

EXECUTIVE MEETING called to order, Mayor Vaccaro in the chair, at the Municipal Building on Thursday January 9, 2020 at 7:02 P.M.

Mayor called for Pledge of Allegiance to the Flag.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez-present, Surak-not present,
Wende- present,
Administrator- T. Ciannamea- present,
Attorney- F. Migliorino – not present

Borough Clerk stated that notice of the meeting was announced in accordance with the Open Public Meeting Act.

Motion by C/Cirillo and second by C/Bauer to approve Minutes of Executive Meeting of November 14, 2019.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Wende.

All ayes. So ordered.

Attorney Migliorino entered the meeting at 7:03 P.M.

COMMUNICATIONS:

Borough of Harrington Park, Borough of Emerson, Borough of Old Tappan, Borough of Maywood and Borough of Hillsdale- supporting inter-local agreement for Mutual and Rapid Deployment Force.

Peak Environmental LLC- submission of Remedial Action Protectiveness/Biennial Certification form for 131 W. Commercial Avenue.

New Jersey Department of Environmental Protection- notice of Suspected Hazardous Substance Discharge at 280 Moonachie Avenue.

New Jersey Sports & Exposition Authority- notice of an application for the construction of a 6-story, 164 room, Hilton Garden Inn Hotel in Carlstadt, Block 115 Lots 2 & 3 and Block 114, Lot 4.

SUEZ- notice of public hearing for approval of a Pilot Program to facilitate the replacement of Lead Service Lines and a related Cost Recovery Mechanism.

Bergen County Board of Chosen Freeholders- notice of adoption of a Guaranty Ordinance Securing the Bergen County Improvement Authority's County Guaranteed Lease Revenue Bonds (Borough of Ridgefield Project) in an aggregate principal amount not to exceed \$23,000,000.

Bergen County Board of Chosen Freeholders- notice of adoption of a Guaranty Ordinance Securing the Bergen County Improvement Authority's County Guaranteed Lease Revenue Bonds, in an aggregate principal amount not to exceed \$28,000,000.

Bergen County Board of Chosen Freeholders- notice of adoption of an Ordinance adopting the 1st Bergen County Parks and Recreation System Master Plan.

REPORTS: None

NEW BUSINESS:

1. Approval of payment in the amount of \$4,405.00 to Arcari + Iovino for professional services for new DPW building. -will be acted upon at January 23, 2020 Regular Meeting.
2. Approval of a Truck Transfer License for UPS Ground Freight.-will be acted upon at January 23, 2020 Regular Meeting.
3. Approving a credit on the Sewer Utility bill for anyone who receives the Senior Citizen Property tax Credit.-will be acted upon at January 23, 2020 Regular Meeting.
4. Approval of payment in the amount of \$6,000.00 to Russell Beideman due to a settlement.-will be acted upon at January 23, 2020 Regular Meeting.

C/Bauer- asked about remaining number of payments to Mr. Beideman.

5. Setting a mileage allowance of 57.5 cents per mile to officials and employees while on official borough business.-will be acted upon at January 23, 2020 Regular Meeting.
6. Approval of annual Contribution to Comprehensive Behavioral Healthcare, Inc. for Mental Health Services rendered to the residents of Moonachie.-will be acted upon at Regular Meeting of January 23, 2020.

7. Authorize Borough Administrator to solicit quotes for grass recycling.-will be acted upon at January 23, 2020 Regular Meeting.

8. Adopting No- Cash policy for the payment of taxes (Property and Sewer).
 - Will be acted upon at January 23, 2020 Regular Meeting.

