

EXECUTIVE MEETING called to order, Council President Kinsella in the chair, at Kathryn E. Flynn Civic Center on Thursday May 11th, 2017 at 7:17 P.M.

C/Kinsella called for Pledge of Allegiance to the Flag.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez- present, Millar- not present,
Surak- present
Administrator- T. Ciannamea- present
Attorney- F. Migliorino- present
Engineer- E. Sachs- present

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

COMMUNICATIONS:

GEI Consultants- notification of submittal of Remedial Action Protectiveness/Biennial Certification form for New York Mutual Trading, Inc., 25 Knickerbocker Road, in the Borough of Moonachie.

Public Service Electric and Gas Company- notice of filing with New Jersey Board of Public Utilities and notice of public hearing on the matter of the petition of PSE&G for approval of changes in its electric and gas Societal Benefits Charge Rates.

Public Service Electric and Gas Company- notice of filing with New Jersey Board of Public Utilities and notice of public hearing on the matter of the petition of PSE&G for approval of Electric and gas base adjustments pursuant to the energy strong program.

Maser Consulting PA- notification of submittal of Waterfront Development and Flood Hazard Area Permit application to NJDEP regarding property located at Losen Slote Pump Station, Block 106, Lot 3.01, Block 106.01, Lot 2 in the Borough of Little Ferry and Township of South Hackensack.

REPORTS:

Mayor Vaccaro entered the meeting at 7:46 P.M.

Mr. Sachs- mentioned that Boswell completed the ARC Flash Analysis, which is required to satisfy the PEOSHA notice of violation with regard to the MCC in the Moonachie Avenue pump station for the short-term correction period. He mentioned that Boswell is preparing the proposals for the emergency generator at Lincoln Place, proposal for MCC and generator at Moonachie Road. He stated that Boswell is working with Superintendent Lyons to prepare Stormwater Tier A Permit SP3 Annual Compliance Certification.

FORMAL ACTION:

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

RESOLUTION#17-142
**RESOLUTION EMPLOYING A FINANCIAL CONSULTANT
WITHOUT COMPETITIVE BIDDING**

WHEREAS, there exists a need for the services of a Financial Consultant in accordance with appropriate New Jersey law; and

WHEREAS, the provisions of said contract shall be in accordance with the dictates of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of said service will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is nine months from April 1, 2017 to December 31, 2017; and

WHEREAS, the maximum amount of the Contract is \$30,000.00 and funds are subject to an appropriation by the Mayor and Council of the Borough of Moonachie and will be provided by the local finance office when appropriated; and

WHEREAS, Gail Fitzgerald has completed and submitted a Business Entity Disclosure Certification which certifies that Gail Fitzgerald has not made any reportable contributions to a political or candidate committee in the Borough of Moonachie in the previous one year, and that the contract will prohibit Gail Fitzgerald from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:111 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie as follows:

1. The Mayor and the Borough Clerk of the Borough of Moonachie are hereby authorized and directed to execute the attached Contract with Gail Fitzgerald.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.
3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
4. A Notice of this action shall be printed once in the official newspaper of the Borough.

RESOLUTION #17-143

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the payment to L+C Design Consultant, PA in the following amounts be and are hereby approved:

- a) \$24, 840.00 (Sep., 2016 thru March 31, 2017) and \$8,965.00 (April 1 thru April 30, 2017) for Master Plan Reexamination.
- b) \$24, 745.00 (Sep., 2016 thru March 31, 2017) and \$7,275.00 (April 1 thru April 30, 2017) for Neighborhood Plans.
- c) \$10,340.00 (Sep., 2016 thru March 31, 2017) and \$11,460.00 (April 1 thru April 30, 2017) for Zoning Ordinance Update.
- d) \$15,370.00(Sep., 2016 thru March 31, 2017) and \$6,406.00 (April 1 thru April 30, 2017) for Design Standards Ordinance.
- e) \$13,922.50(Sep., 2016 thru March 31, 2017) and \$3,452.50 (April 1 thru April 30, 2017) for Debris Management.
- f) \$22,250.00(Sep., 2016 thru March 31, 2017) and \$16,210.00 (April 1 thru April 30, 2017) for GIS Database.
- g) \$2,535.00(Sep., 2016 thru March 31, 2017) and \$20,745.00 (April 1 thru April 30, 2017) for Capital Improvement Plan.

RESOLUTION #17-144

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that according to the term of Shared Services agreement between the Borough of Moonachie and the Borough of Teterboro, Brittany Demarest be and is hereby appointed as a full time Court Administrator at the annual salary of \$46,000.00 effective May 22, 2017 to work part-time at the Borough of Teterboro.

