

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
KENILWORTH HELD ON WEDNESDAY EVENING, JANUARY 22, 2014. MAYOR KATHI  
FIAMINGO PRESIDED.

Mayor Fiamingo read the requirements of the Open Public Meetings Act.

The Salute to the Flag was led by Mayor Kathi Fiamingo.

ROLL CALL

Roll Call at 8:00 P.M. showed the following Council Members present: Anthony Deluca, Toni Giordano, Brian Joho, Scott Klinder, Barbara Macecsko and Fred Pugliese.

MINUTES

It was moved by Councilwoman Giordano, seconded by Councilwoman Macecsko and carried that the minutes of the Regular Council Meeting of January 8, 2014, and the Work Session minutes of January 7, 2014 be dispensed with and approved as submitted. (Copies furnished each Council Member prior to the meeting.)

COMMUNICATIONS AND PETITIONS:

1. Letter to Mayor and Council from Lt. Wayne Fennes requesting permission to have a public auction on Wednesday, February 26, 2014 for (2) two abandoned motor vehicles.

It was moved by Councilman Joho seconded by Councilman Klinder and carried that the above communications be received and filed and any money amounts indicated be spread over the minutes.

REPORT OF COMMITTEES

MAYORS REPORT

Mayor Fiamingo reported she attended a meeting in Cranford held by the New Jersey DEP regarding the Birchwood Avenue proposed development project. The meeting was solely for DEP purposes. She said she could not stay for the entire meeting but she made a presentation along with officials from Cranford and our Borough Engineer. She said she might have been able to complain about things like traffic and congestion but it really was not the time, it was really for concerns about environmental issues. She said she does not know what the results will be, the DEP has to determine whether or not the application is complete. One of the problems with the proposed development is that they are going to raise Birchwood Avenue up about 1 foot and we are concerned about the environmental impact on the neighborhoods adjoining that area. The Mayor said they made their objections known at that time and she said we are actively involved in being informed and we want to know what is going on at every point in the application.

The Mayor said the Borough received a \$69,000.00 grant for a generator for Borough Hall and the DPW yard. Captain Hannon originally applied for the grant thru the OEM. They are processing the grant but they hit a couple of glitches because the Borough is not a member of some Regional Disaster Management Plan, but Mr. Schielke is doing a very good job of pushing it forward to get the grant moved along. Mr. Schielke was told by the grant administrator that Kenilworth was one of the first towns to do as much as they can ahead of schedule.

Mayor Fiamingo congratulated the DPW on doing such a great job last night, they really came through during the storm. She said they did a great job clearing the roads.

The Mayor said the time for the Work Shop Meeting on February 11<sup>th</sup> will be moved from 7:30 to 8:00. The Kenilworth Police Department is holding a seminar at 7:00 at Harding School on current drug trends in Union County "From Pills to Heroin". Speakers will include the new Prosecutor in Union County, Grace Park, Debbie White, Assistant Prosecutor and a couple of other speakers as well as our Police. She said it is a program that she and the entire Council would like to attend, at least part of it. The Mayor said if anyone would like any information on the program, you they contact Patrolman Pickton at 908-272-0315.

#### DEPARTMENT OF FINANCE

Councilman Joho reported the Finance Committee has met with Department Heads on the 2014 Budget and will present recommendations to the full Council at the next Work Session Meeting.

#### DEPARTMENT OF PUBLIC WORKS

Councilman Deluca said the DPW guys were out all night and most of the day today and they did a great job and there were very few complaints. The residents, for the most part, complied with our Snow Ordinance. He said for those who don't know, we have a snow ordinance that was enacted 3 years ago and it states that before a snow event you must remove cars from the odd sides of all streets, also you must remove your cars from all Municipal Lots. The Ordinance is on our web site [www.kenilworthborough.com](http://www.kenilworthborough.com) and it was also sent out with the DPW notices. Councilman Deluca said there is a system called Nixle that the Police use to get information out to the public regarding weather advisories, road closings, school closings and any other emergency. It is very easy to put on your cell phone or your e-mail, the e-mail is address [www.nixle.com](http://www.nixle.com).

