



Kearny Town Council

Caucus / Regular Meeting

~ Agenda ~

402 Kearny Avenue
Kearny, NJ 07032
www.kearnynj.org

Admin

Tuesday, January 15, 2013

7:00 PM

Kearny Town Hall

I. CALL TO ORDER: PUBLIC MEETINGS LAW NOTICE

II. ROLL CALL

Attendee Name	Present	Absent	Late	Arrived
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

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**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 100th 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 THE PUBLIC INTEREST****VII. BUSINESS OF THE MAYOR AND COUNCIL: ORDINANCES FOR INTRODUCTION****Ordinance 2013-1**

Ordinance Establishing Handicapped Parking Zones at 23 John Street, 82 Woodland Avenue, 86 Chestnut Street and 179 Highland Avenue

Ordinance 2013-2

Ordinance Amending Section 11-3.4 of the Town Code and Adding Sections 11-3.4 G and H

VIII. BUSINESS OF THE MAYOR AND COUNCIL: ORDINANCES FOR 2ND READING (PUBLIC HEARING)**IX. BUSINESS OF THE MAYOR AND COUNCIL: MOTIONS AND RESOLUTIONS****Resolution 2013-36**

(*) Bills List Resolution

Resolution 2013-37

(*) 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.

Resolution 2013-38

(*) 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.

Resolution 2013-39

(*) Resolution Authorizing Tax Overpayment Refund in the Amount of \$2,801.26 to Najarro, Rolando for 4th Quarter 2012 Taxes, Block 53, Lot 54.

Resolution 2013-40

(*) 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.

Resolution 2013-41

(*) 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.

Resolution 2013-42

(*) 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.

Resolution 2013-43

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

Resolution 2013-44

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

Resolution 2013-45

(*) 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.

Resolution 2013-46

(*) 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.

Resolution 2013-47

(*) 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.

Resolution 2013-48

(*) 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.

Resolution 2013-49

(*) 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.

ATTACHMENTS:

- NEA Report 449 Kearny Avenue and 91 Quincy Avenue 011113 Install Waterline (PDF)

Resolution 2013-50

(* 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.

Resolution 2013-51

(* 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.

Resolution 2013-52

(* 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.

Resolution 2013-53

(* 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.

Resolution 2013-54

(* 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.

Resolution 2013-55

(* 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.

Resolution 2013-56

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

Resolution 2013-57

(* 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.

Resolution 2013-58

(* 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.

Resolution 2013-59

(* 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.

Resolution 2013-60

(* 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.

Resolution 2013-61

(* 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.

Resolution 2013-62

(* 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.

Resolution 2013-63

(* 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)

Resolution 2013-64

(* 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.

Resolution 2013-65

(*) Resolution Authorizing Advertisement for Bids for Sidewalk Replacements and Repairs.

Resolution 2013-66

(*) Consent Agenda Resolution

CONSENT AGENDA:**Resolution 2013-67**

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)

Resolution 2013-68

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).

ATTACHMENTS:

- Assembly, No. 3128 (PDF)

Resolution 2013-69

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.

ATTACHMENTS:

- Federal Aid Agreement (PDF)

Resolution 2013-70

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

ATTACHMENTS:

- NEA Recommendation of Award 011013 (PDF)

Resolution 2013-71

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

Resolution 2013-72

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.

ATTACHMENTS:

- Certification of Gerry Kerr (DOC)
- CALI Carting Invoices dated 12-18-12 (PDF)

Resolution 2013-73

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.

Resolution 2013-74

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.

Resolution 2013-75

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.

Resolution 2013-76

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.

Resolution 2013-77

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.

ATTACHMENTS:

- Certification of Chief Dowie (DOC)
- Copy of VEHICLE LIST (XLS)

Resolution 2013-78

Resolution Rescinding Resolution 2012-492 and Re-Appointing Joseph Gurkas to the Permanent Non-Competitive Part Time Position of Lifeguard in the Recreation Department.

Resolution 2013-79

Resolution Authorizing an Unpaid Internship in the Recreation Department for Sandy Silva of 342 Forest Street to Fulfill her Practicum Requirements at Kean University.

Resolution 2013-80

Resolution Approving Acting Pay for John Donovan as Chief Fire Inspector in the Amount of \$7,336.29.

Resolution 2013-81

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**