

Regular Meeting called to order, Mayor Vaccaro in the chair, at the Municipal Building on Thursday January 27, 2022 at 7:00 P.M.

Mayor called for Pledge of Allegiance to the Flag.

Mayor Vaccaro asked for a Moment of Silence for the passing of Nicholas Derevyanik Planning and Zoning Board member and Linda Pasquino, former First Aid Squad Captain.

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

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

Motion by C/Kinsella and second by C/Martinez to waive the Regular Order of Business.

ROLL CALL: Cirillo, Kinsella, Martinez, Wende.

All ayes. So ordered.

THE FOLLOWING RESOLUTION WAS APPROVED AT THE EXECUTIVE MEETING ON NOVEMBER 11th, IT IS IN THE MINUTES OF THE EXECUTIVE MEETING OF JANUARY 13th, 2022.

RESOLUTION#22-58

Authorize Mayor to sign a Software Maintenance agreement with Munidex, Inc. for Vital Statistics for the year 2022.

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

RESOLUTION#22-59

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that Michael A. Del Duca be and is hereby appointed as Police Officer, effective February 1st, 2022, at the annual salary of \$42,451.00.

ROLL CALL: Cirillo, Kinsella, Martinez, Wende.

All ayes. So ordered.

OATH OF OFFICE

ADMINISTERED BY Mayor Dennis Vaccaro

Police Officer Michael Del Duca

Bible Held by Carol Del Duca

Motion by C/Kinsella and second by C/Wende to approve Minutes of Regular Meeting of December 16,2021.

ROLL CALL: Cirillo, Kinsella, Martinez, Wende.

All ayes. So ordered.

COMMUNICATIONS:

Borough of Dumont, Emerson, Old Tappan, Wood-Ridge., Fairlawn, Waldwick, Fairview, Bergenfield, Wallington, Hillsdale, New Milford, Teterboro, Little Ferry, City of Garfield, City of Hackensack, and Washington Township - supporting inter-local agreement for Mutual and Rapid Deployment Force.

Peak Environmental LLC- notification of submission of Remedial Action

Protectiveness/Biennial Certification for 131 West Commercial Ave.

Bergen County Board of Taxation- establishing the Bergen County Board of Taxation's tax appeal hearing procedure.

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

ROLL CALL: Cirillo, Kinsella, Martinez, 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/Kinsella and second by C/Wende to approve the following Resolutions:

RESOLUTION #22-60

BE IT RESOLVED by the Mayor and Council that any Senior Citizen, Disable person or surviving spouse/surviving Civil Union who receives a property tax deduction under N.J.S.A. 54:4-8.40 et seq., L. 1963 C. 172 , shall be entitled to a \$78.75 credit on the sewer utility bill per year; and

BE IT RESOLVED that this amendment is retroactive to January 1, 2022.

RESOLUTION #22-61

WHEREAS, the Borough of Moonachie has a policy of reimbursing mileage to all officials and employees while on official Borough business who do not receive a monthly car allowance;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Moonachie does hereby set the mileage allowance to 58.5 cents per mile, effective immediately.

RESOLUTION #22-62

BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie that the Borough Administrator is hereby authorized to solicit quotes for curbside collection of grass, yard waste, and tree trimmings.

RESOLUTION #22-63

WHEREAS, the Mayor and Council of the Borough of Moonachie has been advised of the proposed settlements of a Tax Appeal on behalf of GFR Maywood LLC. under Docket No.'s: 018006-2013.

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.

Richard B. Nashel
Nashel & Nashel, LLC
415 60th Street
West New York, NJ 07093(201) 868-1900
Attorneys for Plaintiff

GFR Maywood LLC
Plaintiff,

vs.

Moonachie Borough,

Tax Court of New Jersey
Docket No. 018006-2013

Civil Action

Stipulation of Settlement
(Local Property Tax)

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

Year: 2013

Block: 18

Lot: 8

Street Address: 35 Moonachie Road

	Original Assessment	County Tax Board Judgement	Requested Tax Court Judgment
Land	\$213,800	\$213,800	\$213,800
Improvements	\$197,000	\$197,000	\$86,200
Total	\$410,800	\$410,800	\$300,000

- ☐ The parties agree that there has been no change in value or municipal wide revaluation or assessment

adopted for the tax year(s) _____ and _____, and therefore agree that the provisions of N.J.S.A. 54:51a-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

- ☒ The provisions of N.J.S.A. 54:51a-8 (Freeze Act) shall not apply.

2. 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.
3. 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.
4. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid in accordance with paragraph 5 hereof.
5. Pre-judgment interest is waived on the condition that this Stipulation of Settlement 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 Nashel and Nashel Trust Account and received by Nashel and Nashel LLC 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 payment.
6. The provisions of Paragraphs 4 and 5 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.

