

Kearny Town Council

Regular Meeting

- Agenda -

Tuesday, August 09, 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. John Policano, Assistant Varsity Football Coach: requesting permission to hold a canning fundraiser on Saturday, **September 10, 2022** and Saturday, **October 08, 2022** for the KHS Football Booster Club. **POLICE/DPW/REC**
 2. James Pickel, KHS Head Softball Coach: requesting permission to hold a canning fundraiser on Saturday, **March 18, 2023** and Saturday, **April 08, 2023** from 9:00 a.m. to 1:00 p.m. for the KHS Softball Program. **POLICE/DPW/REC**
 3. Jennifer M. Long, SGM (Retired), Commander of VFW Post 1302: requesting the closure of Belgrove Drive from Bergen Avenue to Afton Street on Saturday, **October 29, 2022** from 4:00 p.m. until 10:00 p.m. for a Community Trunk or Treat event hosted in conjunction with the Kearny-Belleville Elks Lodge. (Rain date: Sunday, October 30, 2022, 4 p.m. to 10 p.m.) **POLICE/FIRE/DPW**
 4. Heather Klein, Special Education Teacher at Franklin School in Kearny: requesting permission to hold a carnival at the Frank A. Vincent Marina from August 24 – August 28, 2022. Monies raised will be used to upgrade equipment on an existing playground at Franklin School to make it more sensory friendly for those with autism. **POLICE/FIRE/DPW/REC/HEALTH**
 5. Arcadio Cordova, President of Hermandad del Senor de los Milagros de Kearny, NJ: requesting permission to conduct their traditional processional march on **Sunday, October 02, 2022** commencing at St. Cecilia's Church, 120 Kearny Avenue, at approximately 1:00 p.m. and concluding by 7:00 p.m. at Holy Cross Church in Harrison, NJ. **POLICE/DPW**
 6. Alvin Cox, Executive Director, Pathways to Independence, Inc.: requesting permission to hang a banner across Kearny Avenue from August 29 through September 26, 2022 to publicize its 20th annual **Walk-A-Thon fundraiser on Saturday, September 24, 2022** at West Hudson Park, Kearny. **POLICE/DPW**
 7. Justin Avishay, Kearny Resident: requesting permission close a portion of Hickory Street, at the intersection of Hickory Street and Pierce Place to Davis Avenue, for the annual Hickory Street Block party on **Saturday, August 20, 2022** from 12:00 noon until 10:00 p.m.. (Rain date: Saturday, August 27, 2022. **POLICE/FIRE/DPW**

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8. LICENSES: 4 – OVERNIGHT PARKING PERMITS that include:
3 - MANDEE LOT
1 – PROVIDENT BANK
6 – GARAGE SALE; 1 – RAFFLE

LICENSES

B. Reports of Department Heads

1. Library Director's Report for July 2022
2. Engineer's Report dated August 9, 2022
3. Veolia Billing & Collections Month End Report July 2022
4. Construction Code Enforcement Department Report for July 2022

C. 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)-20

McCURRIE

Ordinance Establishing Handicapped Parking Spaces at 11 Maple Street, 140 Forest Street, 193 Kearny Avenue and 597 Devon Street

2022-(O)-21

McCURRIE

Ordinance Establishing New Towing Fees Under Chapter 5-33.2 of the Town Code

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

THE FOLLOWING ORDINANCE, 2022-(O)-19, IS BEING TABLED FOR THE AUGUST 9, 2022 MEETING. THE SECOND READING OF THIS ORDINANCE FOR PUBLIC HEARING AND ADOPTION IS NOW SCHEDULED FOR THE MEETING OF SEPTEMBER 6, 2022.

2022-(O)-19

McCURRIE

An Ordinance Amending the Town of Kearny Code of Ordinances to Repeal Chapter 32 Flood Damage Prevention; To Adopt a New Ordinance for Adoption of the Floodplain Management Regulations; To Adopt Flood Hazard Maps; To Designate a Floodplain Administrator; And Providing for Severability and an Effective Date

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 July 12, 2022

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

***2022-(R)-456**

Bills List Resolution

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***2022-(R)-457**

Resolution Granting Permission to Encroach Upon Town Right of Ways at 325 Hickory Street, **Block 212, Lot 33**, for the Purpose of Replacing Front Stairs and Retaining Wall.

***2022-(R)-458**

Resolution Authorizing Applied Earth Solutions, Inc. to Encroach upon the Town Right-of-Way at 614 Kearny Avenue (Block 186, Lot 10) to Install One (1) Groundwater Monitoring Well.

***2022-(R)-459**

Resolution Granting Permission to PSE&G for Road Opening Permit at 47 Morgan Place, **Block 138, Lot 14**, in Order to Install New Gas Service.

***2022-(R)-460**

Resolution Granting Permission to PSE&G for Road Opening Permit at 57 John Hay Avenue, **Block 226, Lot 14**, in Order to Install Gas Service/Main Protection.

***2022-(R)-461**

Resolution Granting Permission to PSE&G for Road Opening Permit at 137 Bergen Avenue, **Block 37, Lot 40**, in Order to Install Gas Service/Main Protection.