#### DEPARTMENT OF PUBLIC SAFETY

Councilman Pugliese said if anyone wants to put Nixle on their phone all they have to do is text 888777 and text your zip code to that number and you will receive all the alerts, regarding missing persons, weather advisories by the Kenilworth Police Department and the New Jersey State Police.

Councilman Pugliese the Personnel Chair, Brian Joho and himself as the Public Safety Chair interviewed 8 applicants for the Dispatcher position. After interviewing the candidates, they narrowed it down to the three that are going to be sworn in tonight. He said all three stood above all the others and their parents should be proud.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilwoman Giordano said she is proud to say that tomorrow they will have their first on-site training for the new program that is going to be instituted for the Building Department and Planning Board. She said they are on the road to finalizing the implementation and a lot of the information has been input in the system through the various departments.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Macecsko reported they are planning an adult dance for St. Patrick's dance and they will be looking for people to support the dance. Girls Softball sign-ups is happening. They have someone who is willing to write grants to try and improve the playgrounds. The Fire Department was on call last night and they stayed at the facility and were available.

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Councilman Klinder said the Handyman Program is continuing but he reminded everyone that they need to do a new application every year.

Motion was made by Councilman Pugliese, seconded by Councilman Joho to take Resolutions #9, 10 and 11 off the Consent Agenda. All in favor.

CONSENT AGENDA

Resolutions No. 1 thru 12 (excluding 9, 10 & 11) are listed on Consent Agenda and will be enacted by one motion in the form listed below. All items will be recorded individually in full in the minutes.

Councilman Macecsko moved that all items under Consent Agenda be approved, seconded by Councilman Klinder. Upon roll call the vote was unanimous.

RESOLUTION NO. 1

**BE IT HEREBY RESOLVED:** That all bills be paid when properly audited and funds are available.

RESOLUTION NO. 2

**WHEREAS**, Sergeant Mark David has notified the Borough of Kenilworth of his intention to retire effective February 1, 2014; and

**WHEREAS**, Sergeant David is entitled to Terminal Leave pay as per the Superior Officer's contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Kenilworth that the Payroll Department is authorized to make payments as indicated above based on a final calculation upon his retirement.

RESOLUTION NO. 3

**WHEREAS**, the Tax Assessor has approved an application for the disabled deduction for the property located at 640 Clinton Avenue, Kenilworth, NJ, and;

**WHEREAS**, this resulted in a tax overpayment for the 4<sup>th</sup> quarter of 2013;

**WHEREAS**, the property owner has requested that the overpayment of the 4<sup>th</sup> quarter be refunded to her;

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer, after proper notation on the tax account records by the Collector of Taxes, be and is hereby authorized to issue a warrant for a refund as stated below.

| <u>Block</u> | <u>Lot</u> | <u>Payable To:</u>  | <u>Amount</u> |
|--------------|------------|---|---------------|
| 121          | 6          | Nicole Matlaga-Dietlmeier<br>640 Clinton Avenue<br>Kenilworth, NJ 07033 | \$ 250.00     |

TOTAL \$ 250.00

RESOLUTION NO. 4

**BE IT HEREBY RESOLVED:** That the Borough Clerk be authorized to issue the following Raffle License:

#2025 Kenilworth Youth Softball Inc. for an Off-Premise 50/50 Raffle on April 3, 2014 at Kenilworth Recreation Center, 567 Boulevard, Kenilworth, NJ.

#2026 Brookside Place School PTA for a Tricky Tray Raffle on 4/25/14 at the Kenilworth VFW, 21<sup>st</sup> Street, Kenilworth, NJ

#2027 Brookside Place School PTA for an On-Premise 50/50 Raffle on 4/25/14 at the Kenilworth VFW, 21<sup>st</sup> Street, Kenilworth, NJ.