RESOLUTION #22-64

WHEREAS, the Borough of Moonachie is a current member of the South Bergen Municipal Joint Insurance Fund, which provides Property, Casualty and other related insurance coverage; and

WHEREAS, the bylaws of South Bergen Municipal Joint Insurance Fund requires that each member municipality shall appoint an insurance producer as a Risk Management Consultant who shall not be a fund Commissioner or employed by or under contract to the Fund as an Administrator or a servicing organization to perform various professional services as detailed in the Risk Management Consultant's Agreement with the Borough; and

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

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

WHEREAS, the anticipated term of Risk Management Consultant's agreement is one (1) year; and

WHEREAS, the Risk Management Consultant fee is an amount equal to six (6%) percent of the municipal's annual assessment as promulgated by the South Bergen Municipal Joint Insurance Fund and NJ Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, the insurance services rendered by Risk Management Consultant is categorized as extraordinary and unspecifiable and thus, render comparative bidding impractical; and

WHEREAS, Professional Insurance Associates, A Division of World Insurance Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Professional Insurance Associates, A Division of World Insurance Associates, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Moonachie in the previous one year and that the contract will prohibit Professional Insurance Associates, A Division of World Insurance Associates, LLC from making any reportable contributions through the term of the contract.

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

1. James V. Gardella, Professional Insurance Associates, A Division of World Insurance Associates, LLC is hereby appointed as a Risk Management Consultant for the period of 1/1/2022 to 12/31/2022 in accordance with the South Bergen Municipal Joint Insurance Fund's bylaws.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Contracts with Professional Insurance Associates, A Division of World Insurance Associates, LLC

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. A Notice of this action shall be printed once in the official newspaper of the Borough.

RESOLUTION #22-65

WHEREAS, the Borough of Moonachie is a current member of the Bergen Municipal Employee Benefits Fund, which provides Health Benefits for municipal employees and other related insurance coverage; and

WHEREAS, the bylaws of Bergen Municipal Employee Benefits Fund requires that each member municipality shall appoint an insurance Consultant/Benefits Coordinator who shall not be a fund Commissioner or employed by or under contract to the Fund as an Administrator or a servicing organization to perform various professional services as detailed in the Health Benefits Consultant Agreement with the Borough; and

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

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

WHEREAS, the anticipated term of Health Benefits Consultant agreement is one (1) year; and

WHEREAS, the Consultant/Benefits Coordinator fees promulgated by the Bergen Municipal Employees Benefits Fund (BMED) and for any coverage not provided by the Municipality's membership in the BMED, the Health Benefits Consultant shall receive as fees, the standard commissions paid by carrier; and

WHEREAS, the service rendered by Health Benefits Consultant is categorized as extraordinary and unspecifiable and thus, render comparative bidding impractical; and

WHEREAS, P.I.A. Security Programs, A Division of World Insurance Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that P.I.A. Security Programs, A Division of World Insurance Associates, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Moonachie in the previous one year and that the contract will prohibit P.I.A. Security Programs, A Division of World Insurance Associates, LLC from making any reportable contributions through the term of the contract.

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

1. James V. Gardella, P.I.A. Security Programs, A Division of World Insurance Associates, LLC is hereby appointed as an insurance Health Benefits Consultant for the period of 1/1/2022 to 12/31/2022 in accordance with the Bergen Municipal Employee Benefits Fund's bylaws.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Contract with P.I.A. Security Programs, A Division of World Insurance Associates, LLC.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. A Notice of this action shall be printed once in the official newspaper of the Borough.

RESOLUTION #22-66

WHEREAS, the Borough has solicited two competitive quotes and A&K Equipment Company was the lowest responsible quoter; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the purchase and installation of an electric salt spreader from A&K Equipment Company for the Department of Public Works truck in the amount of \$7,153 be and is hereby authorized.

RESOLUTION #22-67

WHEREAS, Tricon Enterprises, Inc. submitted an invoice for Payment Application No. 18 for work performed and material furnished for Moonachie DPW Topography & DPW building in the amount of \$82,943.16; and

WHEREAS, Arcari+Iovino Architects PC reviewed and approved the payment as presented; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that the payment in the amount of \$82,943.16 to Tricon Enterprises, Inc. be and is hereby approved.

RESOLUTION #22-68

A RESOLUTION TO AFFIRM THE BOROUGH OF MOONACHIE'S CIVIL RIGHT POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of Borough of Moonachie to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Borough of Moonachie has determined that certain procedures need to be established to accomplish this policy

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

Section 1: No official, employee, appointee or volunteer of the Borough of Moonachie by whatever title known, or any entity that is in any way a part of the Borough of

Moonachie shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Moonachie’s business or using the facilities or property of the Borough of Moonachie.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Moonachie to provide services that otherwise could be performed by the Borough of Moonachie.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Moonachie as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Moonachie. This communication shall include a statement from the governing body expressing its unequivocal commitment to this resolution. This summary shall also be posted on the Borough of Moonachie’s web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Moonachie in order for the public to be made aware of this policy and the Borough of Moonachie’s commitment to the implementation and enforcement of this policy.