RESOLUTION #17-145

BE IT RESOLVED by the Mayor and Council of Borough of Moonachie that Kevin Boswell of Boswell McClave Engineering, the Borough Engineer is hereby authorized to provide engineering services for preparation of Bid Documents for the importation of Certified Clean Fill to raise the property's topographic grade due to required excavation during Site Remediation at the proposed Department of Public Works building site located at Block 77, Lot 1 for the total cost not to exceed \$3,500.00; and.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to advertise for bids, the date of which is to be mutually agreed by said Borough Clerk and Borough Engineer.

BE IT FURTHER RESOLVED that an approved copy of this resolution be furnished to the Borough Chief Financial Officer, and Boswell McClave Engineering.

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

NEW BUSINESS:

1. Authorizing a refund of overpayment of taxes in the amount \$3,799.80 due to the Judgments of Tax Court of New Jersey for Garsan Realty, Block 61, Lot 7 for the year 2015. -Will be acted upon at Regular Meeting on May 25th, 2017.
2. Approval of proposed settlement for (2009, 2010, 2014 & 2015-withdrawn) and 2011, 2012 & 2013 tax appeals of Anro Partners LTD.(Block 72, Lot 2) in the amount of \$2,832.16.-Will be acted upon at Regular Meeting on May 25th, 2017.
3. Approval of proposed settlement for 2011, 2012, 2013, 2014 & 2015 tax appeals of East Park Assoc.,Partnership(Block 18, Lot 17.01) in the amount of \$17,532.29. -Will be acted upon at Regular Meeting on May 25th, 2017.
4. Approval of proposed settlement for (2014-withdrawn) tax appeals of 30 Concord Street LLC.(Block 72, Lot 8). -Will be acted upon at Regular Meeting on May 25th, 2017.
5. Approval of proposed settlement for (2009 thru 2015-withdrawn) tax appeals of Anro Partners LTD. (Block 69, Lot 10). -Will be acted upon at Regular Meeting on May 25th, 2017.
6. Approval of proposed settlement for (2009 thru 2013-withdrawn) tax appeals of Anro Partners LTD. (Block 72, Lot 8). -Will be acted upon at Regular Meeting on May 25th, 2017.
7. Approval of payment in the amount of \$9,150.00 for month of April,2017 to Millennium Strategies for professional service for the FEMA Grants Management and Administration. -Will be acted upon at Regular Meeting on May 25th, 2017.

FINAL PASSAGE OF ORDINANCES:

ORDINANCE#2017-1

AN ORDINANCE VACATING
DIVISION STREET

ORDINANCE#2017-2

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

Final Passage and public hearing of Ordinances will be held at the Regular Meeting May 25, 2017.

BUDGET:

RESOLUTION#17-

Waiver of Reading the 2017 Municipal Budget in full
-will be acted upon at the Regular Meeting of May 25, 2017.

PUBLIC HEARING ON THE BUDGET:

Public hearing on the budget will be held at the Regular Meeting of May 25, 2017.

DISCUSSION:

1. New DPW Building Construction.

Mr. Sachs- spoke about DPW Site Remediation, mentioned that the site has to be filled with soil. Spoke about meeting with the Mayor. He mentioned that the Borough has to go out to bid for 6,600 tons of soil.

Mr. Sachs- mentioned that Boswell is authorized to prepare the bid specifications, not to exceed \$3,500.

Mayor Vaccaro- suggested letting the Port Authority to review the bid specification for soil remediation and bid for the building.

2. Municipal Building rebuilding.

Mayor Vaccaro- mentioned notifying the bonding company of the Contractor about being behind schedule on the construction of the Municipal Building.

3. Sampling Testing at Hain Celestial Group, Inc.

Mr. Sachs- Spoke about result of the sample testing for three consecutive weeks at Hain Celestial Group. He explained that in the three-week testing, it shows the highest readings on Saturday and Sunday. He spoke about quarterly testing from March 2015 through March 2017. He mentioned that in the three-week testing the average BOD was 743mg/1 and TSS-160mg/1 in process manhole and the sanitary manhole BOD was 623mg/1 and TSS-157mg/1. He explained the testing results, which was done by the Hain Celestial Group.

C/Kinsella- asked Attorney Migliorino whether the Borough will meet with Hain Celestial Group regarding the sampling results.