***2022-(R)-462**

Resolution Granting Permission to PSE&G for Road Opening Permit at 159-165 Maple Street, **Block 31, Lot 42**, in Order to Install Gas Service/Main Protection.

***2022-(R)-463**

Resolution Granting PSE&G Co.'s Request for Road Opening Permits for 2022 Bare Steel Gas Service Upgrades at the Following Addresses on Belgrove Drive: 406, 407, 412, 414, 418, 430, 431, 480, 488. Restoration is to be Full Curb to Curb Repaving.

***2022-(R)-464**

Resolution Granting Permission to Shauger Property Services, Inc. of East Orange, NJ for Emergency Road Opening Permit at 513 Devon Street, a/k/a 515 Devon Street, **Block 208, Lot 19**, in Order to Replace a 1" Water Service.

***2022-(R)-465**

Resolution Granting Permission to J. Fletcher Creamer & Son, Inc. of Hackensack, NJ for Road Opening Permit at 289 Stewart Avenue, **Block 160, Lot 28**, in Order to Replace Water Service.

***2022-(R)-466**

Resolution Granting Permission to J. Fletcher Creamer & Son, Inc. of Hackensack, NJ for Road Opening Permit at 634 Chestnut Street, **Block 176, Lot 11**, in Order to Replace Fire Hydrant.

***2022-(R)-467**

Resolution Authorizing Three (3.0) Hours Overtime to Adnelis Albizu, Social Service Tech Bilingual in the Health Department and Board Member of the North Hudson Community Action Corporation, to Attend an Evening Meeting of the Board on July 12, 2022. (\$110.07)

***2022-(R)-468**

Resolution Authorizing Five (5) Hours Overtime to Omnibus Operator Carmen Valcarcel for Sunday Coverage on July 31, 2022. (\$158.23)

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***2022-(R)-469**

Resolution Authorizing Six (6) Hours Overtime to Jonathan Szura, Technical Assistant Land Use in the Construction Code Enforcement Office, to Support the Regular Evening Meeting of the Zoning Board on July 05, 2022 and the Regular Evening Meeting of the Planning Board on July 06, 2022. (\$276.24)

***2022-(R)-470**

Resolution Authorizing Sixteen (16) Hours Overtime for the Municipal Court Staff, Melissa Murray, Ledy More, Catherine Colon, and Cintia Valdez for Monday Evening Court Session on September 26, 2022 and Monday Evening Court Session on October 24, 2022. (\$2,600.00)

***2022-(R)-471**

Resolution Authorizing Nine (9) Hours Overtime to Dinis Conceicao, Network Administrator 1, to Provide Support for the Mayor and Council Meeting on July 12, 2022 and Virtual Meeting Support for the Recreation Commission Meeting on July 20, 2022 and the Kearny Enterprise Zone Development Corporation (KEZDC) Meeting on July 21, 2022. (\$662.31)

***2022-(R)-472**

Consent Agenda Resolution

DOYLE

2022-(R)-473

Resolution Authorizing One Hundred Sixty-one and One-half (161.5) Hours of Overtime within the Department of Public Works to Repair a Broken Garage Door at KPD, Respond to and Repair a Gas Pump Malfunction at DPW, Respond to Alarm for Sanitary Pump Failure at Gunnell Oval, Assist at the July 4th Fireworks Event, the Farmer's Market Block Party, and the Peruvian Parade, Assist Contractor Removing Old HVAC at the Health Dept., Respond to and Clear Sanitary Sewer Blockage on Passaic Avenue, Repair Police Vehicles, Install LED Lighting in the Council Chamber, Respond to High Water Alarm at E. Midland Ave. Pump Station, Repair Broken Gate at DPW, Pour Cement Pads for Benches at Gunnell Oval, Oversee Repair of a Collapsed Sanitary Sewer Line on Windsor Street, Repair Potholes, Work through Lunch to Keep Office Open, and Assist Contractor Sanitizing Health Clinic (COVID Related Expense). (\$8,972.42)

SANTOS

2022-(R)-474

Resolution Authorizing Contract to Neglia Engineering Associates for Surveying, Geospatial, Engineering and Inspection Services for NJDEP MS4 Tier A Permit Annual Reports and Outfall GIS Mapping / Inspections (T&M not to Exceed \$17,160.00).

SANTOS

2022-(R)-475

Resolution Authorizing Emergency Contract to Montana Construction Corp. Inc. and Neglia Engineering Associates for the Emergency Sanitary Sewer Repairs on Clinton Avenue and Belleville Turnpike for a Total Amount not to Exceed \$61,713.00.

SANTOS

2022-(R)-476

Resolution Authorizing Emergency Contract to Joseph M. Sanzari, Inc. and Neglia Engineering Associates for the Emergency Sanitary Sewer Repairs Near 33-34 Windsor Street for a Total Amount not to Exceed \$137,720.00.

