

Regular Meeting called to order, Mayor Dennis Vaccaro in the chair, at Kathryn E. Flynn Civic Center on Thursday May 24th, 2018 at 8:05 P.M.

Mayor called for Pledge of Allegiance to the Flag.

ROLL CALL: Bauer, Cirillo-present, Kinsella- not present, Martinez- present,
Millar, Surak- not present
Administrator- T. Ciannamea- present
Attorney- F. Migliorino-present
Auditor- Paul Lerch – 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 the Minutes of Regular Meeting of March 22, 2018 and Minutes of Special Meeting of March 28, 2018.

ROLL CALL: Bauer, Cirillo, Martinez.

All ayes. So ordered.

COMMUNICATIONS:

Borough of Wyckoff- supporting State Assembly Bill A-3736 State Senate Bill S 2473 regarding accountability of utility companies.

Township of Toms River- Sustainable and Resilient Communities Guidance Report for Municipalities.

Envirotactics, Inc. - notice of submittal of Remedial Action Protectiveness/Biennial Certification for Groundwater for Former AE&A Service Station, 270 Moonachie Avenue, Block 52/Lot 9.

First Environment, Inc.- notification of submission of NJDEP Remedial Action Protectiveness/Biennial Certification Form- Soil and the NJDEP Remedial Action Permit Transfer/Change of property ownership application and contact information change form, for Meadowlands Bindery, Inc., 146 W. Commercial Ave., in the Borough of Moonachie.

City of Hackensack-declaring the month of May 2018 as Asian American/Pacific Islander Heritage month.

City of Hackensack-recognizing May 2018 as Older American Month.

Bergen County Board of Chosen Freeholders- notice of introduction of a Site Plan Ordinance to establish Bergen County Standards for Sustainable Land Development Site Plans and notice of adoption of a resolution entitled “Notice of Intent to Establish Bergen County standards for Sustainable Land Development Subdivision Plans”.

Public Service Electric and Gas Company-notice of filing with BPU and notice of public hearing on the matter of the petition of PSE&G to modify its manufactured Gas Plant(MGP) Remediation Component within its Electric Societal Benefit Charge(SBC) and its Gas SBC; during the Remediation Adjustment Charge 25 Period, August 1, 2016 to July 31, 2017.

New Hersey Transit Corporation -notice of New Jersey Transit Corp.’s intent to apply for Federal Fiscal Year 2018 federal financial assistance.

Motion by C/Cirillo and second by C/Martinez to file communications.

ROLL CALL: Bauer, Cirillo, Martinez.

All ayes. So ordered.

FORMAL ACTION TAKEN AT EXECUTIVE SESSION ON MAY 10, 2018:

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

RESOLUTION#18-138

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the payment in the amount of \$2,000.00 to Hackensack Meadowlands Municipal Committee be and is hereby authorized for the Municipal funding of Hackensack Meadowlands Municipal Committee Yearly Operation Budget.

RESOLUTION#18-139

BE IT RESOLVED, by the Mayor and Council that Resolution#18-104, which authorized Mayor to sign an agreement with County of Bergen for Community

Development grant of \$23,000.00 for Installation of Park Equipment at Joseph St. Park, be and is hereby rescinded.

RESOLUTION#18-140

BE IT RESOLVED, by the Mayor and Council that Resolution#18-106 , which authorized the purchase of Swing Sets from BCI Burke Co. LLC, P.O. Box 549, Fond Du Lac, WI 54936-0549 for the amount \$8,053.91, be and is hereby rescinded.

RESOLUTION#18-141

BE IT RESOLVED, by the Mayor and Council that Resolution#18-107, which authorized the purchase of accessories (Wood Carpet for the Swing Set, at Joseph Street Park from Ben Schaffer Recreation, Inc., PO Box 844, Lake Hopatcong, NJ 07849: in the amount of \$2,142.53 (15% less than NJ Start Master Blanket Purchase Order (Contract) number 16-FLEET-00135) be and is hereby rescinded.

RESOLUTION#18-142

BE IT RESOLVED, by the Mayor and Council that Resolution#18-108, which authorized installation of Swing Set and other accessories needed for the Swing Set by Corby Associates, Inc. in the amount of \$5,725.00 be and is hereby rescinded.

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

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

RESOLUTION #18-143

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, Surak.
All ayes. So ordered.

REGULAR MEETING OF MAY 24, 2018:

NEW BUSINESS:

CONSENT RESOLUTIONS:

All matters listed bellows are considered to be routine in nature and will be enacted by one motion and second.

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

Mayor Vaccaro spoke about the work that Millennium has done for the Borough. He mentioned that they helped to receive a substantial amount of money back from FEMA and he will have a printout report showing the amount of money that was received from FEMA.

RESOLUTION #18-144

BE IT FURTHER RESOLVED by the Mayor and Council that the payments in the amount of \$9,300.00 for month of April, 2018 to Millennium Strategies, LLC for professional services for the FEMA grants Management and Administration be and is hereby approved.

RESOLUTION#18-145

WHEREAS, the Mayor and Council of the Borough of Moonachie have been advised of the proposed settlement of a Tax Appeal filed on behalf D & P Real Estate LLC, under Docket No.: 001236-2016; and 004860-2017; for the year 2016 and 2017;

WHEREAS, the said Governing body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Moonachie to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that settlement of the said Tax Appeal be finalized in accordance with Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A.40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

D&P REAL ESTATE LLC

TAX COURT OF NEW JERSEY

Plaintiff,

DOCKET NO.: 001236-2016
DOCKET NO.: 004860-2017

vs.

BOROUGH OF MOONACHIE
Defendant.

Civil Action
Stipulation of Settlement

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

BLOCK: 39
LOT: 7
STREET ADDRESS: 8 EMPIRE BLVD HM

Year: 2016

	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>TAX COURT JUDGMENT</u>
LAND	\$1,464,000		
IMPROVEMENTS	\$2,242,800	Direct Appeal	WITHDRAWN
TOTAL	\$3,706,800		

Year: 2017

	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>TAX COURT JUDGMENT</u>
LAND	\$1,464,000		
IMPROVEMENTS	\$2,452,400	Direct Appeal	WITHDRAWN
TOTAL	\$3,916,400		

2. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply.
3. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
4. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the tax refund is paid in accordance with paragraph 6 hereof.
6. The Assessment for Tax Year 2018 will be Land at \$1,464,000.00 and Improvements at \$2,036,000.00 for a Total Assessment of \$3,500,00.00. The Assessment for Tax Year 2019 will be Land at \$1,464,000.00 and Improvements at \$2,036,000.00 for a Total Assessment of \$3,500,000.00. Pre-judgment interest is waived on the condition that when Judgment is entered on this Stipulation of Settlement, the refund is paid within 90 days from the date of the entry of Judgment. It is expressly understood that all refunds, together with any interest which may become due as a result of the judgment to be entered shall be made payable to "Michael I. Schneck, Esq., Attorney for D & P REAL ESTATE LLC" and received by Michael I. Schneck, Esq. 301 South Livingston Ave., Livingston, NJ 07039 within 90 days from date of entry of Judgment. The interest waiver in this paragraph and paragraph 5 shall be null and void in the event of failure to fully comply with the provisions of this paragraph, both as to the time and manner of making the payments.
7. The provisions of Paragraphs 5 and 6 herein shall survive the entry of the Judgment, remain in full force and effect and be subject to any appropriate action for enforcement of the provisions.

