

# Kearny Town Council

## Regular Meeting

- Agenda -

Tuesday, June 23, 2020

7:00 PM

Kearny Town Hall

- 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. Steven M. Dyl, Fire Chief: submitted his resignation from the Kearny Municipal Alliance Against Substance Abuse Committee effective June 30, 2020. **M&C**
    2. Frank Frances, owner of Total Design Solutions, 62-70 2<sup>nd</sup> Avenue: has submitted a request to install bollards near the corner of 2<sup>nd</sup> Avenue and Garfield Avenue and on Garfield Avenue near the corner of 3<sup>rd</sup> Avenue to protect an existing water meter in the sidewalk, and to prevent vehicles from driving over and damaging the curb and sidewalk. **DPW/POLICE**
    3. Hugo Tejada, President of the Peruvian Civic Association of NJ, Inc. (PCANJ): requesting permission to hold a Peruvian Flag Raising Ceremony at the American Revolutionary Bicentennial Park (Town Hall Park) on Friday, July 10, 2020 at 6:00 p.m. **M&C/POLICE/DPW/REC**
    4. LICENSES: 9 – SIDEWALK CAFÉ / OUTDOOR DINING **LICENSES**
  - B. Reports of Department Heads
    1. DPW Operations Report for May 2020
    2. Certified Tree Experts (CTE) Report dated June 3, 2020 including Recommended Tree Removal(s)
    3. Engineer’s Report on Gunnell Oval Improvements Project dated June 23, 2020
    4. Engineer’s Report on Dukes, Devon, Tappan, Hoyt (‘DDTH’) Pumping Station Project dated June 23, 2020
    5. Engineer’s Report dated June 23, 2020
  - C. Reports of Council Members
- VI. PUBLIC HEARING ON THE 2020 MUNICIPAL BUDGET
- VII. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO COMMENT ON AGENDA ITEMS AND MATTERS OF PUBLIC INTEREST
- VIII. BUSINESS OF THE MAYOR AND COUNCIL:  
ORDINANCES FOR INTRODUCTION

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

**2020-O-12**

**McCURRIE**

An Ordinance Amending Title XXXVIII (Zoning), of the Town Code of the Town of Kearny, by Amending the Definitions and Adopting Zoning Regulations Pertaining to Medical Marijuana Facilities

**2020-O-23**

**McCURRIE**

Ordinance Modifying Various Provisions of the Town Code to Permit Outdoor Dining and Retail Sidewalk Sales During the Remainder of Calendar Year 2020 Pursuant to Governor Murphy's Executive Orders

**2020-O-24**

**McCURRIE**

An Ordinance to Further Amend and Supplement An Ordinance Entitled "An Ordinance Concerning Civil Service in the Town of Kearny, County of Hudson", Adopted August 9, 2016 and All Various Civil Service Titles in the Town of Kearny (Civil Service Council 11 Salaries for 2019, 2020, 2021, 2022 and 2023)

X. 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 June 9, 2020

B. \*Motion to Suspend the Reading of Communications (read by title)

**\*2020-(R)-298**

Bills List Resolution

**\*2020-(R)-299**

Resolution Authorizing Tax Overpayment Refund in the Amount of \$1,860.11 to Sergio Guardado for 2015 Taxes, **Block 202, Lot 1.**

**\*2020-(R)-300**

Resolution Authorizing Tax Overpayment Refund in the Amount of \$5,023.27 to Junhua Lin and Siyao Liu for 2020 Taxes, **Block 263, Lot 48.**

**\*2020-(R)-301**

Resolution Authorizing Total Design Solutions, LLC to Encroach upon the Sidewalk Areas on 2<sup>nd</sup> Avenue and Garfield Avenue to Install Bollards to Prevent Vehicular Damage to Curbs, Sidewalks and a Water Meter.

**\*2020-(R)-302**

Resolution Granting Permission to William J. Guarini, Inc. of Jersey City, NJ for Road Opening Permit at 164 Ivy Street, **Block 241, Lot 29**, in Order to Install a Sanitary Sewer Lateral.

**\*2020-(R)-303**

Resolution Granting Permission to PSE&G Palisades Electric Division for Road Opening Permit at Pavonia Avenue and Kearny Avenue in Order to Widen an Existing Manhole Frame.

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**\*2020-(R)-304**

Resolution Granting Permission to 8 Breiderhoft LLC for Road Opening Permit at 8 Breiderhoft Road, **Block 252, Lot 8.01**, in Order to Install a New Sanitary Sewer Service.

**\*2020-(R)-305**

Resolution Authorizing Refund of Garage Sale Permit Fee to Ersina Jacques in the Amount of \$25.00 for 305 Beech Street, **Block 155, Lot 10**.

