

Regular meeting called to order, Mayor Vaccaro in the chair, at the Municipal Building on Thursday April 23, 2020 at 7:01 P.M.

Mayor called for Pledge of Allegiance to the Flag.

(via teleconference)

ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Surak, Wende- present,
Administrator- T. Ciannamea- present,
Attorney- F. Migliorino- present

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

Mayor Vaccaro recognized the first responders, the Police, Fire, EMS, and DPW, and especially the doctors and nurses and medical staff on the front lines. Spoke about people being affected by COVID-19, the amount of positive cases in Moonachie is up to 55, and have lost people recently not only from the virus. Mentioned passing of former Fire Chief John Ruschke, Aldo Bazzarelli, Anna Semioli, and Teresa Anastasio.

C/Bauer- spoke about knowing most of these people during his life, and sent his condolences to everyone.

C/Cirillo- gave condolences to everyone and their families.

C/Kinsella- gave condolences to all of the families.

C/Martinez- spoke about the people that were lost and they will be missed.

C/Surak- gave his condolences to the families for the loss of their loved ones.

C/Wende- thanked the first responders, doctors, nurses, and those that are working.

Wished everyone to stay safe.

Administrator Ciannamea- spoke about Aldo Bazzarelli, Mr. Rushke, and Teresa Anastasio.

Attorney Migliorino- mentioned about living in Moonachie for 65 years, and the people that were lost are like family. He will appreciate family and friends more.

Mayor Vaccaro -thanked the governing body, and mentioned that will get through this together. Thanked the Borough Hall employees.

COMMUNICATIONS:

Borough of Little Ferry- notice of public hearing and adoption of an Ordinance amending Land Use Regulations Section 35-103 entitled “ Terminology and Definitions” (Lot Coverage).

James B. Mastronardy, P.E.- notification of an application for an Individual Transition Area Waiver submission to NJDEP for 182 Redneck Avenue, Block 69.01, Lots 4.01 &5.01 in the Borough of Little Ferry.

Motion by C/Kinsella and second by C/Surak to file communications.

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

All ayes. So ordered.

BIDS: Six bids were received on April 14, 2020 at 10:00 A.M. for West Commercial Avenue (Section 4 & 5) Improvements and 2019 Municipal Road Program as follows:

	Base Bid	Alt. A	Alt. B	Alt. C
Frank A. Macchione Construction, Inc. 141 Central Ave. Rochelle Park, NJ 07662	\$275,000.00	\$80,000.00	\$35,000.00	\$28,000.00
DLS Contracting, Inc. 36 Montesano Rd. Fairfield, NJ 07004	\$285,288.00	\$88,745.75	\$42,575.25	\$29,499.50
Smith- SONDY Asphalt Const. Co. Inc. 150 Anderson Ave. Wallington, NJ 07057	\$299,787.35	\$96,032.60	\$37,234.60	\$32,084.65
A. J. M. Contractors, Inc. 300 Kuller Rd. Clifton, NJ 07011	\$305,026.00	\$90,045.00	\$50,369.00	\$33,326.75
4 Clean-Up, Inc. P.O. Box 5098	\$310,747.35	\$92,151.30	\$41,425.80	\$31,594.55

North Bergen, NJ 07047

Mark Paving Co. Inc. 77 Cutters Dock Rd. Woodbridge, NJ 07095	\$393,534.45	\$121,047.35	\$69,112.75	\$50,983.95
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Mayor Vaccaro asked to table until the May meeting.

Motion by C/Bauer and second by C/Surak to table award of bid.
ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

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/Surak and second by C/Cirillo to approve the following Resolutions:

RESOLUTION #20-131

BE IT FURTHER RESOLVED by the Mayor and Council that the payment in the amount of \$6,300.00 for month of March, 2020 to Millennium Strategies, LLC for professional services for the FEMA grants Management and Administration be and is hereby approved.

RESOLUTION#20-132

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the authorization of the Mayor to sign an agreement with PBA 102 and Sergeant James McNeice for his Terminal Leave commencing April 12, 2020 be and is hereby confirmed.

RESOLUTION #20-133

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the payment in the amount of \$2,202.50 to Arcari+Iovino Architect PC for professional architectural and engineering services for the construction of the DPW building be and is hereby approved.

