

Kearny Town Council

Regular Meeting

- Agenda -

Tuesday, April 12, 2022

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. Anthony DeLuca, Kearny Rotary Club Immediate Past-President: requesting permission to use the Frank A. Vincent Marina on Sunday, **July 10, 2022** and Sunday, **November 13, 2022** for the Rotary Club's annual fundraising Flea Market.
POLICE/RECREATION/DPW/HEALTH
2. Rev. John E. Wassell, Pastor, St. Cecilia Church: requesting permission to hold a procession for Our Lady of Fatima on Sunday, **May 01, 2022**. The procession will start at Kearny Avenue and Hoyt Street at 7:45 p.m.
POLICE/DPW
3. Aurora Albinagorta, President of the Peruvian Civic Association of NJ (PCANJ): requesting permission to celebrate Peruvian Independence Day with the following civic and cultural events during the month of July:
 - 1) Peruvian Flag Raising at the American Revolutionary Bicentennial Park (Town Hall Park) on Friday, **July 08, 2022** from 6:00 p.m. to 7:00 p.m.
 - 2) Peruvian Flag Raising at the Peruvian Monument in Peruvian Heritage Park located at the foot of Peden Terrace on Saturday, **July 09, 2022** from 10:00 a.m. to noon.
 - 3) Peruvian Cultural Parade on Sunday, **July 24, 2022**. The parade will begin at the corner of South 3rd Street and Harrison Avenue at 12:30 p.m., continue along Harrison Avenue and the Frank E. Rodgers Blvd. to Kearny Avenue, finishing at Kearny Town Hall.
 - 4) Peruvian Family Festival (same day) on Sunday, **July 24, 2022** at the Frank A. Vincent Marina Park from 10:00 a.m. to 10:00 p.m. (music starts at 3 p.m. and ends at 9 p.m.)
M&C/POLICE/FIRE/DPW/REC/HEALTH
4. John Peneda, KUEZ Coordinator: requesting permission to hang a "Kearny Eats" banner across Kearny Avenue near the Kearny Public Library from May 13 to June 20, 2022.
POLICE/DPW/REC
5. Adam Waldron, Adjutant, United Veterans Organization (UVO): requesting permission to hold Kearny's annual Memorial Day parade on Thursday, May 26, 2022. The Parade will kickoff at 7:00 p.m. from the corner of Locust Avenue and Belgrove Drive and end at the reviewing stand located on Belgrove Drive between the VFW and the Marine Corps League.
POLICE/RECREATION/DPW
6. The United Veterans Organization of Kearny: requesting permission to hang a banner at the intersection of Kearny and Locust Avenues from May 1 through May 24, 2022 announcing the Memorial Day Parade on May 26, 2022.
POLICE/DPW

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7. Laura Correnti of Paisley Athletic FC: requesting permission to hang a banner near the Kearny Public Library during the week of April 18, 2022 promoting the Paisley Athletic FC fundraiser.

POLICE/DPW/REC

8. LICENSES: 2 –PARKING PERMITS that include:
 - 01 - MANDEE LOT
 - 01 - VERMELLA
 - 4 – CANVASS; 1 - ICE CREAM TRUCK;
 - 2 – GARAGE SALE; 2 - RAFFLE

LICENSES

B. Reports of Department Heads

1. Construction Code Enforcement Department Report for March 2022
2. DPW Operations Report for March 2022
3. SUEZ Billing & Collections Month End Report March 2022
4. Engineer's Report dated April 12, 2022
5. Recreation & Parks Report dated April 12, 2022

C. Proclamations

1. Proclaiming May 1-7, 2022 as Youth Week
2. Proclamation Recognizing April 4-10, 2022 as Public Health Week in Kearny

D. Reports of Council Members

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

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

2022-(O)-08

McCURRIE

Ordinance Establishing Handicapped Parking Space at 670 Devon Street

2022-(O)-09

McCURRIE

Ordinance Repealing Ordinance No. 2020-(O)-7 (Prohibiting Retail Use of Plastic Single Use Carry Out Bags) as Amended by Ordinance No. 2021-(O)-4 and as Codified in Chapter 29-4 of the Town Code

2022-(O)-10

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 May 24, 2016 (Salaries for Fire Superior Officers Association for 2020, 2021 and 2022)

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

2022-(O)-07

McCURRIE

Ordinance Establishing Handicapped Parking Space at 40 Maple Street

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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 22, 2022

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

***2022-(R)-221**

Bills List Resolution

***2022-(R)-222**

Resolution Authorizing Permission to Encroach Upon Town Right of Way at 6-10 Davis Avenue, **Block 267, Lot 1**, for the Purpose of Removing an Underground Fuel Tank (UST).