SCHNECK LAW GROUP LLC
Attorneys for the Plaintiff
MICHAEL I. SCHNECK, ESQ.

BOROUGH OF MOONACHIE,
DEFENDANT
Helene C. Herbert, Esq.

RESOLUTION#18-146

WHEREAS, the Mayor and Council of the Borough of Moonachie have been advised of the proposed settlement of a Tax Appeal filed on behalf Midway Industrial

Terminal LLC and Paradiso & Rosen/Adrianna Paradiso, under Docket No.: 008356-2013; 000746-2014; and 004127-2015; for the year 2013, 2014 and 2015;

WHEREAS, the said Governing body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Moonachie to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that settlement of the said Tax Appeal be finalized in accordance with Schedule "A" attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A.40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

MIDWAY INDUSTRIAL TERMINAL LLC
AND PARADISO & ROSEN/ADRIANA
PARADISO,

TAX COURT OF NEW JERSEY
DOCKET NOS. 008356-2013,
000746-2014 & 004127-2015

Plaintiff

v.

Civil Action

MOONACHIE BOROUGH &
CARLSTADT BOROUGH,

STIPULATION OF SETTLEMENT

Defendant.

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 59
Lot: 3
Street: 170 W Commercial HM
Year: 2013

	Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment
Land	893,000	N/A	893,000
Improvements	<u>3,423,700</u>	DIRECT	<u>3,006,700</u>
TOTAL	4,317,000	APPEAL	3,900,000

2. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 59
Lot: 3
Street: 170 W Commercial HM
Year: 2014

	Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment
Land	893,000	N/A	893,000
Improvements	<u>3,423,700</u>	DIRECT	<u>3,006,700</u>

TOTAL 4,317,000 APPEAL 3,900,000

3. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 59
 Lot: 3
 Street: 170 W Commercial HM
 Year: 2015

	Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment
Land	893,000	N/A	893,000
Improvements	<u>3,423,700</u>	DIRECT	<u>3,006,700</u>
TOTAL	4,317,000	APPEAL	3,900,000

4. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply.
5. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
6. Based upon the foregoing, the undersigned represents to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.
7. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the tax refund is paid in accordance with paragraph 8 hereof.
8. Pre-judgement interest is waived on the condition that when Judgment is entered on this Stipulation of Settlement, the refund is paid within 90 days from the date of the entry of Judgment. It is expressly understood that all refunds, together with any interest which may become due as a result of the judgment to be entered shall be made payable to "Archer & Greiner, P.C. as Trustee for Midway Industrial Terminal, LLC and Paradiso & Rosen/Adriano Paradiso" and received by Archer & Greiner, P.C. within 90 days from date of entry of judgment. The interest waiver in this paragraph and paragraph 7 shall be null and void in the event of failure to fully comply with the provisions of this paragraph, both as to the time and manner of making the payment.
9. The provisions of Paragraphs 7 and 8 herein shall survive the entry of the judgment, remain in full force and effect and be subject to any appropriate action for enforcement of the provisions.

Archer & Greiner, P.C.
 Attorneys for Plaintiff
 JOSEPH J. NORCIA

Herbert & Weiss
 Attorney for Defendant
 HELENE C. HERBERT

RESOLUTION #18-147

WHEREAS, the Borough of Moonachie has entered into a Three Year Cooperative Agreement with the County of Bergen as provided under the Interlocal

Services Act N. J. S. A. 40A:8A-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the Governing Body of the Community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30;

NOW THEREFORE, BE IT RESOLVED that the Governing Body hereby appoints Councilman Robert Bauer, Sr. as its representative to participate on the Community Development Regional Committee; and

BE IT FURTHER RESOLVED that Administrator Anthony Ciannamea be appointed as the alternative representative.

RESOLUTION #18-148

BE IT RESOLVED, that the Mayor and Council of Borough of Moonachie wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$ 23,000.00 in 2018 Community Development Block Grant funds for Installation of Park Equipment at Joseph Street Park; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Dennis Vaccaro to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Administrator Anthony Ciannamea to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Moonachie is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

RESOLUTION #18-149

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the purchase of Swing Set and necessary accessories for the Swing Set for Joseph Street Park under NJ Start Master Blanket Purchase Order(Contract) number 16-FLEET-00134 from BCI Burke Co. LLC, P.O. Box 549, Fond Du Lac, WI 54936-0549 is hereby authorized for the amount \$8,053.91.

RESOLUTION #18-150

WHEREAS, two quotes for necessary accessories (Wood Carpet) for the Swing Set were solicited as follows:

1. Ben Schaffer Recreation, Inc., PO Box 844, Lake Hopatcong, NJ 07849 under NJ Start Master Blanket Purchase Order(Contract) number 16-FLEET-00135-\$2,529.75
2. Ben Schaffer Recreation, Inc., PO Box 844, Lake Hopatcong, NJ 07849 - \$2,142.53

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the purchase of accessories (Wood Carpets) for the Swing Set, at Joseph Street Park from Ben Schaffer Recreation, Inc., PO Box 844, Lake Hopatcong, NJ 07849: in the amount of \$2,142.53 (15% less than NJ Start Master Blanket Purchase Order(Contract) number 16-FLEET-00135) be and is hereby authorized.

RESOLUTION #18-151

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the installation of Swing Set Structure, Stone Border, and Wood Carpets by Corby Associates, Inc., 590 Grand Avenue, PO Box 496, Englewood, NJ 07657 be and is hereby authorized in the amount \$5,725.00.

RESOLUTION #18-152

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S

“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Moonachie, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

RESOLUTION#18-153

WHEREAS, the Mayor and Council of the Borough of Moonachie have been advised of the proposed settlement of a Tax Appeal filed on behalf Secure Watch 24 LLC, under Docket No.: 017634-2013;

WHEREAS, the said Governing body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule “A” attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Moonachie to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that settlement of the said Tax Appeal be finalized in accordance with Schedule “A” attached and with respect to same, the Mayor, Borough Administrator and/or any other appropriate official is hereby authorized to perform any act in order to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED that the Certificate of Availability of Funds pursuant to N.J.S.A.40A:4-57 has been certified to by the Chief Finance Officer and is attached hereto and made a part hereof.