RESOLUTION #20-134

BE IT RESOLVED, by the Mayor and Council that the Borough Clerk is hereby authorized to advertise for bids of the Solid Waste Collection.

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 Solid Waste Collection.

RESOLUTION#20-135

Resolution: Request for Emergency Contract Award- Purchase of 2020 Chevrolet Tahoe PPV (9C1) 4WD

WHEREAS, an emergency condition exists in the Borough of Moonachie with respect to Covid 19 Pandemic for the purchase of a 2020 Chevrolet Tahoe PPV (9C1) 4WD for the Police Department; and

WHEREAS, this constitutes an emergency affecting the immediate health, safety or welfare of the public; and

WHEREAS, the Governor Phil Murphy declared State of Emergency on March 9th, 2020; and

WHEREAS, it is necessary to invoke N.J.S. A. 40A:11-6(and 18A:18A-) (emergency purchases and contracts) in order to obtain the immediate delivery of 2020 Chevrolet Tahoe PPV (9C1) 4WD. The estimated cost of the purchase of 2020 Chevrolet Tahoe PPV (9C1) 4WD is \$40,000; and

WHEREAS, a purchase order can be issued without public advertisement for bids, pursuant to the above cited statute and N.J.A.C. 5:34-6.1 et seq.; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that it hereby authorizes the Borough Administrator to award a contract to Hertrich Fleet Services, Inc., 1427 Bay Road, Milford, DE 19962 to purchase 2020 Chevrolet Tahoe PPV (9C1) 4WD, the approximate amount of \$40,000.00 Moonachie Police Department.

RESOLUTION #20-136

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the purchase of 2020 Chevrolet Tahoe 4WD for the Moonachie Police Department from Gentilini under the New Jersey State Contract# 19-FLEET-00842 is hereby authorized for the amount 54,897.27; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Moonachie that the payment in the amount of \$54,897.27 to Gentilini under the New Jersey State Contract #19-FLEET-0842 for the purchase of 2020 Chevrolet Tahoe 4WD be and is hereby approved.

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

All ayes. So ordered.

OUT OF CONSENT RESOLUTION:

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

RESOLUTION#20-137

WHEREAS, an application has been filed for a person to person and a place-to-place transfers of Plenary Retail Consumption License 0237-33-004-002, heretofore issued to Dugout Inc.(no premises); and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Moonachie does hereby approve, effective April 24, 2020 Plenary Retail Consumption License to In Thyme Food Services, LLC, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This License, subject to all its terms and conditions, is hereby transferred to In Thyme Food Services, LLC, effective April 24, 2020".

BE IT FURTHER RESOLVED, that the Mayo and Council of the Borough of Moonachie does hereby approve, effective April 24, 2020, the Place-to-Place transfer of the aforesaid Plenary Consumption License from without premises to its new location at 55 Moonachie Avenue, Moonachie, New Jersey, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This License, subject to all its terms and conditions, is hereby transferred to premises located at 55 Moonachie Avenue, Moonachie, New Jersey.

ROLL CALL: Bauer, Cirillo, Kinsella- aye, Martinez- recused, Surak, Wende- aye
Five ayes, one recused. Motion carried.

Mayor Vaccaro- mentioned that the Open Space application is for equipment at the Joseph Street Park, last year an application for East Joseph Street Park was submitted, and will hopefully be finished this year.

PUBLIC HEARING ON OPEN SPACE APPLICATION FOR NEW EQUIPMENT
AND THE IMPROVEMENT FOR JOSEPH STREET:

No one wished to be heard.

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

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

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

RESOLUTION#20-138

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 \$142,247.03 from the County Trust Fund for new equipment and improvements for 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 April 23, 2020 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 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 29, 2020, 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, Surak, Wende.
All ayes. So ordered.