SANTOS

2022-(R)-477

Resolution Authorizing Change Order #3 & Final (\$1,260.00 Increase / 0.18%) for the Kearny Avenue Roadway Improvements Project (NJDOT Funded) to Smith Sondy Asphalt Construction Company Inc., 150 Anderson Avenue, Wallington, NJ 07057.

SANTOS

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2022-(R)-478

SANTOS

Resolution Authorizing Close Out of Contract for the Kearny Avenue Roadway Improvements Project (NJDOT Funded) to Smith Sonly Asphalt Construction Company Inc., 150 Anderson Avenue, Wallington, NJ.

2022-(R)-479

SANTOS

Resolution Authorizing Close Out of Contract for the Argyle Place Retaining Wall Emergency Repairs Project to Tomco Construction Inc., 22 Howard Blvd – Suite 204, Mt. Arlington, NJ.

2022-(R)-480

SANTOS

Resolution Ratifying Submission to the New Jersey Department of Environmental Protection of the Lead Service Line Replacement Plan Required by the New Jersey Lead Service Line Replacement Act.

2022-(R)-481

SANTOS

Resolution Authorizing Execution of a Third Amendment to the Tolling Agreement with the United States Environmental Protection Agency Relating to Clean-up of the Lower Passaic River.

2022-(R)-482

SANTOS

Resolution Authorizing the Town of Kearny to Submit an Application to the New Jersey Department of Environmental Protection for a Regional Greenhouse Gas Initiative Natural Climate Solutions Grant for Blue and Green Carbon Projects (no Local Match Required).

2022-(R)-483

SANTOS

Resolution Authorizing the Endorsement and Execution of Applicable Sections of the NJDEP TWA Application for the Portal North Bridge Construction Project.

2022-(R)-484

SANTOS

Resolution Authorizing Advertisement for Bids for the Kearny Avenue & Bergen Avenue Roadway Improvements Project (NJDOT Funded).

2022-(R)-485

SANTOS

Resolution Authoring the Sale of Equipment no Longer Fit for Public Use by the Department of Public Works and Whose Value is Less than the Town's Bid Threshold, at Private Sale Without Advertising for Bids.

2022-(R)-486

SANTOS

Resolution Acting Upon the Request for a New Curb Cut at 16 John Hay Avenue, *Block 229, Lot 12.*

2022-(R)-487

SANTOS

Resolution Acting Upon the Request for a New Curb Cut at 350 Elm Street, *Block 210, Lot 9.*

2022-(R)-488

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 Fire Chief's Employment Contract, Update regarding Labor Negotiations with PBA and PSOA, Update on FMBA Local 18 Labor Negotiations

2022-(R)-489

DOYLE

Resolution Transferring Mariana Martins, Full-Time Clerk Typist, from the Department of Public Works to the Town of Kearny Construction Code Enforcement Department, Effective August 15, 2022.

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2022-(R)-490

DOYLE

Resolution Pursuant to N.J.S.A. 40:48-2.14 Charging the Costs of Removal of Brush, Weeds, Etc. Against Properties, Which Costs Shall Hereby Become Liens Against Such Properties: 834 Kearny Avenue, **Block 123, Lot 1**, 2-8 Harrison Avenue, **Block 278, Lot 8**, 671 Forest Street, **Block 145, Lot 30**, 305 Bergen Avenue, **Block 242, Lot 37**, 60 William Street, **Block 49, Lot 75**

2022-(R)-491

ECKEL

Resolution Appointing Robert Torres and Daniel Murray to the Part-Time Position of Fire Prevention Specialist for the Town of Kearny Fire Department, Effective August 15, 2022.

2022-(R)-492

ECKEL

Resolution Authorizing an Increase in Hours for Part-Time Security Guard Barry Hruby in the Kearny Public Library from 24.5 Hours up to 30.5 Hours Per Week, Effective August 22, 2022 for a Period not to Exceed 90 Days.

2022-(R)-493

KONOPKA

Resolution Appointing Nicole Sabbagh to the Part-Time Position of Lifeguard in the Recreation Department to Work up to a Maximum of Forty (40) Hours per Week at the Current Hourly Rate of \$15.00, Effective July 18, 2022.

2022-(R)-494

KONOPKA

Resolution Authorizing an Update of the Town's Recreation and Open Space Inventory ("ROSI") for the NJDEP Green Acres Program.

2022-(R)-495

DE CASTRO

Resolution Appointing Jessica Krowl to the Full-Time Position of Clerk Typist (Title Code 01268) for the Town of Kearny Health Department, Effective August 15, 2022.

2022-(R)-496

DE CASTRO

Resolution Authorizing a Professional Services Agreement with RSC Architects for Design and Other Services Related to the Construction of a Community Health Annex at 50 Belgrove Drive at a Cost not to Exceed \$74,500.

2022-(R)-497

SANTANA

Resolution Renewing Alcoholic Beverage Licenses Nos. 0907-33-057-005, 0907-33-069-013 and 0907-44-064-002 which have Received Tax Clearance from the Division of Alcoholic Beverage Control.

X. EXECUTIVE (CLOSED) SESSION

XI. ADJOURNMENT