SECURE WATCH 24 LLC,
Plaintiff,

TAX COURT OF NEW JERSEY
Docket No. 017634-2013

v.

CIVIL ACTION

BOROUGH OF MOONACHIE,
a Municipal Corporation of
New Jersey,
Defendant.

STIPULATION OF SETTLEMENT
(Without Affidavit)

Assigned Judge: Hon. Joseph M. Andresini, J.T.C.
First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 72

Lot: 1

Street Address: 65 Moonachie Ave HM

Year(s): 2013

Docket No.: 017634-2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$349,000.00	\$349,000.00	\$349,000.00
Impvts	\$350,500.00	\$350,500.00	\$188,000.00
Total	<u>\$699,300.00</u>	<u>\$699,300.00</u>	\$537,000.00

2. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply.
3. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
4. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the assessing practices generally applicable in the taxing district as required by law.
5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the tax refund is paid in accordance with paragraph 6 hereof.
6. Pre-judgment interest is waived on the condition that when Judgment is entered on this Stipulation of Settlement, the refund is paid within 90 days from the date of the entry of judgment. It is expressly understood that all refunds, together with any interest which may become due as a result of the judgment to be entered shall be made payable to "Daniel G. Keough, Trustee" and received by him within 90 days from date of entry of judgment. The interest waiver in this paragraph and paragraph 7 shall be null and void in the event of failure to fully comply with the provisions of this paragraph, both as to the time and manner of making the payments.
7. The provisions of Paragraph 5 and 6 herein shall survive the entry of the judgment, remain in full force and effect and be subject to any appropriate action for enforcement of the provisions.

VENTURA, MIESOWITZ, KEOUGH, & WARNER, PC

Daniel G. Keough
Attorney for Plaintiff

HERBERT & WEISS, LLP

Attorneys for Defendant

Helene C. Herbert
Attorney for Defendant

RESOLUTION#18-154

WHEREAS, the Mayor and Council of the Borough of Moonachie have been advised of the proposed settlement of a Tax Appeal filed on behalf The Realty Assoc. Fung X LP, under Docket No.: 005949-2015; 006410-2016;

3. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
4. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.
5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the tax refund is paid in accordance with paragraph 5 hereof.
6. Pre-judgement interest is waived on the condition that this Stipulation of settlement is approved by Moonachie Mayor and Council and forwarded to the Tax Court of New Jersey within 75 days hereof and provided the refund is paid within 90 days from the date of the entry of judgment. It is expressly understood that all refunds, together with any interest which may become due as a result of the judgment to be entered shall be made payable to McCarter & English, LLP, attorneys for Plaintiff and forwarded to Frank E. Ferruggia, Esq., McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, P.O. Box 652, Newark, NJ 07101-0652 within 90 days from entry of judgment. The interest waiver in this paragraph and paragraph 5 shall be null and void in the event of failure to fully comply with the provisions of this paragraph, both as to the time and manner of making the payment.
7. The provisions of Paragraphs 5 and 6 herein shall survive the entry of the judgment, remain in full force and effect and be subject to any appropriate action for enforcement of the provisions.

McCarter & English, LLP
Attorneys for the Plaintiff
Frank E. Ferruggia
A Member of the Firm

Herbert & Weiss
Attorney for Defendant
Helene C. Herbert

RESOLUTION#18-155

WHEREAS, the Mayor and Council of the Borough of Moonachie have been advised of the proposed settlement of a Tax Appeal filed on behalf Avison Young Attn: Gina A. Mesta, under Docket No.: 005002-2017;

WHEREAS, the said Governing body has been advised as to the merits of the subject Tax Appeal by legal counsel, expert appraisal personnel hired by the Borough as well as the Borough Tax Assessor; and

WHEREAS, the proposed Tax Appeal settlement components are as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough of Moonachie to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

that all refunds, together with any interest which may become due as a result of the judgment to be entered shall be made payable to McCarter & English, LLP, attorneys for Plaintiff and forwarded to Frank E. Ferruggia, Esq., McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, P.O. Box 652, Newark, NJ 07101-0652 within 90 days from entry of judgment. The interest waiver in this paragraph and paragraph 5 shall be null and void in the event of failure to fully comply with the provisions of this paragraph, both as to the time and manner of making the payment.

7. The provisions of Paragraphs 5 and 6 herein shall survive the entry of the judgment, remain in full force and effect and be subject to any appropriate action for enforcement of the provisions.

McCarter & English, LLP
Attorneys for the Plaintiff
Frank E. Ferruggia
A Member of the Firm

Herbert & Weiss
Attorney for Defendant
Helene C. Herbert

RESOLUTION #18-156

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that Allison Cahill be and hereby is appointed as Senior Counselor at the hourly rate of \$9.69.

RESOLUTION #18-157

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the proper officers be and are hereby authorized to refund the following overpayment of taxes due to Tax Court of New Jersey Judgment for Dominick Associates LLC and Leonard Rosen Family LLC, Tenants in Common:

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
2014	62	10.01	\$14,797.40
2015	62	10.01	\$15,610.85
2016	62	10.01	\$21,137.42
2017	62	10.01	<u>\$16,392.39</u>
TOTAL			\$67,938.04

BE IT FURTHER RESOLVED, that the tax overpayment in the amount of \$67,938.04 shall be made payable to "Archer & Greiner, P.C. as Trustee for Dominick Associates LLC and Leonard Rosen Family LLC, Tenants in Common,." and mailed to Archer & Greiner, 101 Carnegie Center, 3rd Floor, Suite 300, Princeton, NJ 08540.

RESOLUTION #18-158

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the proper officers be and are hereby authorized to refund the following overpayment of taxes due to Tax Court of New Jersey Judgment for Dominick Associates LLC and Leonard Rosen Family LLC, Tenants in Common:

<u>Year</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
2015	62	10.02	\$ 8,916.86
2016	62	10.02	\$28,367.20
2017	62	10.02	<u>\$25,452.93</u>
TOTAL			\$62,736.99

BE IT FURTHER RESOLVED, that the tax overpayment in the amount of \$62,736.99 shall be made payable to “Archer & Greiner, P.C. as Trustee for Dominick Associates LLC and Leonard Rosen Family LLC, Tenants in Common,.” and mailed to Archer & Greiner P.C., 101 Carnegie Center, 3rd Floor, Suite 300, Princeton, NJ 08540.

RESOLUTION #18-159

BE IT RESOLVED, by the Mayor and Council that the Borough Clerk is hereby authorized to advertise bids for portable Generator for Lincoln Place Pump Station; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Moonachie that the Borough Clerk is hereby authorized to receive bids for portable Generator for Lincoln Place Pump Station.