Attorney Migliorino- mentioned that we should meet with the Hain Celestial Group with both parties' experts to discuss the results of the sampling testing.

4. Bid for Lincoln Pl. pump station and Moonachie Road pump station Generator.

Mr. Sachs –mentioned that Boswell will give the proposals.

5. Traffic Light between Moonachie Road and Moonachie Avenue.

Mr. Sachs- suggested having a meeting with Carlstadt.

Mayor Vaccaro- asked Mr. Sachs to set up a meeting with the County and Carlstadt.

6. DPW contracts.-discussion took place at the closed session.

7. Personnel (DPW & Administration).-discussion took place at the closed session.

8. Police Service to Teterboro.

Mayor Vaccaro- mentioned that there is nothing on the contract yet.

9. Paving of Parking Lot of Civic Center.

Mr. Sachs- mentioned that the preconstruction meeting for the Road Program will be on May 18th at 10 A.M. at Boswell Engineering and the contractor is looking for completion of the project by June 30th.

10. Amendment to Zoning Ordinance to create Park/Open Space Zone to include all existing and proposed Park and Open Space. -No discussion

11. Approval of Corrective Action Plan for the 2015 Annual Audit. - No discussion

12. Plumbing Sub-Code Official.

Mayor Vaccaro- mentioned that he is waiting to hear back from Civil Service.

13. Fire Sub-Code Official.

Mayor Vaccaro- mentioned that he is waiting to hear back from Civil Service.

14. DPW Assistant.-discussion took place at the closed session.

15. First Aid LOSAP. No discussion

16. Recommendation of Associated Appraisal Group regarding settlement of Tax Appeals (2013 , 2014, 2015 &2016)of Dominic Assoc. LLC/Rosen Family LLC , Block 62, Lot 10.01.

The Mayor and Council discussed that this item will be on hold.

17. Recommendation of Associated Appraisal Group regarding settlement of Tax Appeals (2013 , 2014, 2015 &2016)of Dominic Assoc. LLC/Rosen Family LLC , Block 62, Lot 10.02.

The Mayor and Council discussed item will be on hold.

18. Summer Recreation Registration fees.

C/Kinsella- mentioned that the recommendation from Mr. Facendola are for the registration for the residents \$50 for first child, and \$20 for additional child. Also she mentioned that there will be Mr. Facendola as Director, one Assistant Counselor, six Counselors and 3 floaters or Part Time Summer Rec Counselors, and another two or four for the Summer Recreation.

-Will be acted upon at Regular Meeting on May 25th, 2017.

19. Capital Budget-Purchase of a DPW truck.

Mayor Vaccaro- asked all the committees to look into all departments to see the equipment that needs to be purchased.

20. Temporary permit parking at Garden Street.

Mayor Vaccaro- mentioned that a couple of years ago, the Borough wanted to relieve the parking on Concord Street and Garden Street. He would like to allow people to park from 7A.M. to 11P.M. or allow permit parking. Also, the Borough has to remove the handicapped parking on Concord Street. He asked the Council looking into no parking from 11P.M. to 7A.M. on Garden Street, and eliminating the handicapped parking and allowing permit parking on Concord Street. He explained that this would relieve some of the businesses.

The Mayor and Council discussed about parking on Edstan Drive.

Mayor Vaccaro- asked about permit parking on Edstan Drive to Washington Place. He asked Council about permit parking on Washington Place and the Committee to review parking on other streets.

21. Shared Service agreement with South Hackensack for DPW Superintendent.

Mayor Vaccaro- mentioned that South Hackensack contract is up. He confirmed with the Council to renew the contract.

22. Amendment of Agreement for Temporary Cell Tower.

Mayor Vaccaro- mentioned that the agreement is up at the end of this month and the draft amended contract is for \$30,000 a year and for monthly payment to the Borough.

-Action will be taken at Regular Meeting on May 25th, 2017.

PUBLIC HEARING:

No one wishing to be heard.

Motion by C/Bauer and second by C/Kinsella to close Public hearing.

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

All ayes. So ordered.

Motion by C/Bauer and second by C/Cirillo to go into closed session to discuss DPW contract and personnel at 8:50 P.M.

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

All ayes. So ordered.

Motion by C/Bauer and second by C/Cirillo to close closed session at 9:20 P.M.

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

All ayes. So ordered.

Attorney Migliorino- mentioned that at the closed session the discussion took place about DPW contract, personnel and DPW Assistant.

Motion by C/Bauer and second by C/Cirillo to adjourn the meeting at 9:21 P.M.

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

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Borough Clerk