BILLS:

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

CHECK	CURRENT ACCOUNT	AMOUNT
4637	RICHARD BEHRENS	179.00
4638	DRAEGER SAFETY DIAGNOSTICS INC	179.00
4639	GALL'S INC.	9.75
4640	AGE'S AUTO LLC.	65.00
4641	AGE'S AUTO LLC.	464.00
4642	DOMESTIC UNIFORM RENTAL	205.62
4643	DOMESTIC UNIFORM RENTAL	205.62
4644	AGE'S AUTO LLC.	65.00
4645	AGE'S AUTO LLC.	252.80
4646	AGE'S AUTO LLC.	72.00
4647	AGE'S AUTO LLC.	46.00
4648	AGE'S AUTO LLC.	65.00
4649	AGE'S AUTO LLC.	90.00
4650	AGE'S AUTO LLC.	361.60
4651	AGE'S AUTO LLC.	165.00
4652	AGE'S AUTO LLC.	48.00
4653	TRAFFIC SAFETY AND EQUIPMENT C	1,060.00
4654	ALL BERGEN LOCKSMITH	533.00
4655	LOWE'S HOME CENTER INC.	208.61
4656	NEW JERSEY FIRE EQUIPMENT	300.00
4657	JOSEPH SMENTKOWSKI INC.	9,860.00
4658	LITTLE FERRY PUBLIC LIBRARY	100.00
4659	LITTLE FERRY PUBLIC LIBRARY	100.00
4660	NORTH JERSEY MEDIA GROUP	56.85
4661	MILLENIU STRATEGIES	1,500.00
4662	MILLENIU STRATEGIES	9,150.00
4663	REYNWOOD COMMUNICATIONS	564.11
4664	ALL COVERED	921.00
4665	BOSWELL ENGINEERING	94.50
4666	DART COMPUTER SERVICES INC.	240.00
4667	CODY COMPUTER SERVICES, INC	7,340.90
4668	PRAXAIR DIST. MID-ATLANTIC	60.85
4669	EAGLE POINT GUN/T J MORRIS & S	4,825.30
4670	AGE'S AUTO LLC.	174.00
4671	AGE'S AUTO LLC.	65.00
4672	AGE'S AUTO LLC.	36.00
4673	AGE'S AUTO LLC.	115.00
4674	BERGEN COUNTY PROSECUTOR'S COM	6,000.00
4675	RACHLES/MICHELE'S OIL CO.	292.84
4676	GALL'S INC.	50.32
4677	BOARD OF EDUCATION	720,502.08
4678	BOARD OF EDUCATION	720,502.08
4679	BOARD OF EDUCATION	720,502.08
4680	V.E. RALPH & SON INC.	24.75
4681	V.E. RALPH & SON INC.	83.60
4682	PRAXAIR DIST. MID-ATLANTIC	56.93
4683	EVANS CATERING SERVICE	37.25
4684	EVANS CATERING SERVICE	7.65
4685	BERGEN COUNTY UTILITIES AUTHOR	7,338.09
4686	COUNTY OPEN SPACE TRUST FUND	20,384.00
4687	STANDARD INSURANCE	1,433.49
4688	BERGEN MUNICIPAL EMPLOYEE BENE	106,580.17

4689	BERGEN MUNICIPAL EMPLOYEE BENE	100,298.17
4690	BERGEN MUNICIPAL EMPLOYEE BENE	103,439.17
4691	BERGEN MUNICIPAL EMPLOYEE BENE	103,439.17
4692	JOSEPH SMENTKOWSKI INC.	9,860.83
4693	REYNWOOD COMMUNICATIONS	2,189.53
4694	MANSFIELD OIL COMPANY	3,228.71
4695	RACHLES/MICHELE'S OIL CO.	338.87
4696	PSE&G COMPANY	4,388.74
4697	DOOR WORKS, INC.	334.65
4698	TERMINEX	66.00
4699	RACHLES/MICHELE'S OIL CO.	421.43
4700	COUNTY OF BERGEN	470,575.00
4701	NEW JERSEY FIRE EQUIPMENT	310.00
4702	DOOR WORKS, INC.	693.26
4703	NEW JERSEY FIRE EQUIPMENT	240.00
4704	DELAGE LANDEN FINANCIAL SERVIC	204.75
4705	GAETA RECYCLING	857.39
4706	POSTMASTER	240.00
4707	TREASURER STATE OF NEW JERSEY	25.00
4708	WINDSTREAM	345.68
4709	WINDSTREAM	332.02
4710	WINDSTREAM	329.60
4711	LOWE'S HOME CENTER INC.	16.14
4712	LOWE'S HOME CENTER INC.	188.45
4713	LOWE'S HOME CENTER INC.	25.78
4714	LOWE'S HOME CENTER INC.	119.52
4715	LOWE'S HOME CENTER INC.	41.02
4716	EVANS CATERING SERVICE	29.80
4717	VERIZON	6.55
4718	VIP CAR WASH	72.00
4719	EVANS CATERING SERVICE	7.65
4720	PRAXAIR DIST. MID-ATLANTIC	60.63
4721	LEXIS NEXIS RISK SOLUTIONS	33.00
4722	SUPERIOR PRODUCT SALES	263.24
4723	C&C TIRE	234.72
4724	ATLANTIC UNIFORM CO.	255.00
4725	HARRIS UNIFORMS	158.95
4726	HARRIS UNIFORMS	60.00
4727	HARRIS UNIFORMS	216.00
4728	HARRIS UNIFORMS	505.90
4729	HARRIS UNIFORMS	54.99
4731	GTBM/INFO-COP	2,200.00
4732	GTBM/INFO-COP	2,235.00
4733	NEW JERSEY FIRE EQUIPMENT	50.00
4734	BERGEN COUNTY DEPT. OF HEALTH	14,335.18
4735	MARY ELLEN LYONS	140.57
4736	CERTIFIED SPEEDOMETER	246.00
4737	BOROUGH OF WOOD-RIDGE	4,000.00
4738	THOMSON REUTERS	770.50
4739	SUEZ WATER NEW JERSEY	196.66
4740	SUEZ WATER NEW JERSEY	53.91
4741	SUEZ WATER NEW JERSEY	60.40
4742	SUEZ WATER NEW JERSEY	142.68
4743	VERIZON	239.99
4744	BERGEN COUNTY POLICE CHIEFS AS	500.00
4745	EVANS CATERING SERVICE	7.65