RESOLUTION#18-160

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the Mayor is hereby authorized to sign the Solid Waste Service Agreement to participate in the Solid Waste Cooperative Marketing Program from June 1, 2018 through May 31, 2020; and

BE IT FURTHER RESOLVED that the Borough of Moonachie shall pay to the Bergen County Utilities Authority on a monthly basis at the following rate for each solid waste delivered to the Transfer Station Facility:

June 1, 2018 through May 31, 2020-\$66.39 per ton

RESOLUTION #18-161

BE IT RESOLVED, by the Mayor and Council that the Summer Recreation Program Registration fees for 2017 are hereby set as the followings:

Moonachie resident:

\$50.00 – 1st child
\$20.00- each additional child

BE IT FURTHER RESOLVED, the Summer Recreation Program Registration fees are set as the followings:

Out of Town resident:

\$200.00 - per 1st child for six weeks of Summer Recreation Program
\$25.00 – each additional child- 6 weeks of Summer Recreation Program
\$50.00- per week for 1st child if attending less than 6 weeks Summer Recreation Program
\$25.00- per week for additional child if attending less than 6 weeks Summer Recreation Program

RESOLUTION#18-162

Re: Cancellation of Miscellaneous Reserve Balance in Current Fund

WHEREAS, a miscellaneous reserve balance for Losap remains open on the Borough's records; and

WHEREAS, this balance is no longer needed and it is necessary to formally cancel said balance;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie, County of Bergen, New Jersey, that the miscellaneous reserve balance for Losap in the Current Fund be cancelled:

Balance Cancelled
To Surplus

Losap

\$ 7,500

RESOLUTION#18-163

Proclamation/Resolution

Supporting the Click It or Ticket Mobilization of May 21 – June 3, 2018

WHEREAS, there were 626 motor vehicle fatalities in New Jersey in 2017; and
WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 21 – June 3, 2018 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94% to 95.5%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways; and

NOW THEREFORE, BE IS RESOLVED that the Mayor and Council of the Borough of Moonachie declares it's support for the Click It or Ticket seat belt mobilization both locally and nationally from May 21 – June 3, 2018 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION #18-164

BE IT RESOLVED, by the Mayor and Council that Resolution#17-240 which authorized purchase and approved payments for Seven mobile radios, in the amount of \$15,962.10 (\$2,280.30 each) , Eight portable radios, in the amount of \$24,262.80 (\$3,032.85 each), One portable Radio charger, in the amount of \$1,000of from Motorola Solutions, Inc. under state contract be and is hereby rescinded.

RESOLUTION #18-165

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the purchases from Motorola Solutions, Inc. under New Jersey State Contract#83909/T-0109 the followings is hereby authorized:

- Seven APX4500 mobile radios, in the amount of \$15,211.00
(\$2,173.00 each)
- Eight APX6000 portable radios, in the amount of \$23,662.88
(\$2,957.86 each)
- One APX 6000 6 Gang portable radio charger, in the amount of \$1,000.00

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Moonachie that the payments, in the amount of \$15,211.00 for seven APX 4500 mobile radios, in the amount of \$23,662.88 for eight APX6000 portable radios and in the amount of \$1,000 for one APX 6000 6 Gang radio charger under the New Jersey State Contract #889091/T-0109 to Motorola Solutions, Inc. be and is hereby approved.

RESOLUTION #18-166

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the following applicants for Part-time Summer Help for DPW are hereby employed effective May 29, 2018 at the hourly rate of \$15.00 per hour up to 30 hours a week:

Gage Bellino

Frederick J. Dressel, V

Christian Loor

Tyler Hemphill

Christian Sortino

RESOLUTION#18-167

RESOLUTION TO REDEEM
THIRD PARTY TAX TITLE LIEN

WHEREAS, Frank J. Santora, Tax Collector advised that payment has been received in the amount of \$ 15,737.09 to redeem TTL (s) # 17-00001, and subsequent Taxes on Block 43, Lot 5, located at 60 Edstan Drive within the Borough; and

WHEREAS, D1 Softball is holder of Certificate(s) TTL # 17-00001, and is therefore entitled to payment of \$ 15,737.09 and,

WHEREAS, the lienholder also paid a premium at the time of purchase and is entitled to a refund of same in the amount of \$ 27,000.00

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie, County of Bergen, State of New Jersey, that approval to issue a check in the total amount of \$ 42,737.09 payable to the above named lienholder, representing the redemption amount of said Certificate and a refund of the premium.

C/Kinsella entered at 8:14 P.M.

RESOLUTION #18-168

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the purchase of two Evolis Solar Radar Speed signs from Elan City Inc. 10-34 44th Drive, Long Island City, NY 11101 is hereby authorized for the amount not to exceed \$7,500.00.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez.

All ayes. So ordered.

OUT OF CONSENT:

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

RESOLUTION #18-169

WHEREAS, GRAYCLIFF CATERING, INC. trading as THE GRAYCLIFF, 122 Moonachie Avenue, Moonachie, New Jersey, has applied for a renewal of their PLENARY RETAIL CONSUMPTION LICENSE for 2018-2019; and

WHEREAS, no objections have been filed with the Borough Clerk to date and GRAYCLIFF CATERING INC. has complied with all legal requirements;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the application for the renewal of Plenary Retail Consumption License 0237-33-005-003, be and is hereby approved.

RESOLUTION #18-170

WHEREAS, La Havana 59 Corp. trading as La Havana 59, 110 Moonachie Avenue, Moonachie, New Jersey has applied for renewal of their PLENARY RETAIL CONSUMPTION LICENSE for 2018-2019; and

WHEREAS, no objections have been filed with the Borough Clerk to date and La Havana 59 Corp. has complied with all legal requirements; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the application for the renewal of Plenary Retail Consumption License 0237-33-003-005, be and is hereby approved.

RESOLUTION #18-171

WHEREAS, IL Cantina, LLC trading as IL CANTINA LLC, 107 Moonachie Road, Moonachie, New Jersey, has applied for a renewal of their PLENARY RETAIL CONSUMPTION LICENSE for 2018-2019; and

WHEREAS, no objections have been filed with the Borough Clerk to date and IL CANTINA, LLC has complied with all legal requirements; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the application for the renewal of Plenary Retail Consumption License 0237-33-002-007, be and is hereby approved.

RESOLUTION #18-172

WHEREAS, JNP, Inc. trading as Alray Liquor, 46 Moonachie Road, Moonachie, New Jersey, has applied for a renewal of their PLENARY RETAIL DISTRIBUTION LICENSE for 2018-2019; and

WHEREAS, no objections have been filed with the Borough Clerk to date and JNP, Inc. has complied with all legal requirements;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the application for the renewal of Plenary Retail Distribution License 0237-44-001-002, be and is hereby approved.