9. Authorize Borough Clerk to advertise and receive Bid for 2019 NJDOT Municipal Aid Program and 2019 Municipal Road Paving Program.
 - Will be acted upon at January 23, 2020 Regular Meeting.Mayor Vaccaro -mentioned that the Borough wants to combine 2019 and 2020 DOT program and received a proposal from Boswell in November for 2019. He did speak to Mr. Boswell, and there is a proposal for the 2020 DOT Road Program. He mentioned that the proposal of Boswell Engineering for 2019 DOT program and for Municipal Road Program and he asked Attorney if the Resolution for previous authorization can be amended to include the proposal for 2020 DOT Road Program in the amount of \$27,500.
Attorney Migliorino- mentioned that the Resolution can be amended.
Mayor Vaccaro recommended that the proposal of Boswell for 2020 DOT program can be authorized at the Regular Meeting. He spoke about the appointment of Borough Engineer and about proposal for the comminutor.
Administrator Ciannamea- spoke about appropriated fund for DOT Road Programs and mentioned that the fund was not appropriate for Local Fright Grant.
Mayor Vaccaro-mentioned that Sova Place and Oak Street will be as alternates for the Bid and 2019 & 2020 DOT Road Program will be for the rest of West Commercial Ave.
10. Setting fees for amendment of marriage, Civil union, domestic partnership, death, & birth certificates. -will be acted upon at January 23, 2020 Regular Meeting.

11. Approval of payment in the amount of \$1,745.00to L+C Design Consultant, PA for various professional services for new Municipal Building.-will be acted upon at January 23, 2020 Regular Meeting.

ORDINANCE:

Mayor Vaccaro asked the Committee to review the Ordinance for Road Openings, for fees and for repaving curb to curb. Spoke about possible street opening on Diamond Way which was just paved. He mentioned that he gave copies of Union City's Ordinance to the Council to review.

C/Kinsella -spoke about sidewalk opening in front of house.

Mayor Vaccaro- mentioned that no street should be open without a permit.

C/Bauer- asked Attorney Migliorino to find out about other town's Ordinance for Road Openings.

Mayor Vaccaro- mentioned that the bond should be required for Utility companies for Road Opening.

DISCUSSION:

1. New DPW Building Construction.

Mayor Vaccaro- mentioned that the building is coming next week.

C/Bauer -mentioned that it will be done in March and he missed last two meeting for the DPW building.

2. New Municipal Building.

Mayor Vaccaro -mentioned that at the building meeting there are punch list items that need to be addressed.

Administrator Ciannamea -asked about the Municipal Mechanical Liens.

Mayor Vaccaro- mentioned that the contractor cannot submit for final payment until the Municipal Mechanical Liens are settled.

3. Sampling Testing at Hain Celestial Group, Inc.

Mayor Vaccaro -asked Attorney Migliorino to set up a meeting with Hain Celestial.

4. Traffic Light between Moonachie Road and Moonachie Avenue.

Mayor Vaccaro -mentioned that the County is conducting a heavy traffic counts in that area.

5. Personnel (DPW and one new employee for Borough's Office).

Mayor Vaccaro- asked whether the Committee reviewed the applications for DPW Laborer candidates. The Mayor and Council discussed application process and where the

job was posted. -discussion took place at the closed session for the personnel for Borough's Office.

6. Application of Time Warner Cable New York City LLC for renewal of Municipal Consent.- no discussion took place.

7. Energy efficiency for Municipal Building.- no discussion took place

8. Payment in the total amount of \$188,603.75 (due to defective work of the Contractor) to L+C Design Consultants PA for New Municipal Building.-no discussion took place.

9. Credit of Sewer bill due to broken water pipe at 12 Empire Blvd.

Mayor Vaccaro asked for Resolution to be put on the agenda for the next meeting.

10. 2020 Municipal Road Program.-No discussion

11. Estimate from Future Link Communications in the amount of \$8,000 for installation of Lights at the Pavilion at Joseph Street Park.

- No discussion took place.

12. Plaques for employees.

Mayor Vaccaro -suggested giving plaques for Sgt. Schmidt and Lynn VanSaders who both retired.

13. Quotes from Elan City for one EVOLIS Radar Speed Sign in the amount of \$3,440.00 and for two EVOLIS Rader Speed Signs in the amount of \$5,833.00.