4746	SUEZ WATER NEW JERSEY	5,270.07
4747	R.SPETHMANN & DAUGHTERS CONST	468.00
4748	SUEZ WATER NEW JERSEY	5,270.07
4749	SUEZ WATER NEW JERSEY	324.35
4750	VERIZON	234.66
4751	VERIZON	110.64
4752	PSE&G COMPANY	4,405.73
4753	NORTH JERSEY MEDIA GROUP	333.00
4754	NORTH JERSEY MEDIA GROUP	74.75
4755	SUEZ WATER NEW JERSEY	160.63
4756	VERIZON	641.45
4757	HARRIS UNIFORMS	106.00
4758	HARRIS UNIFORMS	159.99
4759	HARRIS UNIFORMS	453.00
4760	MARIO PATRUNO	25.00
TOTAL		3,191,297.03

CHECK	CURRENT ACCOUNT	AMOUNT
4730	GTBM/INFO-COP	VOID

NON-CHECK PAYMENT	CURRENT ACCOUNT	AMOUNT
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL A	173,271.43
NON-CHECK PAYMENT	PRIMEFLEX	154.50
NON-CHECK PAYMENT	JP MORGAN CHASE	139,856.25
TOTAL		313,282.18

CHECK	CAPITAL ACCOUNT	AMOUNT
243	L & C DESIGN CONSULTANTS	3,015.00
244	DELL INC.	1,900.27
245	TRICON ENTERPRISES	133,929.25
246	L & C DESIGN CONSULTANTS	16,627.50
247	L & C DESIGN CONSULTANTS	1,745.00
248	L & C DESIGN CONSULTANTS	10,180.00
249	L & C DESIGN CONSULTANTS	19,830.00
250	BOSWELL ENGINEERING	66,708.06
251	BEN SHAFFER RECREATION INC.	13,193.77
252	NORTH JERSEY MEDIA GROUP	255.40
TOTAL		267,384.25

CHECK	SEWER OPERATING ACCOUNT	AMOUNT
531	BOSWELL ENGINEERING	2,112.00
532	BERGEN MUNICIPAL EMPLOYEE BENE	10,677.83
533	BERGEN MUNICIPAL EMPLOYEE BENE	10,677.83
534	BERGEN MUNICIPAL EMPLOYEE BENE	10,677.83
535	BERGEN MUNICIPAL EMPLOYEE BENE	10,677.83
536	SUEZ WATER NEW JERSEY	188.20

537	SUEZ WATER NEW JERSEY	94.02
538	VERIZON	40.61
539	VERIZON	40.61
TOTAL		45,186.76

NON-CHECK PAYMENT	SEWER OPERATING ACCOUNT	AMOUNT
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL A	17,525.53
TOTAL		17,525.53