RESOLUTION #18-173

WHEREAS, BAZZARELLI PIZZERIA & RESTAURANT, INC. trading as BAZZARELLIS PIZZERIA AND RESTAURANT INC. 117 Moonachie Road, Moonachie, New Jersey has applied for a renewal of their PLENARY RETAIL CONSUMPTION LICENSE for 2018-2019; and

WHEREAS, no objection have been filed with the Borough Clerk to date, and BAZZARELLI PIZZERIA & RESTAURANT, INC. has complied with all legal requirements;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the application for the renewal of Plenary Retail consumption License 0237-33-007-002, be and is hereby approved.

ROLL CALL: Bauer, Cirillo, Kinsella- ayes, Martinez-recused.
Three ayes and one recused. Motion carried.

BILLS:

Motion by C/Bauer and second by C/Cirillo to approve the payment of bills.

BILL LIST MAY 2018			
CHECK	CURRENT ACCOUNT	AMOUNT	
1503	LERCH, VINCI & HIGGINS		201.25
1504	DELAGE LANDEN FINANCIAL SERVIC		257.25
1505	DELAGE LANDEN FINANCIAL SERVIC		200.81

1506	DELAGE LANDEN FINANCIAL SERVIC	204.75
1507	DELAGE LANDEN FINANCIAL SERVIC	195.00
1508	PITNEY BOWES-RESERVE ACCT.	900.00
1509	JAMES NOVELLO, ESQ.	866.25
1510	LEXIS NEXIS RISK SOLUTIONS	360.00
1511	MONROE SYSTEMS	566.67
1512	OCCUPATIONAL MEDICINE	588.00
1513	PROFESSIONAL INSURANCE ASSOC.	300.00
1514	MILLENIUM STRATEGIES	1,500.00
1515	LERCH, VINCI & HIGGINS	6,372.50
1516	BOARD OF EDUCATION	654,812.00
1517	BOROUGH OF MOON. GEN CAP ACCT	250,000.00
1518	BOROUGH OF MOONACHIE UNEMPLOYM	10,000.00
1519	BOSWELL ENGINEERING	273.00
1520	VERIZON	40.19
1521	VERIZON	295.99
1522	LISA CIANNAMEA	52.04
1523	EAGLE POINT GUN/T J MORRIS & S	82.16
1524	STANDARD INSURANCE	1,433.49
1525	DOMESTIC LINEN	80.50
1526	DOMESTIC UNIFORM RENTAL	80.50
1527	TIME WARNER CABLE	144.99
1528	CONTINENTAL FIRE & SAFETY	1,790.00
1529	EVANS CATERING SERVICE	81.83
1530	GALL'S INC.	413.97
1531	IRON MOUNTAIN	852.45
1532	JOSEPH SMENTKOWSKI INC.	9,860.83
1533	LISA CIANNAMEA	52.04
1534	LOWE'S HOME CENTER INC.	109.53
1535	PATERSON PAPERS	179.50
1536	SIG SAUER, INC	1,129.50
1537	STAPLES BUSINESS ADVANTAGE	57.62
1538	VIP CAR WASH	60.00
1539	C&C TIRE	611.80
1539	C&C TIRE	349.78
1540	GAETA RECYCLING	3,150.33
1541	GRAINGER	35.03
1542	RYAN HUGHES	90.00
1543	JOSEPH SMENTKOWSKI INC.	9,860.83
1544	LOWE'S HOME CENTER INC.	158.46
1545	SAL'S EQUIPMENT SERVICE & REPA	262.50
1546	STAPLES BUSINESS ADVANTAGE	350.73
1547	TURN OUT UNIFORMS	520.93
1548	DOMESTIC LINEN	80.50
1549	BOROUGH OF MOONACHIE PAYROLL A	11,961.52
1550	BOROUGH OF MOONACHIE PAYROLL A	164,683.95
1551	TIME WARNER CABLE	224.85
1552	NJ DIVISION OF MOTOR VEHICLE S	60.00
1553	ANJR	75.00
1554	BERGEN COUNTY UTILITIES AUTHOR	5,488.67
1555	TREAS.STATE OF NEW JERSEY	240.00
1556	DRAEGER SAFETY DIAGNOSTICS INC	179.00
1557	GAETA RECYCLING	3,150.33
1558	JOSEPH SMENTKOWSKI INC.	9,860.83
1559	PUBLIC SERVICE E & G	4,155.64
1560	REYNWOOD COMMUNICATIONS	742.52
1561	STAPLES BUSINESS ADVANTAGE	383.37
1562	MILLENIUM STRATEGIES	8,850.00
1563	MILLENIUM STRATEGIES	1,500.00
1564	SUEZ WATER NEW JERSEY	49.67
1565	VANDINE	392.00
1566	WILFRED MACDONALD INC.	2,326.12
1567	HOMETOWN AUTO PARTS	312.18