The Mayor and Council discussed that one Rader Speed Sign will be purchased.- authorization to purchase will be acted upon at January 23, 2020 Regular Meeting.

14. Union City's Ordinance regarding responsibility of Utilities Companies for Streets & Sidewalks (Excavations and Openings).

15. 2019 equalized valuation of Moonachie.

Mayor Vaccaro- spoke about the assessed value of homes and the state ratio was at about 80% which was appealed to the state. He mentioned that four of the five properties sales were thrown out for ratio formula. Mayor Vaccaro read email for the settlement agreement as follows:

"The State agreed to mark 4 of the 5 challenged/disputed 2019 real estate sales as non-usable for the Director's Ratio formula. The State however based upon its own investigation, asserts that the 2019 commercial sale at 90 W. Commercial Street is an arm's length sale. In so much as the Borough has legitimate arguments to dispute the State, unfortunately there is no certainty at law or facts at hand.

We further had the opportunity to speak to the 90 W. Commercial real estate listing agent, who said that he believed that the 90 W. Commercial Property sale was arm's length and indicative of market trends. The tax court trial judge also reminded us, while we were in his chambers, that the "equity argument of manifest injustice is an unlikely outcome. The state affirmed that based upon the elimination of 4 of the 5 challenged real estate sales, the 2020 Moonachie ratio, which was originally at 80.78%, shall be increased to 89.18%. He mentioned that the recommendation from Tax Appeal Attorney and Attorney Porro were that the Borough accept the settlement, or else there will be a large cost to the town, court can last another year. Administrator Ciannamea -mentioned that the County ratio is 100% , this affect the tax appeals and the state ratio affects School Aid.

Mayor Vaccaro- mentioned that the town is on a two-year probation and if there is another sale, the state ratio will go back to 80%. Mentioned that the ratio is very important and can affect everyone in the Borough and the rolling assessment will help the Borough.

C/Kinsella -suggested to notify the school about the state equalized value.

Mayor Vaccaro- mentioned that he contacted the school about the ratio.

Motion by C/Bauer and second by C/Cirillo to approve the following Resolution:

BE IT RESOLVED, by the Mayor and Council that the Proposed Settlement Agreement with the New Jersey Division of Taxation for State's offer of settlement causing the Borough of Moonachie's 2020 Director's ratio to increase from 80.78% to 89.18% be and is hereby accepted.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Wende.

All ayes. So ordered.

16. Payment application No. 34 in the amount of \$128,666.16 of Two Brothers Contracting Inc.- no discussion.

17. Appointment of Borough Engineer.

Mayor Vaccaro -mentioned that he will have a recommendation for the next meeting.

18. Appointment of Councilman Bruce Surak as a **Class 3** member of the Planning Board term to expire 12/31/2020.

Mayor Vaccaro -mentioned that he spoke to C/Surak and he asked to hold off on the appointment for a month.

19. Appointment of Grant Writer.

The Mayor and Council discussed that appointment will be acted upon at the Regular Meeting of January 23, 2020. He mentioned that Grant Writer is working for reimbursement for the Trailer from the FEMA

PUBLIC HEARING:

Sal DeAlessandro, 1 Frederick Street- asked about the status of the Community Rating System.

Mayor Vaccaro- mentioned that one individual no longer works for the company that the Borough hired, but he will reach out to the other engineer, there was some data that they needed on certain homes.

Mr. DeAlessandro -asked about anything will be done because it is difficult to hear in the room.

Mayor Vaccaro -mentioned that some panels may be put on the walls.

Mr. DeAlessandro -spoke about problem with the heating system at the firehouse and the option to do the repair. He mentioned that to replace the drip pan will costs \$850. He spoke about previous condensation problem.

Mayor Vaccaro- mentioned that most of the unit has a drip pan.

C/Wende -mentioned that getting the drip pan is not helpful if there is a larger issue with the unit and the drip pan is a safety.

Mr. DeAlessandro- mentioned that they put a pan before for the unit.