CHECK	DOG ACCOUNT	AMOUNT
42	N.J. DEPT. OF HEALTH AND SENIO	59.40
TOTAL		59.40

NON-CHECK PAYMENT	COMPENSATED ABSENCE ACCOUNT	AMOUNT
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL A	75,745.04
TOTAL		75,745.04

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

FINAL PASSAGE OF ORDINANCE:

ORDINANCE #2020-1

AN ORDINANCE TO AMEND CHAPTER XVI "STREETS, SIDEWALKS AND SANITATION" OF THE REVISED GENERAL ORDINANCE OF THE "BOROUGH OF MOONACHIE" COUNTY OF BERGEN, STATE OF NEW JERSEY

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Moonachie in the County of Bergen, State of New Jersey as follows:

Amending 14-1 STREET EXCAVATION as follows:

Amending Section 14-1.2 Permit Required

- a. No person shall make an excavation in or tunnel under any street without first obtaining a permit from Construction Official and/ or Superintendent of Department of Public Works.
- b. A tunnel or excavation may be commenced without a permit, where an emergency has arisen which make it necessary to start work immediately, provided that the application for permit is made simultaneously with the commencement of the work next business day. The permit, when issued, shall be retroactive to the date on which the work has begun.
- c. The Construction Official and/or Superintendent of Department of Public Works permits to other public bodies without fee.

Amending Section 14-1.3 Denial of Permit; Appeal.

The Construction Official and/or Superintendent of Department of Public Works is authorized to refuse the issuance of any permit, if such refusal is in the interest of public safety, convenience or health. In the event that any permit shall be refused by the Construction Official and/or Superintendent of Department of Public Works, an appeal may be taken to the the Mayor and Council. The Mayor and Council, after hearing the applicant and the Construction Official and/or Superintendent of Department of Public Works and other evidence as may be produced, may either direct the issuance of the permit or sustain the refusal of the Construction Official and/or Superintendent of Department of Public Works.

Amending Section14-1.4 Application for Permit.

Application for a permit shall be made to the Construction Official and/or Superintendent of Department of Public Works and shall contain the following information:

- a. Name and address of the applicant.
- b. Name of the street where the opening is to be made and the street number, if any, of the abutting property.
- c. The Borough tax map block and lot number of the property for the benefit of which the opening is to be made.
- d. Nature of the surface in which the opening is to be made.
- e. Character and purpose of the work proposed.
- f. Time when the work is to be commenced and completed.
- g. Each application shall be accompanied by a set of plans in quadruplicate showing the exact location and dimensions of all openings.
- h. The name and address of the workman or contractor who is to perform the work.
- i. A statement that the applicant agrees to replace at his own cost and expense, the street, curb, gutter and sidewalk in the same state and condition as they were at the time of the commencement of the work within forty-eight(48) hours of completion thereof.

Amending Section14-1.5 Issuance of Permit.

Permits shall be issued under the authority of the Construction Official and/or Superintendent of Department of Public Works and in accordance with the provisions of this section and the regulations which the Construction Official and /or Superintendent of Department of Public may establish. The Construction Official and/or Superintendent of Department of Public Works shall determine the initial time limit during which the permit shall valid.

Amending Section1.6 Contents of Permit: Filing.

Each permit shall state the identity and address of the applicant, the name of the street and the location where the excavation or tunnel is to be made, the dimensions of the opening and the period during which the permit shall be valid. The original of each permit shall remain on file with the Construction Official and/or Superintendent of Department of Public Works.

Amending 14-1.7 Fees.

Fees shall be paid when the application is made. The applicant shall be charged a fee of one hundred (\$100.00) dollars for each permit.

Amending Section 14-1.8 Bonds.

No permit shall be issued until the applicant shall have filed a bond in an amount of \$2,500.00. The bond shall be executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

- a. To indemnify and hold harmless the Borough from all loss, damage, claim or expense including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.
- b. To indemnify the Borough for any expense incurred in enforcing any of the provisions of this section.
- c. To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act or omission of the applicant, his agents, employees or subcontractors done in the course of any work under the permit.
- d. The bond shall also be conditioned upon the applicant's restoring surface and foundation of the street for which the permit is granted in a manner acceptable to the Construction Official and/or Superintendent of Department of Public Works.

One (1) bond may be accepted to cover a number of excavations by the same applicant. Bonds shall remain in force for a period to be determined by the Construction Official and/or Superintendent of Department of Public Works.