1568	RACHLES/MICHELE'S OIL CO.	379.04
1569	STAPLES BUSINESS ADVANTAGE	463.55
1570	JAMES NOVELLO, ESQ.	701.25
1571	BRITTANY DEMAREST	52.99
1572	DELAGE LANDEN FINANCIAL SERVIC	245.00
1573	HARRIS UNIFORMS	57.95
1574	MARK MUSELLA	100.00
1575	BERGEN COUNTY UTILITIES AUTHOR	5,642.91
1576	CROWN TROPHY	28.50
1577	DELAGE LANDEN FINANCIAL SERVIC	204.75
1578	DELAGE LANDEN FINANCIAL SERVIC	257.25
1579	DELAGE LANDEN FINANCIAL SERVIC	204.75
1580	EVANS CATERING SERVICE	68.37
1581	HERBERT & WEISS ATT. AT LAW	3,340.37
1582	HOMETOWN AUTO PARTS	54.65
1583	DELAGE LANDEN FINANCIAL SERVIC	204.75
1584	BOROUGH OF MOONACHIE TRUST ESC	1,105.40
1585	MIKE ROMANO'S AUTO BODY	1,197.27
1586	RIVERDALE TOOL COMPANY	66.46
1587	TRAFFIC SAFETY AND EQUIPMENT C	1,568.00
1588	VANDINE	1,236.00
1589	VERIZON	38.66
1590	TIME WARNER CABLE	274.88
1591	ADC COMMUNICATIONS AND ELECTIC	675.00
1592	BERGEN COUNTY UTILITIES AUTHOR	7,575.07
1593	EVANS CATERING SERVICE	27.20
1593	EVANS CATERING SERVICE	40.80
1594	NORTH JERSEY MEDIA GROUP	80.86
1595	PRAXAIR DISTRIBUTION	47.46
1596	PRAXAIR DIST. MID-ATLANTIC	38.22
1598	SUEZ WATER NEW JERSEY	5,270.07
1599	SUEZ WATER NEW JERSEY	779.67
1600	SUEZ WATER NEW JERSEY	99.50
1601	TERMINEX	60.00
1602	VERIZON	1,113.17
1604	A PLUS LETTER SERVICE INC.	365.00
1605	METRO FIRE & SAFETY EQUIPMENT	200.00
1606	PANORAMA TOURS INC.	795.00
1607	WILFRED MACDONALD INC.	524.14
1608	EVANS CATERING SERVICE	7.03
1609	BOROUGH OF MOONACHIE PAYROLL A	10,160.77
1610	BOROUGH OF MOONACHIE PAYROLL A	141,241.71
1611	ALAN FRIEDMAN D.M.D.	1,328.00
1612	ADC COMMUNICATIONS AND ELECTIC	1,350.00
1613	ALL COVERED	560.00
1615	GRO RITE GARDEN CENTER	324.35
1616	GTBM/INFO-COP	1,837.50
1617	LERCH, VINCI & HIGGINS	800.00
1618	SCHNACK'S ON SITE TRUCK REPAIR	5,060.77
1619	TRACKER PRODUCTS LLC	1,212.00
1620	TROPHY KING	55.00
1621	VERIZON	7.61
1622	VIP CAR WASH	47.97
1623	BERGEN MUNICIPAL EMPLOYEE BENE	99,267.00
1624	BERGEN MUNICIPAL EMPLOYEE BENE	102,886.00
1625	BERGEN MUNICIPAL EMPLOYEE BENE	95,512.00
1626	VALVOLINE INSTANT OIL CHANGE	210.21
1627	JENNIFER COONEY	50.84
1628	FRANK CARDONE	1,525.00
1629	BERGEN MUNICIPAL EMPLOYEE BENE	101,618.00
1630	LERCH, VINCI & HIGGINS	6,800.00
1631	LINCOLN FINANCIAL ADVISORS	38,940.60
1632	LOWE'S HOME CENTER INC.	376.65

1633	MANSFIELD OIL COMPANY	4,768.89
1634	PORT AUTHORITY OF NY AND NJ	423.48
1635	STAPLES BUSINESS ADVANTAGE	716.08
1636	LERCH, VINCI & HIGGINS	1,360.00
1637	TRAFFIC SAFETY AND EQUIPMENT C	1,001.80
1638	GAIL FITZGERALD	3,850.00
1639	HACKENSACK MEADOW.MUN.COMMITTE	2,000.00
1640	PSE&G COMPANY	3,603.23
1641	DELAGE LANDEN FINANCIAL SERVIC	205.37
1642	QUALITY AUTOMALL	688.60
1643	BERGEN COUNTY UTILITIES AUTHOR	7,790.06
1644	CHIZZY'S TRUCK AND AUTO REPAIR	219.38
1645	HOMETOWN AUTO PARTS	196.81
1646	HOMETOWN AUTO PARTS	55.07
1647	LOWE'S HOME CENTER INC.	144.87
1648	NATURE'S CHOICE CORPORATION	1,576.35
1649	NFIP DIRECT SERVICING AGENT	5,253.00
1650	RACHLES/MICHELE'S OIL CO.	779.75
1651	RETRON	200.63
1652	RIVERDALE TOOL COMPANY	122.51
1653	SOL RIVERA-VILLON	450.00
1654	VERIZON	275.65
1655	VERIZON	40.32
1656	VERIZON	296.63
1657	TONY CIRILLO	42.13
	TOTAL	1,856,924.68

CHECK	CURRENT ACCOUNT	AMOUNT
1603	ADC COMMUNICATIONS AND ELECTIC	VOID
1614	BERGEN MUNICIPAL EMPLOYEE BENE	VOID
	CURRENT ACCOUNT	
NON-CHECK PAYMENT	PRIMEFLEX	135.00
NON-CHECK PAYMENT	EARTHLINK BUSINESS	777.19
TOTAL		912.19

CHECK	TRUST ACCOUNT	AMOUNT
1524	PHILIP A. FACENDOLA	56.31
1525	FUN TIME ENTERTAINMENT	250.00
1526	FUN TIME ENTERTAINMENT	250.00
1527	WEST POINT TOURS	1,044.00
1528	BOSWELL ENGINEERING	630.00
1529	PHILIP A. FACENDOLA	59.92
1530	VICTOR MIGLIORINO (SON)	90.00
1531	BOSWELL ENGINEERING	365.35
1532	DARIN HUTCHSION	45.00
	TOTAL	2,790.58

CHECK	TRUST ACCOUNT	AMOUNT
1521	BOSWELL ENGINEERING	VOID

CHECK	GENERAL CAPITAL ACCOUNT	AMOUNT
66	LERCH, VINCI & HIGGINS	8,886.27
67	LERCH, VINCI & HIGGINS	500.00
68	LERCH, VINCI & HIGGINS	1,831.25
69	LERCH, VINCI & HIGGINS	9,210.94
70	RIEDEL SIGN COMPANY IN.	885.00
71	LERCH, VINCI & HIGGINS	3,558.75
73	L & C DESIGN CONSULTANTS	13,695.19
	TOTAL	38,567.40