**\*2020-(R)-306**

Resolution Authorizing Twelve (12) Hours Overtime to Dinis Conceicao, MIS Technician, to Provide Virtual Meeting Support for the Recreation Commission Meeting on June 17, 2020, the KEZDC Meeting on June 18, 2020, the Peden Terrace Resident Meeting on June 22, 2020, and the Mayor and Council Meeting on June 23, 2020. (\$790.80)

**\*2020-(R)-307**

Resolution Authorizing Ten (10) Hours Overtime to Jonathan Szura, Technical Assistant Land Use in the Construction Code Enforcement Office, to Support the Regular Evening Meeting of the Planning Board on June 03, 2020 and July 01, 2020, and the Regular Evening Meeting of the Zoning Board on July 07, 2020. (\$392.10)

**\*2020-(R)-308**

Resolution Authorizing Forty-one (41) Hours Overtime to Kristine Schweitzer Budney, Registered Environmental Health Specialist Public Health in the Health Department, for COVID-19 Case Surveillance May 26-27, May 29-30, June 1-4, June 6, June 8, and June 10-11, 2020. (\$1,955.67)

**\*2020-(R)-309**

Resolution Authorizing Nineteen (19) Hours Overtime to Mariela Irizarry, Registrar of Vital Statistics, for COVID-19 Case Support on May 30-31, June 4, and June 6-7, 2020. (\$760.38)

**\*2020-(R)-310**

Resolution Authorizing Thirty-four and One-quarter (34.25) Hours Overtime to Adnelis Albizu, Social Service Tech Bilingual in the Health Department, for COVID-19 Support on May 23, May 26, May 28-30, June 2-3, and June 5, 2020. (\$992.57)

**\*2020-(R)-311**

Resolution Authorizing Payment for Primary Election Employment in an Amount not to Exceed \$1,150.00.

**\*2020-(R)-312**

Resolution Authorizing Re-Advertisement for Bids for the Large Water Meter Replacement Program Project.

**\*2020-(R)-313**

Resolution Authorizing Advertisement for Bids for the Peden Terrace Sewer Improvements Project.

**\*2020-(R)-314**

Consent Agenda Resolution

**DOYLE**

**2020-(R)-315**

Resolution Authorizing Twenty-three (23) Hours Overtime within the Department of Public Works to Monitor Temporary Pump Operations and Fuel Usage at Two Pump Stations, Clear a Tree at KPD's Request that Split at 91 Tappan Street during a Storm, and Investigate a Sanitary Sewer Blockage at 215 Seeley Avenue. (\$1,238.52)

**SANTOS**

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**2020-(R)-316**

**SANTOS**

Resolution Authorizing the Town to Commence an Eminent Domain Proceeding to Acquire Easements over Property Needed for the Upgrade of the Harrison Avenue Pump Station.

**2020-(R)-317**

**SANTOS**

Resolution Authorizing Change Order #2 (\$159,590.62 Increase / 0.673%) for Low Flow Pumps & Stormwater Pump Station / Forcemain Modifications for the Gunnell Oval Improvements Project to Tomco Construction, Inc., 22 Howard Boulevard, Mt. Arlington, NJ 07856.

**2020-(R)-318**

**SANTOS**

Resolution Authorizing Change Order #3 (\$39,874.89 Increase / 0.167%) for Entry Arch Improvements for the Gunnell Oval Improvements Project to Tomco Construction, Inc., 22 Howard Boulevard, Mt. Arlington, NJ 07856.

**2020-(R)-319**

**SANTOS**

Resolution Authorizing Change Order #4 (\$24,799.01 Increase / 0.104%) for Touchless Fixtures and Motion Sensor Improvements Within Buildings due to COVID-19 for the Gunnell Oval Improvements Project to Tomco Construction, Inc., 22 Howard Boulevard, Mt. Arlington, NJ 07856.

**2020-(R)-320**

**SANTOS**

Resolution Authorizing Change Order #5 (\$41,278.79) Increase / 0.172% for Vacant Lot Improvements for the Gunnell Oval Improvements Project to Tomco Construction, Inc., 22 Howard Boulevard, Mt. Arlington, NJ 07856.

**2020-(R)-321**

**SANTOS**

Resolution to Enter into Closed Session to Discuss the Following Matters Relating to Anticipated Litigation, Litigation, Contract Negotiations, and Personnel Matters, to wit: Discussion regarding Salary Terms of Fire Chief

**2020-(R)-322**

**DOYLE**

Resolution Adopting the Municipal Budget for 2020.

**2020-(R)-323**

**DOYLE**

Resolution Authorizing the Issuance of not Exceeding \$15,000,000 Tax Anticipation Notes of 2020 of the Town of Kearny, in the County of Hudson, New Jersey.

**2020-(R)-324**

**ECKEL**

Resolution Authorizing the Disposal of Obsolete Fire Department Equipment Which has no Value.

**2020-(R)-325**

**KONOPKA**

Resolution Appointing Seasonal Playleaders and Lifeguards.

**2020-(R)-326**

**CARDOSO/DE CASTRO**

Resolution Authorizing Change Order #1 for Additional Tree Removals, Additional Privacy Slats, and Concrete Hardener & Sealant for the Brighton Avenue Playground and Miglin Playground Improvements Project to Whirl Construction, Inc., 194 Main Street, PO Box 110, Port Monmouth, NJ 07758 (\$21,819.00 Increase / 3.40%).

**2020-(R)-327**

**DE CASTRO**

Resolution Ratifying and Approving the Kearny Health Department's Participation in the NJ Department of Health's COVID-19 Capacity Building Initiative.

XI. EXECUTIVE (CLOSED) SESSION

XII. ADJOURNMENT