



# Kearny Town Council

## Caucus / Regular Meeting

~ Minutes ~

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

Admin

Tuesday, May 24, 2016

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	
Michael Landy	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	
Jon Giordano	Kearny Town Council	Council Member	Present	
Marytrine DeCastro	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. Craig Donnelly Sr., President, Thomas Van Blarcum, Vice President, and Caroline McLaughlan, Secretary, of the Fraternal Order of Eagles Kearny Aerie 2214: requesting permission to have a canning fundraiser on Saturday, October 15, 2016.  
**M&C/POLICE/DPW/REC**

2. Claudio Urrea, Tournament Director, Arlington Players Club (APC): requesting permission to hang a banner on Kearny Avenue at Locust Avenue from June 5 through June 18, 2016 to promote the annual Men's and Women's State Tennis Championships at the Arlington Players Club at 12 Washington Place from June 11-18, 2016.

**M&C/POLICE/DPW**

3. LICENSES: 1 - PARKING PERMIT for Mandee Lot;  
4 - CANVASS; 2 - RAFFLE;

- 1 - LIMOUSINE OWNER;                2 - SIDEWALK CAFE;
- 1 - LUNCH TRUCK;                   1 - TAXI DRIVER;
- 1 - PEDDLER;                                LICENSES

**B. Reports of Department Heads**

- 1. Library Director’s Report for April 2016
- 2. DPW Operations Report for April 2016
- 3. Engineer’s Report dated May 24, 2016

**C. Proclamation In Memoriam Honoring the Life of the late Joseph P. Slavik Posthumously Senior of the Year**

**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 2016-22**

Ordinance Supplementing Section 7-14 of the Town Code to Prohibit Parking on Both Sides of Garfield Avenue Between Kearny Avenue and Chestnut Street on Thursdays between 8:00 a.m. and 7:00 p.m. from the Effective Date of this Ordinance Until October 31, 2016

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 6/14/2016 7:00 PM</b>
<b>MOVER:</b>	Susan McCurrie, Council Member	
<b>SECONDER:</b>	Eileen Eckel, Council Member	
<b>AYES:</b>	Doyle, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, DeCastro, Santos	

**Ordinance 2016-23**

Ordinance Prohibiting Parking at All Times on the West Side of Ross Lane

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 6/14/2016 7:00 PM</b>
<b>MOVER:</b>	Susan McCurrie, Council Member	
<b>SECONDER:</b>	Carol Jean Doyle, Council Member	
<b>AYES:</b>	Doyle, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, DeCastro, Santos	

**Ordinance 2016-24**

Ordinance Vacating Handicapped Parking Zones at 274 Stewart Avenue, 290 Highland Avenue, 9 Highland Avenue and 4 Harding Terrace

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 6/14/2016 7:00 PM</b>
<b>MOVER:</b>	Susan McCurrie, Council Member	
<b>SECONDER:</b>	Michael Landy, Council Member	
<b>AYES:</b>	Doyle, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, DeCastro, Santos	

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

### Ordinance 2016-18

Ordinance Amending Chapter 7-35 of the Town Code (Handicapped Parking) to Provide, Among Other Changes, a More Precise Definition of "Disability", to Increase the Application Fee to Cover Cost of Town Physician Review, to Prohibit the Issuance of a Handicapped Parking Permit if Off-Street Parking is Available to the Handicapped Resident, and to Provide for Public Use of a Restricted Space if the Disabled Resident is Out of State for More Than 30 Consecutive Days

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Susan McCurrie, Council Member
<b>SECONDER:</b>	Michael Landy, Council Member
<b>AYES:</b>	Doyle, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, DeCastro, Santos

### Ordinance 2016-19

Ordinance Supplementing Chapter XI of the Town Code to Establish Rules and Regulations Regarding Dog Park Use within Riverbank Park

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Susan McCurrie, Council Member
<b>SECONDER:</b>	Carol Jean Doyle, Council Member
<b>AYES:</b>	Doyle, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, DeCastro, Santos

### Ordinance 2016-20

An Ordinance to Further Amend and Supplement An Ordinance Entitled "An Ordinance Concerning Civil Service in the Town of Kearny, County of Hudson", Adopted July 10, 2012 (Salaries for Fire Superior Officers Association for 2016, 2017, 2018 and 2019)

#### ATTACHMENTS:

- Salary Ord Fire Superiors 2016-2019 Exhibit (PDF)