CHECK	GENERAL CAPITAL ACCOUNT	AMOUNT
72	L & C DESIGN CONSULTANTS	13,695.19
CHECK	SEWER OPERATING ACCOUNT	AMOUNT
6552	PITNEY BOWES-RESERVE ACCT.	100.00
6553	BOSWELL ENGINEERING	262.00
6554	BOSWELL ENGINEERING	314.00
6556	VERIZON	38.53
6557	VERIZON	43.51
6558	BOROUGH OF MOONACHIE PAYROLL A	1,308.78
6559	DAVID PLUCHINO	250.00
6560	BOROUGH OF MOONACHIE PAYROLL A	18,019.06
6561	PSE&G COMPANY	2,278.62
6562	SUEZ WATER NEW JERSEY	271.68
6563	VERIZON	38.66
6564	HOMETOWN AUTO PARTS	169.61
6565	BOROUGH OF MOONACHIE PAYROLL A	17,991.01
6566	BOROUGH OF MOONACHIE PAYROLL A	1,294.25
6567	BERGEN MUNICIPAL EMPLOYEE BENE	13,933.00
6568	BERGEN MUNICIPAL EMPLOYEE BENE	14,863.00
6569	BERGEN MUNICIPAL EMPLOYEE BENE	14,863.00
6570	BERGEN MUNICIPAL EMPLOYEE BENE	13,933.00
6571	BERGEN MUNICIPAL EMPLOYEE BENE	13,933.00
6572	BOSWELL ENGINEERING	950.87
6573	LERCH, VINCI & HIGGINS	672.00
6574	LERCH, VINCI & HIGGINS	340.00
6575	LERCH, VINCI & HIGGINS	1,700.00
6577	PSE&G COMPANY	3,098.13
6578	PSE&G COMPANY	1,352.36
	TOTAL	122,018.07
CHECK	SEWER OPERATING ACCOUNT	AMOUNT
167	BOROUGH OF MOONACHIE PAYROLL A	VOID
6555	NATIONAL WATER MAIN CLEANING C	VOID
6576	PSE&G COMPANY	VOID
CHECK	SEWER CAPITAL ACCOUNT	AMOUNT
17	LERCH, VINCI & HIGGINS	1,113.73
18	LERCH, VINCI & HIGGINS	789.06
19	LERCH, VINCI & HIGGINS	1,156.25
20	DECOTIIS, FITZPATRICK, COLE &	753.00
21	BOSWELL ENGINEERING	6,905.00
	TOTAL	10,717.04
CHECK	DOG ACCOUNT	AMOUNT
18	N.J. DEPT. OF HEALTH AND SENIO	42.60
	TOTAL	42.60
CHECK	UNEMPLOYMENT ACCOUNT	AMOUNT
8	N.J. DOLWD, EMPLOYER ACCOUNTS	3,519.86
	TOTAL	3,519.86
CHECK	SUMMER REC ACCOUNT	AMOUNT
46	KEANSBURG AMUSEMENT PARK	600.00
47	CENTER CINEMAS	360.00
	TOTAL	960.00
CHECK	TAX LIEN ACCOUNT	AMOUNT
1000	D1 SOFTBALL	42,737.09
	TOTAL	42,737.09

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

FINAL PASSAGE OF ORDINANCE:

**BOROUGH OF MOONACHIE
CALENDAR YEAR 2018
ORDINANCE#2018-3
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Moonachie in the County of Bergen finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1 % increase in the budget for said year, amounting to \$78,280 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Moonachie, in the County of Bergen a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Moonachie shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1 %, amounting to \$78,280 and that the CY 2018 municipal budget for the Borough of Moonachie be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The Borough Clerk has presented an affidavit showing that advertisement had been made according to law.

PUBLIC HEARING ON ORDINANCE#2018-3:

No one wishing to be heard.

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

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez.

All ayes. So ordered.

Motion by C/Kinsella and second by C/Martinez to adopt Ordinance#2018-3.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez.

All ayes. So ordered.

BUDGET:

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

RESOLUTION#18-174

Resolution Re: Waiver of Reading in Full of the 2018 Budget

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in a public place where public notices are customarily posted, and
- b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Borough of Moonachie has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, the Borough is hereby permitted to waive the reading in full, of the Municipal Budget for the year ending December 31, 2018.

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

Paul Lerch- spoke about being in contact with the State, State reviewed the budget and made comments to be addressed. He mentioned that 2018 budget effect on the average home is \$39 because assessed values are going up. He spoke about increase line items, these are pension, social security, police salary and wages.

Administrator Ciannamea mentioned that the increase of police salaries due to additional hiring of new police officers, but also the money for inter-local contract with Teterboro increased.

Mr. Lerch mentioned that the use of surplus is reduced and more surplus can be banked for the future.

Mayor Vaccaro mentioned about the five years rolling assessment and the assessed value in town is going up. Thanked the governing body for the work on the budget and controlling spending.

PUBLIC HEARING ON THE BUDGET:

No one wishing to be heard.

Motion by C/Bauer and second by C/Cirillo to close public hearing (Budget).

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

ADOPTION OF 2018 MUNICIPAL BUDGET:

Motion by C/Bauer and second by C/Kinsella to adopt the 2018 Municipal Budget

**SECTION 2 - UPON
ADOPTION FOR YEAR 2018
(Only to be Included in
the Budget as Finally
Adopted)**

RESOLUTION #18-175

Be it Resolved by the Governing Body of the Borough of Moonachie, County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of:

- (a) \$ 8,100,865 (Item 2 below) for municipal purposes, and
- (b) \$ _____ (Item 3 below) for school purposes in Type I School District only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenue and

_____ appropriations.
 (d)\$ _____ (Sheet 43) Open Space, Recreation, Farmland and
 _____ Historic Preservation Trust Fund Levy
 _____ (Item 5 below)
 (e)\$ _____ 0 Minimum Library
 _____ Tax

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	08-100	\$ 1,120,788
Miscellaneous Revenues Anticipated	13-099	\$ 1,868,236
Receipts from Delinquent Taxes	15-499	\$ 200,000
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$ 8,100,865
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICT:		
Item 6, Sheet 41	07-195	\$
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	\$
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:		
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	\$
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY		
Total Revenues	13-299	\$ 11,289,889

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4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS	xxxxxxx	xxxxxxxxxxx
Within "CAPS"	xxxxxxx	xxxxxxxxxxx
(a&b) Operations Including Contingent	34-201	\$ 6,688,916
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 1,018,046
(g) Cash Deficit	46-885	\$
Excluded from "CAPS"	xxxxxxx	xxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 1,042,130
(c) Capital Improvements	44-999	\$ 250,000
(d) Municipal Debt Service	45-999	\$ 1,117,463
(e) Deferred Charges - Municipal	46-999	\$ 67,334
(f) Judgements	37-480	\$ 6,000
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)	29-405	\$
(g) Cash Deficit	46-885	\$
(k) For Local District School Purposes	29-410	\$
(m) Reserve for Uncollected Taxes	50-899	\$ 1,100,000
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 11,289,889

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 24th day of May, 2018.

It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2018 approved budget and all

amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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

Paul Lerch- mentioned that the dollar amount of \$27,000 for the agreement for the Wood-Ridge shooting range was wrong, and the State wanted to make the cancellation. He explained that the cancellation allows the budget to be adopted at this meeting.

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

RESOLUTION #18-176

Resolution Re: Cancellation of a Line Item of Appropriation

WHEREAS, the governing body of the Borough of Moonachie, has appropriated \$27,000 in the 2018 Budget for "Shooting Range Agreement-Wood Ridge".

WHEREAS, this appropriation has been determined by the Borough to be in excess of the actual cost.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Moonachie, County of Bergen, is canceling said such excess appropriation in the amount of \$24,300 in the 2018 Budget.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Director of the Division of Local Government Services.

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

PUBLIC HEARING ON OPEN SPACE APPLICATION FOR THE IMPROVEMENT OF RECREATION AREA IN EAST JOSEPH STREET:

Mayor Vaccaro- mentioned that the grant is for new swing set at the park.