RESOLUTION#22-69

A RESOLUTION AUTHORIZING THE RE-AFFIRMATION
OF THE POLICY & PROCEDURES MANUAL OF THE MUNICIPALITY

WHEREAS, the Municipality has a Policies & Procedures Manual which has been established to ensure Employees and prospective Employees are treated in a manner consistent with all applicable employment laws, regulations and protocols; and

WHEREAS, the Borough places great value and consideration in relation to the health, well-being and safety of its Employees.

WHEREAS, said Manual is also in accordance with the requirements promulgated by the South Bergen Municipal Joint Insurance Fund and under the auspices of the New Jersey Municipal Excess Liability Fund; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie, County of Bergen, State of New Jersey the Manual previously adopted by Resolution is hereby reaffirmed to serve as the Borough’s Policies and Procedures serving and applying to every Employee, Volunteer, Elected & Appointed Official and Independent Contractor(s) serving the Municipality; and

BE IT FURTHER RESOLVED, the Borough will continue to monitor changes in Federal and State Statutes and Regulations to ensure continued compliance with applicable laws, regulations and policies that impact the employment practices of the Municipality; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be maintained on file in the Clerk’s office and shall also be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Municipality.

RESOLUTION #22-70

WHEREAS, Lieutenant Matthew Millar has completed twenty-six years of active duty with the Borough of Moonachie, and

WHEREAS, Lieutenant Matthew Millar has elected to retire effective December 31st, 2021 with 289 unused sick days, and

WHEREAS, Section 15.06 of the Collective Bargaining Agreement with PBA Local 102 provides for the payment of fifty percent of said accumulated sick days at the employee’s rate of compensation at the date of retirement, and

WHEREAS, fifty percent of the accumulated sick days equals 144.5 days at the cost of \$632.66 per day for a total of \$91,419.64; and

WHEREAS, Lt Matthew Millar is exercising his option as per Section 15.06 of the Collective Bargaining agreement with PBA Local 102 to receive this compensation in three separate payments over a period of thirteen months; and

NOW, THEREFORE, BE IT RESOLVED, that Lieutenant Matthew Millar be compensated on his retirement effective December 31st, 2021 and the Mayor and Council of the Borough of Moonachie hereby confirmed that he be compensated for 144.50 unused sick days in the total amount of \$91,419.64 to be paid in three separate payments over a period of thirteen

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

COMMITTEE APPOINTMENT BY CONSENT-
Mayor mentioned that this will be hold for Executive Meeting in February.

BILLS:

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

CHECK	CURRENT ACCOUNT	AMOUNT
60987	MOONACHIE FIRE DEPARTMENT	\$ 16,000.00
TOTAL		\$ 16,000.00
NON-CHECK PAYMENT	CURRENT ACCOUNT	AMOUNT
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL	\$ 167,747.73
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL	\$ 176,418.11
TOTAL		\$ 344,165.84

NON-CHECK PAYMENT	SEWER OPERATING ACCOUNT	AMOUNT
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL	\$ 12,740.74
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL	\$ 11,648.46
TOTAL		\$ 24,389.20
NON-CHECK PAYMENT	COMPENSATED ABSENCES ACCOUNT	AMOUNT
NON-CHECK PAYMENT	BOROUGH OF MOONACHIE PAYROLL	\$ 31,111.78
TOTAL		\$ 31,111.78

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

ORDINANCE: None

Mayor Vaccaro spoke about the park on East Joseph Street being renamed for the frontline workers, and currently the Joseph Street Park is being redone. Mentioned that it should be renamed Veteran’s Park. Confirmed with the Council on the park name. Mentioned the Seniors pausing their events at the Senior Center during January, and that they will open the Senior Center in February. Congratulated Mr. Del Duca on being appointed to the Police Department and congratulated his family.

PUBLIC HEARING:
Mayor Vaccaro recognized the other members of the Police Department that were at the meeting and thanked them for their work for the Borough.
Barbra Morales, 43 Diamond Way- spoke about cats in her neighborhood, and asked if the Borough was part of the Trap and Release program with the Animal Shelter.
Mayor Vaccaro mentioned that homeowners receive the trap from the animal shelter, and once the cat is in there, Animal Control will pick up the trap. Mentioned that the Board of Health passed an ordinance regarding TNR.
Mrs. Morales mentioned that if the cats are being returned the neighborhood it is not fixing the issue. Spoke about other neighbors’ problems with the cats and people’s dogs.
Mayor Vaccaro mentioned that he spoke to one resident who said that they were going to stop feeding the cats.

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

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

Motion by C/Cirillo and second by C/Martinez to adjourn the meeting at 7:18 P.M.
ROLL CALL: Cirillo, Kinsella, Martinez, Wende.
All ayes. So ordered.

ATTEST:
Supriya Sanyal
Borough Clerk