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

#### Ordinance 2016-21

An Ordinance to Further Amend and Supplement An Ordinance Entitled "An Ordinance Concerning Civil Service in the Town of Kearny, County of Hudson", Adopted November 13, 2012 (Salaries for Firefighters-FMBA from July 1, 2012 to December 31, 2016)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Susan McCurrie, Council Member  
**SECONDER:** Albino Cardoso, Council Member  
**AYES:** Doyle, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, DeCastro, Santos

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

#### Resolution 2016-264

(\*) Bills List Resolution

ATTACHMENTS:

- May 24 2016 Bill List Schedule (PDF)

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

#### Resolution 2016-265

(\*) Resolution Authorizing Permission to Encroach Upon Town Right of Way at 12 Healey Terrace, Block 67, Lot 9, for the Purpose of Replacing a Retaining Wall.

ATTACHMENTS:

- NEA Report 12 Healey Terrace\_Replace Wall\_052016 (00025492xD43F8) Encroachment (PDF)

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

#### Resolution 2016-266

(\*) Resolution Authorizing Permission to Encroach Upon Town Right of Way at 32 Davis Avenue, Block 264, Lot 5, for the Purpose of Removing a Fuel Tank.

## ATTACHMENTS:

- NEA Report 32-34 Davis Avenue\_052016 (00025486xD43F8) Encroachment (PDF)

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

**Resolution 2016-267**

(\*) Resolution Authorizing Permission to Encroach Upon Town Right of Way at 68 Quincy Avenue, Block 64, Lot 16, for the Purpose of Replacing a Fence.

## ATTACHMENTS:

- NEA Report 68 Quincy Avenue\_Replace Fence\_052016 (00025489xD43F8) Encroachment (PDF)

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

**Resolution 2016-268**

(\*) Resolution Authorizing Permission to Encroach Upon Town Right of Way at 195 Beech Street, Block 174, Lot 21, for the Purpose of Repairing Garden Wall and Steps.

## ATTACHMENTS:

- NEA Report 195 Beech Street\_Repair Garden Wall Steps\_052016 (00025488xD43F8) Encroachment (PDF)

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

**Resolution 2016-269**

(\*) Resolution Authorizing Permission to Encroach Upon Town Right of Way at 405 Kearny Avenue, Block 61, Lot 11, (opening on Grove Street), for the Purpose of Removing a 2,000 Gallon Underground Storage Tank (UST).

## ATTACHMENTS:

- NEA Report 405 Kearny Avenue\_Grove St\_052016 (00025485xD43F8) Encroachment (PDF)

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

**Resolution 2016-270**

(\*) Resolution Authorizing Reimbursement to Ventura Villa in the Amount of \$1,725 for Sewer Line Work at 400 Highland Avenue, Block 64, Lot 6.

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

**Resolution 2016-271**

(\*) Resolution Authorizing the Return of Filming Permit Fees in the Amount of \$1,850.00 to RadicalMedia, LLC, 435 Hudson Street, New York, NY 10014.

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

**Resolution 2016-272**

(\*) Resolution Authorizing Four (4) Hours Overtime to Maria Fatima Martins, Clerk Typist Bilingual in the Clerk's Office, for Late Night Voter Registration on May 17, 2016, Pursuant to N.J.S.A. 19:31-2. (\$222.10)

**ATTACHMENTS:**

- OVERTIME - CLERK'S OFFICE (PDF)

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

**Resolution 2016-273**

(\*) Resolution Authorizing Eight (8) Hours Overtime in the Health Department to Omnibus Driver Alexander Walsh to Provide Shuttle Bus Transportation for the Public to the Kearny PBA Food Truck Festival at the Frank A. Vincent Marina on May 21, 2016. (\$421.84)

## ATTACHMENTS:

- OVERTIME - HEALTH DEPT. (PDF)

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

**Resolution 2016-274**

(\*) Resolution Authorizing Payment for Primary Election Employment in an Amount Not to Exceed \$2100.00.

**RESULT:** ADOPTED [8 TO 0]  
**MOVER:** Alberto G. Santos, Mayor  
**SECONDER:** Carol Jean Doyle, Council Member  
**AYES:** Doyle, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, Santos  
**ABSTAIN:** Marytrine DeCastro

**Resolution 2016-275**

(\*) Resolution Granting Permission for One (1) Town Employee to Attend the Veterans of Foreign Wars (VFW) State Convention in Wildwood, N.J. from June 15-19, 2016.