Amending Section 14-1.9 Insurance.

No permit shall be issued until the applicant has furnished the Construction Official and/or Superintendent of Department of Public Works with satisfactory proof that he/her is insured against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazard likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be one hundred thousand (100,000.00) dollars for injury to any one (1) person a, three hundred thousand (\$300,000) dollars for injuries to more than one (1) person in the same accident, and an aggregate of one hundred thousand (\$100,000) dollars for property damage for a single incident. The Construction Official and/or Superintendent of Department of Public Works may waive the requirements of this subsection in the case of public utilities on the presentation of satisfactory proof that it is capable of meeting claims against it up to the amount of the limits of the insurance policy which would otherwise be required.

Amending Section 14-1.10 Rules and Regulations; Backfilling.

All permits issued under this section shall be subject to the following rules and regulations:

- a. All excavation shall be kept properly barricaded at all times and during the hours of darkness shall be provided with proper warning lights. This regulation shall not excuse the permittee from taking any other precaution reasonably necessary for the protection of persons or property.
- b. All work shall be done in such a manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Police Chief. The Police Department shall be informed of all street closing at least twenty-four (24) hours in advance.
- c. The Construction Official and/or Superintendent of Department of Public Works may, upon application by the permittee, extend the time during which the permit shall be valid.
- d. All refuse and material must be removed within forty-eight (48) hours.
- e. All excavation shall be completely backfilled by the permittee, and shall be compacted by tamping or other suitable means in a manner prescribed by the Construction Official and/or Superintendent of Department of Public Works. Where the Construction Official and/or Superintendent of Department of Public Works determines that the excavated material is unsuitable for backfill, the permittee shall backfill the excavation with sand, soft coal, cinders or other suitable and clean material which shall be placed in layers not exceeding six (6") inches in depth and thoroughly compacted in the manner prescribed by the Construction Official and/or Superintendent of Department of Public Works. Upon completion of the work, the permittee shall remove any excess material and leave the premises in a clean condition. If the Construction Official and/or Superintendent of Department of Public Works determines that any backfilled excavation has settled or caved in, he/she shall notify the permittee, who shall promptly continue backfilling until the Construction Official and/or Superintendent of Department of Public Works determines that settlement is complete.
- f. If tunneling operations are required, the tunnel shall be backfilled with rammed concrete composed of one (1) part cement to ten (10) parts sand.
- g. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable State laws and regulations.
- h. If the work is not completed within the time specified in the permit or any extension granted by the Construction Official and/or Superintendent of Department of Public Works or is not performed in accordance with the regulations set forth in this subsection and any other regulations that may be established by the Construction Official and/or Superintendent of Department of Public Works, then the Construction Official and/or Superintendent of Department of Public Works may complete the work and restore the surface of the street. The cost of completing the work and restoring the street shall be charged to the permittee and may be deducted from his deposit or recovered by an action in any court of competent jurisdiction.

Amending Section 14-1.11 Rules and Regulations for Restoration of Surface.

In all cases the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:

- a. No permittee shall commence the restoration of any street foundation or surface until the Construction Official and/or Superintendent of Department of Public Works has determine that settlement of the subsurface is complete and the area properly prepared for restoration.
- b. Any road in the Borough which has been resurfaced in the last 10 years for which a new road opening permit is issued shall include the requirement that the party performing the work must resurface the road from curb to curb and from street corner to street corner.
- c. The street surface shall be restored to the satisfaction of the Construction Official and/or Superintendent of Department of Public Works.

Amending Section 14-1.12 Permit Condition and Regulations.

- a. Transferability. Every permit shall apply only to the person to whom it is issued and shall not be transferable.
- b. Commence of Work. Work under a permit shall commence within forty-five days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate, unless extended in writing by the Construction Official and/or Superintendent of Department of Public Works.
- c. Possession of Permit. A copy of the permit together with a copy of the plan endorsed with the approval of the Construction Official and/or Superintendent of Department of Public Works shall be kept in possession the person actually performing the work and shall be exhibited on demand to any duly authorized representative of the Construction Official and/or Superintendent of Department of Public Works or to any Police Officer of the Borough.
- d. Revocation of Permit. The Construction Official and/or Superintendent of Department of Public Works may revoke a permit for any of the following reasons:
 1. Violation of any provision of this Chapter or any other applicable rules, regulations, law or ordinance.
 2. Violation of any condition of the permit issued.
 3. Carrying on work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or declared by any provision of this Code to constitute a nuisance.