C/Wende- suggested getting a second opinion to look at the unit.

Mr. DeAlessandro- mentioned that he does not want a second opinion.

Motion by C/Cirillo and second by C/Bauer to close Public Hearing.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Wende.

All ayes. So ordered.

C/Kinsella- spoke about recognizing the school's STEAM Team and Youth in Government. She mentioned that the February meeting will be for the plaques & the recognition of the STEAM Team and the March meeting can be for Youth in Government. She mentioned that the Fire Committee has to have a meeting to discuss fixing the ladder truck, & for equipment and the Fire Department is having problems getting quotes.

C/Martinez- asked about the date when Court is moving back into the Municipal Building.

Mayor Vaccaro-mentioned that it will probably be a few months, there are things that need to still be set up in the Court offices, and there is a 10' setback needed in the Courtroom.

C/Wende- mentioned he is working with C/Bauer on the DPW hiring and the evaluations are coming up.

Mayor Vaccaro- asked about the evaluation.

C/Bauer – mentioned after evaluation is done, it will be signed by the employee to acknowledge and put in the file, if there is a problem, it will be address.

C/Kinsella- mentioned if there is a problem in the evaluation then it will go to the Personnel Committee.

The Mayor and Council discussed employee's evaluation procedures and about any problem with the evaluation.

C/Bauer- mentioned that the Department head makes the decision on the problem.
Mayor Vaccaro- asked the Personnel Committee to have a meeting on the evaluation.
C/Kinsella- mentioned that the School Board does not see the evaluation.
C/Bauer- mentioned that a employee has right to appeal for evaluation.
Mayor Vaccaro- mentioned that the Committee meeting will be on 3 P.M. on Monday.
Administrator Ciannamea- mentioned about requisition for full set of fire gear for \$6,211.20, under state contract.
C/Kinsella- mention that she will remind the Fire Department to bring any purchase like this to the committee first
Administrator Ciannamea-confirmed with the Council for the purchase of fire gear.
CLOSED SESSION:

Motion by C/Bauer and second by C/Cirillo to approve Resolution #20-51 to go into closed session for personnel.

RESOLUTION #20-51

WHEREAS, N.J. S.A. 10:4-12 allow for a public body to go into closed session during a public meeting, and

WHEREAS, the Mayor and Council of the Borough of Moonachie has deemed it necessary to go into closed session to discuss certain matters which are exempt from the public, and

WHEREAS, the regular meeting of this governing body will reconvene,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Moonachie will go into closed session for the following reason as outlined in N.J.S.A. 10:4-12:

-Any matter involving the employment, appointment, termination of employment, disciplinary action unless individual requests a public meeting.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Wende.
All ayes. So ordered.

Motion by C/Kinsella and second by C/Martinez to close closed session.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Wende.
All ayes. So ordered.

Mayor Vaccaro -mentioned in the close session there was discussion an outside services appointment and a matter within Administration. Spoke about a Police Sergeant retiring this year, and suggested getting the Certification List.

Motion by C/Bauer and second by C/Cirillo to request Police Sergeant Certification list from Civil Services Commission.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Wende.
All ayes. So ordered.

Mayor Vaccaro- mentioned that the architect signed off Payment Application No. 34 for Two Brothers for \$128,666.16 but the architect wants the schedule and all sub-contractors to get paid.

Attorney Migliorino- explained that the Borough wants the sub-contractor should get paid the percentage that Borough paid to Two Brothers.

Mayor Vaccaro- mentioned that the sub-contractors are contacting the Borough for not getting paid.

Attorney Migliorino- mentioned that the Borough has the schedule.

Mayor Vaccaro-mentioned that this payment will be approved in two weeks at the Regular meeting as long the Borough is satisfied.

Motion by C/Bauer and second by C/Cirillo to adjourn the meeting at 8:44 P.M.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Wende.
All ayes. So ordered.

ATTEST:

Supriya Sanyal
Borough Clerk