C Re East Midland Ave Sewer 072412 (PDF)

**Resolution 2012-446**

Resolution Amending Previous Award of Contract Resolution to Foggia Trinity Electric for the Kearny Avenue & Wilson Avenue Traffic Signal.

**Resolution 2012-447**

Resolution Authorizing Change Order #2 & Final for Jacobus Avenue Reconstruction to A.J.M. Contractors Inc., 300 Kuller Road, Clifton, New Jersey (\$69,687.21 Decrease/-13.44%)

**Resolution 2012-448**

Resolution Authorizing Close Out of Contract for the Jacobus Avenue Improvements to A.J.M. Contractors Inc., 300 Kuller Road, Clifton, New Jersey.

**Resolution 2012-449**

Resolution Authorizing Change Order #2 & Final for Sellers Street Area Improvements – Phase II to English Paving Co., Inc., 650 Route 46 West, Clifton, New Jersey (\$27,044.39 Decrease/-5.06 %).

**Resolution 2012-450**

Resolution Authorizing Close Out of Contract for the Sellers Street Area Improvements – Phase II to English Paving Co., Inc., 650 Route 46 West, Clifton, New Jersey.

**Resolution 2012-451**

Resolution Authorizing Change Order #8 for 2011 Road Program B with Water Improvements to Reivax Contracting Corp., 46 Washington Street, Harrison, New Jersey (\$10,650.00 Increase/0.57%).

**Resolution 2012-452**

Resolution Authorizing Change Order #9 for 2011 Road Program B with Water Improvements to Reivax Contracting Corp., 46 Washington Street, Harrison, New Jersey (\$19,764.64 Increase/1.06%).

**Resolution 2012-453**

Resolution Joining the Resolution of KEZDC Authorizing a Fair and Open Extraordinary, Unspecifiable Service Contract with Erbach Communications Group for Public Relations and Marketing Services Pursuant to N.J.S.A. 52:27H-88 C.6 for a Sum Not to Exceed \$28,522.

## ATTACHMENTS:

- CERTIFICATION OF JOHN PENEDA (DOC)
- KEZDC Resolution - Professional Services - Erbach - Signed (5-31-12) (PDF)

**Resolution 2012-454**

Resolution Authorizing the DPW Superintendent to Sell the 15 Items of Personal Property Identified on the List Attached to This Resolution at Private Sale Without Advertising for Bids

## ATTACHMENTS:

- CERTIFICATION OF GERRY KERR (DOC)
- Schedule A - List of Vehicles Authorized to be Sold by DPW (PDF)

**Resolution 2012-455**

Resolution Voiding Resolution Nos. 2010-301, 2010-302 and 2010-303 Which Mistakenly Contained Inaccurate Information.

**Resolution 2012-456**

Resolution Authorizing and Directing the Town Attorney to Institute an in Rem Tax Foreclosure Action Against Five Properties.

## ATTACHMENTS:

- TAX Foreclosure List (PDF)

**Resolution 2012-457**

Resolution Authorizing and Approving Settlement of a Tax Appeal Filed by Dave, Jayesh & Asha, for 4 Terrace Place, Block 78, Lot 1.

**Resolution 2012-458**

Resolution to Enter into Closed Session to Discuss the Following Matters: Update on FMBA Negotiations, Discussion of Part time Clerk Typist Position in Recreation Department, Review of Residential Tax Appeal Settlement (2012-(R)-457).

**Resolution 2012-459**

Resolution Authorizing the Submission of Application for Kearny Municipal Alliance Grant for Calendar Year 2013 in the Amount of \$40,708.00.

**Resolution 2012-460**

Resolution of the Town of Kearny, in the County of Hudson, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:3-1 Et Seq. for Appropriations Set Forth in Bond Ordinances Nos. 2012-47 and 2012-48.

**Resolution 2012-461**

Resolution to Renew Alcoholic Beverage Licenses #0907-33-006-004 & #0907-33-059-003 for 2012-2013 Approved by the Kearny Police Investigative Unit, as the Designated Alcoholic Beverage Control Investigative and Enforcement Unit (ABCIEU) - Final Tax Clearance Received.

**Resolution 2012-462**

Resolution Renewing Alcoholic Beverage Retail Consumption License No. 0907-33-059-003 for the 2012-2013 License Term.

## ATTACHMENTS:

- Special Ruling-ABC License No. 0907-33-059-003 (PDF)

**Resolution 2012-463**

Resolution Supporting the Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant for \$4,400.00.

**Resolution 2012-464**

Resolution Approving Memorandum of Agreement Entered into Between the Town of Kearny and FMBA.

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