No one wishing to be heard.

Motion by C/Bauer and second by C/Martinez to close Public hearing on Open Space Application.

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

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

RESOLUTION#18-177

WHEREAS, the Bergen county Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and,

WHEREAS, the Borough of Moonachie desires to further the public interest by obtaining a matching grant of \$9,000.00 from the County Trust Fund for new equipment and improvements for East Joseph Street Park; and

WHEREAS, the Mayor and Council has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body held a public hearing on May 24, 2018 to receive comments prior to the submission of this application; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the Borough of Moonachie is willing to use the county Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for new equipment and improvements to East Joseph Street Park; and

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

1. That it is hereby authorized to submit the above completed project application to the County of Bergen by the deadline of June 18, 2018, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Moonachie has secured, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Borough of Moonachie is committed to providing a dollar for dollar cash match for the project; and,
4. That the Borough of Moonachie agrees to comply with all applicable federal, state and local laws, rules and regulations in it performance of the project; and,
5. That this resolution shall take effect immediately.

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

CLOSED SESSION:

Mayor Vaccaro mentioned that the Mayor and Council want to discuss about the bids that were received for the DPW Building.

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

RESOLUTION #18-178

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 pending or anticipated litigation or contract negotiation.

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

Motion by C/Bauer and second by C/Kinsella to close closed session at 8:34 PM.

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez.

All ayes. So ordered.

Attorney Migliorino mentioned that in closed session there was discussion about the bids. He mentioned that at the executive meeting two weeks ago, the opportunity was given to the three lowest bidders to discuss their case and the Mayor and Council did review the bids. He explained that there were enough issues that it would be best to reject the bids and the Borough will rebid the project as soon as possible.

Carmine Alampi, Attorney for Belmont- asked about the disqualification of Belmont's bid.

Attorney Migliorino answered that he will send a letter regarding the matter.

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

RESOLUTION #18-179

WHEREAS, Eleven Bids were received on April 18, 2018 at 11 A.M. for DPW building; and

WHEREAS, opening of bids took place on April 18, 2018 at 11:00 A.M., at which time the bids were received from the following:

	Phase I	Phase II	Total
<u>Rotonde Brothers Contracting Corp.</u> 7-11 South Broadway, Suite 206 White Plains, NY 10601	\$395,000.00	\$2,129,000.00	\$2,524,000.00
<u>Unimak LLC</u> 82 Midland Ave., Suite D Saddle Brook, NJ 07663	\$227,000.00	\$2,311,000.00	\$2,538,000.00
<u>Belmont Construction Corp.</u> 240 W. Passaic St., Suite 11 Maywood, NJ 07607	\$242,100.00	\$2,322,900.00	\$2,565,000.00
<u>Tomco Construction, Inc.</u> 22 Howard Blvd. Suite 204 Mt. Arlington, NJ 07856	\$780,635.65	\$1,815,680.00	\$2,596,315.65
<u>Cypreco Industries, Inc.</u> 1420 9 th Avenue, PO Box 822 Neptune, NJ 07753	\$471,250.00	\$2,150,713.00	\$2,621,963.00
<u>Tricon Enterprises, Inc.</u> 322 Beers St. Keyport, NJ 07735	\$249,525.00	\$2,390,475.00	\$2,640,000.00
<u>Molba Construction</u> 392 Liberty Street Little Ferry, NJ 07643	\$228,000.00	\$2,426,000.00	\$2,654,000.00
<u>Fuscon Enterprises, Inc.</u> 414 Central Ave., PO Box 2595 Westfield, NJ 07091	\$203,000.00	\$2,543,000.00	\$2,746,000.00
<u>Pharos Enterprises, Inc.</u> 879 Upper Main Street South Amboy, NJ 08879	\$328,000.00	\$2,664,000.00	\$2,992,000.00
<u>ML Inc.</u> 65 South Street Passaic, NJ 07055	\$305,000.00	\$2,690,000.00	\$2,995,000.00
<u>M&M Construction Company, Inc.</u> 540 North Avenue Union, NJ 07083	\$311,000.00	\$3,059,000.00	\$3,370,000.00

WHEREAS, Borough Attorney reviewed and recommended that all bid submissions shall be rejected due to the fact that the three lowest bidders were all non-responsive on matters of substance, import and materiality; and

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Moonachie hereby authorizes the rejection of all bids submitted for Moonachie DPW Building according to Borough Attorney's recommendation; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to return all bid bonds to each of the respective bidders.

BE IT FURTHER RESOLVED, that the Borough clerk is hereby authorized to advertise re-bid for Moonachie DPW Building.

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

PUBLIC HEARING(Regular):

Sal DeAlessandro, 1 Frederick Street- asked about the payment for tax Sale.
Administrator Ciannamea mentioned that D1Softball is the lienholder's name.
Mr. DeAlessandro asked about payment to the NJSEA.
Administrator Ciannamea mentioned about litigation from another town for tax Sharing payment was dismissed.
Mayor Vaccaro-mentioned that the money for Tax sharing is coming from 3% Hotel Tax in the district and the legislature can changed 3% of all hotels in the towns of district.
Mr. DeAlessandro asked about residential areas in the Meadowlands District.
Mayor Vaccaro mentioned that there are no residential areas in the district.
Mr. DeAlessandro asked about work at Signature.
Mayor Vaccaro mentioned that they will form a committee and Teterboro is doing work on the West Riser ditch. Also, he mentioned that Signature is moving forward and they have all permits.
Mr. DeAlessandro- asked to look at the storm drain at the Joseph Street Park.
Motion by C/Kinsella and second by C/Cirillo to close Public hearing.
ROLL CALL: Bauer, Cirillo, Kinsella, Martinez.
All ayes. So ordered.

C/Kinsella reminded that the Memorial Day Service is at 10:30 Saturday at the Civic Center. She mentioned that there is a walk-a-thon tomorrow at the school for Tackle Kid's Cancer and Tomorrow's Children Fund in the name of Austin Macalintal, he went through chemotherapy and the family wanted the school to give back to the organizations, already over \$10,000 has been raised so far.
Mayor Vaccaro mentioned that there was a good presentation about bullying for 5th and 6th graders at the school and suggested having the presentation about bullying for the parents because everybody should be aware of it.
C/Kinsella- mentioned that the presentation was very valuable and she contacted mom of one of the student, who is in the border line.
Administrator Ciannamea confirmed with the Mayor and Council about 8th grade award amount being changed to \$250.
Motion by C/Bauer and second by C/Cirillo to adjourn the meeting at 8:54 P.M.
ROLL CALL: Bauer, Cirillo, Kinsella, Martinez.
All ayes. So ordered.

ATTEST:

Supriya Sanyal
Borough Clerk