***2022-(R)-223**

Resolution Authorizing Permission to Encroach Upon Town Right of Way at 184 Garfield Avenue, a/k/a 62-70 2nd Avenue, **Block 242, Lot 18**, for the Purpose of Removing an Underground Storage Tank.

***2022-(R)-224**

Resolution Authorizing Permission to Encroach Upon Town Right of Way at 333-335 Kearny Avenue, **Block 48, Lot 17**, for the Purpose of Removing an Underground Fuel Tank.

***2022-(R)-225**

Resolution Authorizing Permission to Encroach Upon Town Right of Way at 701-703 Elm Street, **Block 144, Lot 24**, for the Purpose of Installing an Awning Sign.

***2022-(R)-226**

Resolution Granting Permission to Shauger Property Services, Inc. of East Orange, NJ for Emergency Road Opening Permit at 16 Breiderhoft Road, a/k/a 244 Dukes Street, **Block 252, Lot 8.03**, in Order to Replace a Water Service.

***2022-(R)-227**

Resolution Granting Permission to A.J. Perri of Tinton Falls, NJ for Road Opening Permit at 327 Devon Street, **Block 232, Lot 38**, in Order to Replace a Sewer Service.

***2022-(R)-228**

Resolution Authorizing Nine (9) Hours Overtime to Dinis Conceicao, Network Administrator 1, to Provide Virtual Meeting Support for the Mayor and Council Meeting on March 22, the Zoning Board Meeting on April 05, and the Planning Board Meeting on April 06, 2022. (\$651.33)

***2022-(R)-229**

Resolution Authorizing One half (0.5) Hour Overtime to John Borja, Chief Registered Environmental Health Specialist in the Health Department, for a Mandatory Appearance at East Newark Municipal Court on April 05, 2022 for a Public Health Nuisance Complaint. (\$32.96)

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***2022-(R)-230**

Resolution Authorizing Six and a Half (6.5) Hours Overtime to Daniela Ponce, Registered Environmental Health Specialist in the Health Department, to Facilitate and Oversee the Kearny 2022 Rabies Clinic on March 26, 2022. (\$326.49)

***2022-(R)-231**

Resolution Authorizing One and a Half (1.5) Hours Overtime to Adnelis Albizu, Social Service Tech Bilingual in the Health Department, for Homeless Outreach on March 09, 2022. (\$55.35)

***2022-(R)-232**

Resolution to Waive all Fees for Businesses for Sidewalk Sales Event on Saturday, April 30, 2022 and Sunday, May 01, 2022.

***2022-(R)-233**

Resolution Authorizing Advertisement for Bids for the Highland Avenue and Maple Street Roadway Improvements Project (CDBG Funded).

***2022-(R)-234**

Resolution Authorizing Advertisement for Bids for the Hackensack Avenue Streetscape Project (NJDOT & USEDA Funded).

***2022-(R)-235**

Consent Agenda Resolution

DOYLE

2022-(R)-236

Resolution Authorizing One Hundred Eighty-five (185) Hours Overtime within the Department of Public Works to Repair Potholes, Respond to Two Sanitary Sewer Backups, Keep DPW Office Open through Lunch Hour, Perform Emergency Catch Basin Repair, Set up for St. Patrick's Day Parade, Salt Streets during Snowstorm, Respond to and Repair Sanitary Pump Failure at Gunnell Oval, Assist Contractor Sanitizing Health Clinic (COVID related expense), and Break Down Barricades and Cones at Gunnell Oval COVID Testing Center (COVID related expense). (\$9,997.10)

SANTOS

2022-(R)-237

Resolution Authorizing Contract with Neglia Engineering Associates for Design Services of the Water Main Relocation Associated with the New Jersey Department of Transportation Portway Project (Fish House Road / Pennsylvania Avenue CR-659) in the Amount of \$123,440.00.

SANTOS

2022-(R)-238

Resolution Authorizing a Contract with Millennium Communications Group, Inc. (State Contract #88740) for Public Safety, Security Cameras and Community Broadband Improvements for the Passaic River Pedestrian and Bike Trail Project in the Amount of \$310,533.53.

SANTOS

2022-(R)-239

Resolution Authorizing an Award of Contract to Downes Tree Service Co., Inc. of Hawthorne, New Jersey in the Amount of \$23,345.00 for Removal of Trees Townwide per Bids Received March 29, 2022.

SANTOS

2022-(R)-240

Resolution Approving a Professional Services Agreement with Heyer, Gruel & Associates to Provide Planning Services to Update the Town's Zoning Code and Redevelopment Plans Consistent with the Town's Master Plan Update.