The procedure for revoking a permit shall be the same as that set forth in the Code for revocation of licenses, except that the initial hearing shall be before the Construction Official and/or Superintendent of Department of Public Works with a right of appeal to the Borough Council; and the Construction Official and/or Superintendent of Department of Public Works may provide in his or her decision that revocation shall not become effective if the permittee corrects the violation within a specified period of time.

- e. Modification of Permit Conditions. In a special case the Borough Council by resolution may impose special conditions to which the issuance of the permit may be subject, or may decide that any provision of this section shall not apply or shall be altered.

Amending Section 14-1.13 Power to Make Additional Rules and Regulations.

The Construction Official and/or Superintendent of Department of Public Works may make any rules and regulations which he/her considers necessary for the administration and enforcement of this section, but no regulation shall be inconsistent with, alter or amend any provision of this section, or impose any requirement which is in addition to those expressly or by implication imposed by this section. No regulation shall be effective unless they shall be approved by resolution of the Borough Council. Copies of all current regulation shall be furnished each permittee at the time of the issuance of the permit.

SECTION 2: Enforcement: these Provisions of this section shall be enforced by the Construction Official and/or Superintendent of Department of Public Works his or her designee.

SECTION 3: All Ordinances or parts inconsistent herewith are hereby repealed as to such inconsistency only. Each and every other provision of the sections and schedules not modified by this Ordinance shall remain in full force and effect.

SECTION 4: This Ordinance shall take effect upon the passage and publications as required by law.

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

PUBLIC HEARING ON ORDINANCE#2020-1:

No one wished to be heard.

Motion by C/Bauer and second by C/Wende to close Public hearing.
ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

Motion by C/Surak and second by C/Cirillo to adopt Ordinance#2020-1.
ROLL CALL: Bauer, Cirillo, Kinsella, Martinez, Surak, Wende.
All ayes. So ordered.

Mayor Vaccaro- mentioned that work is continuing at the DPW Building, and there may be a conference call to discuss the status. He spoke about nothing new going on regarding Borough Hall and testing at Hain Celestial. Mentioned that the County is still doing the study at the intersection for the traffic light at Moonachie Avenue and Road and personnel was discussed about the Police Department. Spoke about moving Court, but on hold for now. Mentioned about community programs, Summer Recreation and Memorial Day Services.

C/Bauer -spoke about letter about nonpayment for DPW building from subcontractor. Asked about the timeline for completion for the DPW Building. Mentioned that two DPW employees got sprayed in the sewer station but they are doing okay. Wished everyone to be safe and well.

C/Surak- asked the Police Committee to look into a list for the Police Department. Mentioned about the radar speed sign. Wished the governing body and their families a safe spring and summer.

Mayor Vaccaro- mentioned that the staff at the Police Department is doing well, and they are looking into making sure the Police has everything they need.

C/Wende -wished everyone to stay safe.

Mayor Vaccaro -commended the DPW for working with the school for things that needed to be done. Commended the Fire, Police Department and EMS for their jobs during this

time.

C/Kinsella -commended the Police and Fire Department for bringing food and supplies to the students.

PUBLIC HEARING:

Justin Derevyanik, Fire Chief- thanked the Mayor and Council for their words about the Fire Department, and sent condolences to everyone that has lost someone. Mentioned that the Fire Department has been in communication with the Mayor, are making fire calls, and adhering to social distancing guidelines. Spoke about the Fire Department making a donation of diapers and baby supplies to the Meadowlands YMCA to give back to those that are having a hard time. Mentioned that the Fire Department will be donating 75 vouchers for pizzas to people that are practicing safe social distancing, the pizza is from Piazza di Pizza and so far, they have given out 30 vouchers throughout town.

C/Surak- mentioned about being proud of the Fire Department and what they have been doing.

Chief Derevyanik- mentioned about staying in contact with the Mayor and Police Chief, and thanked the Mayor and Administrator Ciannamea for helping getting the Fire Department the supplies they need to stay safe.

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

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

All ayes. So ordered.

Motion by C/Kinsella and second by C/Cirillo to adjourn the meeting at 7:44 P.M.

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

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Borough Clerk