## ATTACHMENTS:

- VFW Post #1302 Auxiliary Request for Attendance at Convention (PDF)

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

**Resolution 2016-276**

(\*) Consent Agenda Resolution

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

**CONSENT AGENDA:****Resolution 2016-277**

(\*) Resolution Authorizing Ten (10) Hours Overtime within the Department of Public Works to Repair KPD Vehicles and Investigate Sewer Blockage at 35 S. Midland Avenue. (\$531.09)

## ATTACHMENTS:

- OVERTIME - DPW (PDF)

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

**Resolution 2016-278**

Resolution Ratifying the Issuance by the Town Attorney of a Letter to the New Jersey Sports and Exposition Authority Disputing NJSEA's Ability to Acquire the Keegan Landfill Parcels by Eminent Domain and Using Condemnation as a Pretext to Attempt to Avoid Contractual Obligations Owed to the Town of Kearny.

## ATTACHMENTS:

- TOK decline pre-condemnation offer (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Alberto G. Santos, Mayor  
**SECONDER:** Susan McCurrie, Council Member  
**AYES:** Doyle, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, DeCastro, Santos

**Resolution 2016-279**

Resolution Authorizing Contract to Neglia Engineering Associates for Kearny's Compliance with the Combined Sewer Overflow Permit Requirements, EDP +12 Months (T&M Not to Exceed \$32,160.00).

## ATTACHMENTS:

- Proposal\_CSO Permits\_EDP+12 Months\_051916 (00025446xD43F8) (PDF)

**RESULT:** ADOPTED [8 TO 0]  
**MOVER:** Alberto G. Santos, Mayor  
**SECONDER:** Susan McCurrie, Council Member  
**AYES:** Doyle, Landy, McCurrie, Eckel, Cardoso, Giordano, DeCastro, Santos  
**ABSTAIN:** Richard Konopka

**Resolution 2016-280**

Resolution Approving Settlement in Litigation Pursuant to Which the Town is Releasing its Claim of an Ownership Interest in Property at 50 Central Avenue (Block 288, Lot 1).

## ATTACHMENTS:

- Exhibit A (Settlement) (PDF)
- Exhibit B (Settlement) (PDF)



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

**Resolution 2016-281**

Resolution Consenting to the Assignment of All Leasehold Tenant Interests in 635 Kearny Avenue, Used Solely for Girl Scout Activities, to WEHUDCO, Inc.

**ATTACHMENTS:**

- Exhibit A - Girl Scout (PDF)

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

**Resolution 2016-282**

Resolution Appointing Additional Member to the Town's 150th Anniversary Committee.

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

**Resolution 2016-283**

Resolution to Enter into Closed Session.

**RESULT:** WITHDRAWN

**Resolution 2016-285**

Resolution Supporting the Click It or Ticket Seat Belt Mobilization from May 23 - June 5, 2016.

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

**Resolution 2016-287**

Resolution Accepting the Federal Emergency Management Agency (FEMA) Assistance to Firefighter's Grant (AFG) in the Amount of \$200,900 (with a Match in the Amount of \$20,100 to be paid by the Town) for Firefighter Personal Protective Equipment.

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

#### Resolution 2016-288

Resolution Authorizing an Application for Grant Funding from the Assistance to Firefighters Grant Program in the Amount of \$15,000.00 for Arson Investigation Training (5% Local Match Required).

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

#### Resolution 2016-289

Resolution Authorizing an Application for Grant Funding as Part of a Hudson County Regional Grant From the Assistance to Firefighters Grant Program for High Rise Firefighting Equipment and Training (Town Cost Not to Exceed \$2,000).

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

#### Resolution 2016-290

Resolution Authorizing the Fire Department to Discard Computer Equipment Which is Obsolete, No Longer of Use by the Fire Department, and Has No Value.

**ATTACHMENTS:**

- Exhibit 1 -Computer Items to Discard - KFD (PDF)

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

#### Resolution 2016-291

Resolution Appointing JoEllen Maher to the Permanent Position of Crossing Guard at the Current Hourly Rate of \$16.68, Effective June 4, 2016.

<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, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, DeCastro, Santos

**X. EXECUTIVE (CLOSED) SESSION**

**XI. ADJOURNMENT**