SANTOS

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2022-(R)-241

SANTOS

Resolution Authorizing Professional Services Agreement with James S. McNeight, PC at a Cost of \$2,000 to Provide Architectural Services Needed so that the Town May Proceed Against 529 Belgrove Drive pursuant to the Abandoned Properties and Rehabilitation Act.

2022-(R)-243

SANTOS

Resolution Approving Settlement of Pending Board of Public Utility Action Against PSE&G Regarding Electric Charges for the Field House at Harvey Field.

2022-(R)-244

SANTOS

Resolution Authorizing Execution of an Addendum to the Agreement with the County of Hudson for the Allocation to the Town of \$3,357,218.49 Under the Federal American Rescue Plan Act.

2022-(R)-245

SANTOS

Resolution Authorizing the Endorsement and Execution of Applicable Sections of the NJDEP TWA Application for 993 Belleville Turnpike, Block 287, Lots 35-39.

2022-(R)-246

SANTOS

Resolution Authorizing Change Order #6 (\$482,452.87 Decrease / -1.849%) for Supplemental Items, Deductions and Extra/Unused Quantity Adjustments for the Gunnell Oval Improvements Project to Tomco Construction, Inc., 22 Howard Boulevard, Mt. Arlington, NJ 07856.

2022-(R)-247

SANTOS

Resolution Pursuant to Town Code Section 23-7 Approving Curb Cut at 56 Stewart Avenue, **Block 97, Lot 16**, to Accommodate a New Driveway.

2022-(R)-248

SANTOS

Resolution Acting Upon the Request for a Curb Cut at 166 Chestnut Street, **Block 245, Lot 9**.

2022-(R)-249

SANTOS

Resolution Acting Upon the Request for a New Curb Cut at 371 Forest Street, **Block 210, Lot 27**.

2022-(R)-250

SANTOS

Resolution to Enter into Closed Session to Discuss the Following Matters Relating to Anticipated Litigation, Litigation, Contract Negotiations, and Personnel Matters, to wit: Contract Negotiations Regarding Sale of Property at 369 Forest Street, Update on FMBA Local 18 Labor Negotiations, Discussion regarding CS11 Sidebar Agreement

2022-(R)-251

DOYLE

Resolution Determining the Form and Other Details of not Exceeding \$13,650,000 Bonds of the Town of Kearny, in the County of Hudson, New Jersey, and Providing for Their Sale to the New Jersey Infrastructure Bank and the State of New Jersey and Further Authorizing the Execution of Various Agreements, all Pursuant to the New Jersey Water Bank Financing Program.

2022-(R)-252

KONOPKA

Resolution of the Town of Kearny in Support of Clean Water, Healthy Families, Good Jobs.

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2022-(R)-253

DE CASTRO

Resolution Authorizing Execution of a Shared Services Agreement with the County of Bergen, Department of Health Services, to Provide New Jersey Registered Environmental Health Specialists Services to the Town of Kearny and to Provide Animal Control Services at a Cost of \$181,181.59 for Calendar Year 2022.

2022-(R)-254

DE CASTRO

Resolution Authorizing Submission of an Application for Kearny Municipal Alliance Grant for Year One Grant Term July 1, 2022 to March 14, 2023 in the Amount of \$4,662.00.

2022-(R)-255

SANTANA

Resolution Supporting the 2022 UDrive. UText. UPay. Distracted Driving Crackdown April 1 - 21, 2022.

2022-(R)-256

SANTANA

Resolution Authorizing the Execution of a Person-to-Person Transfer of Plenary Retail Consumption License No. 0907-33-029-011 from La Roja Y Blanca Lounge, LLC (a "Pocket License") to MJP License, LLC (a "Pocket License").

2022-(R)-257

SANTANA

Resolution Authorizing the Execution of a Person-to-Person Transfer of Plenary Retail Consumption License No. 0907-33-069-010 from Brasas Grill Bar and Restaurant Inc. to Wanrobert B. Santos, t/a Brasas Bar and Restaurant, 449 Kearny Avenue, Kearny, New Jersey. (Supersedes Resolution 2022-121)

2022-(R)-258

SANTANA

Resolution Authorizing the Execution of a Person-to-Person Transfer of Plenary Retail Distribution License No. 0907-44-034-011 from C & K Beverages Corporation to Shrishan, Inc., t/a Kearny Wine and Liquors, 818 Kearny Avenue, Kearny, New Jersey.

2022-(R)-259

SANTANA

Resolution Authorizing the Execution of a Person-to-Person Transfer of Plenary Retail Distribution License No. 0907-44-042-008 from Varsha Enterprises, LLC, t/a Liquorama to Chokshi, LLC, t/a Liquorama, 386 Belleville Turnpike, Kearny, New Jersey. (Supersedes Resolution 2022-220)

X. EXECUTIVE (CLOSED) SESSION

XI. ADJOURNMENT