#2028 Kenilworth Historical Society for an On-Premise 50/50 Raffle on February 22, 2014 at North 22<sup>nd</sup> Street, Kenilworth, NJ.

RESOLUTION NO. 5

**WHEREAS**, the incorrect fee was collected for several dog licenses; and

**WHEREAS**, the fees resulted in an overpayment to the Dog License Cash Book; and

**NOW, THEREFORE, BE IT RESOLVED** that the Treasurer be authorized to draw a warrant in the amount of \$1.00 each payable to the following:

Mr. Thomas Fresulone  
617 Washington Avenue  
Kenilworth, NJ 07033

Donna Lomonaco  
271 South Michigan Avenue  
Kenilworth, NJ 07033

Robert Maxwell  
38 South 24<sup>th</sup> Street  
Kenilworth, NJ 07033

Carmen Cortes  
48 North 18<sup>th</sup> Street  
Kenilworth, NJ 07033

RESOLUTION NO. 6

**WHEREAS**, the Borough of Kenilworth no longer has use for the attached automobiles; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Kenilworth that the Borough Clerk be and is hereby authorized to sell the attached items, as is, at public auction sale at a date within 60 calendar days. The auction will be advertised in the Cranford Chronicle.

1. Said sale shall be conducted by the Borough Clerk or by any person so designated by her.
2. Said property is being sold "as is".
3. All prospective purchasers are put on notice to personally inspect the property.
4. At the Time of said sale, the purchaser shall deposit the entire purchase price with the Borough Clerk in cash or certified check made payable to the Borough of Kenilworth
5. If the purchaser fails to take title and possession within (10) days of the date of purchase, the Governing Body of the Borough of Kenilworth may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages,

and the Borough may resell said property or pursue such other and further legal and equitable remedies as it may have. If the purchaser fails to take title or possession within said (10) days, purchaser will be liable for reasonable storage fees.

6. If the title to this property shall prove to be unremarkable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to the Borough without any further cost, expense, damage, claim against or liability upon the Borough.
7. The Borough of Kenilworth reserves the right to reject all bids and shall not be obligated to accept any bids.
8. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the within conditions of sale.

| <u>Year</u> | <u>Make</u> | <u>Model</u> | <u>Identification #</u> | <u>Minimum Bid</u> |
|-------------|-------------|--------------|-------------------------|--------------------|
| 2003        | Ford        | Winstar      | 2fmda52413bb08525       | \$400              |
| 1998        | Nissan      | Maxima       | jn1ca21a5wm807955       | \$750              |

RESOLUTION NO. 7

**2013 TONNAGE GRANT APPLICATION**

**WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS,** The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS,** A resolution authorizing this municipality to apply for the (**2013**) **Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of (name of governing body) to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of Kenilworth that the Borough of Kenilworth does hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Kerry Senica to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION NO. 8

**BE IT HEREBY RESOLVED;** That Kathleen Moschitta be compensation for the position of Acting Borough Clerk for the month of January, 2014.

RESOLUTON NO. 9

Introduced by Fred Pugliese, adoption moved by same  
Seconded by Brian Joho

**BE IT HEREBY RESOLVED:** That **JAMES F. HANNON** be employed as a Civilian Dispatcher in the Kenilworth Police Department, at a salary of \$30,000.00 per year, effective January 26, 2014.

Roll Call: Councilman DeLuca voted yes, Councilwoman Giordano voted yes, Councilman Joho voted yes, Councilman Klinder voted yes, Councilwoman Macecsko voted yes and Councilman Pugliese voted yes.

RESOLUTION NO. 10

Introduced by Fred Pugliese, adoption moved by same  
Seconded by Brian Joho

**BE IT HEREBY RESOLVED:** That **JOSEPH VENTRE** be employed as a Civilian Dispatcher in the Kenilworth Police Department, at a salary of \$30,000.00 per year, effective January 26, 2014.

Roll Call: Councilman DeLuca voted yes, Councilwoman Giordano voted yes, Councilman Joho voted yes, Councilman Klinder voted yes, Councilwoman Macecsko voted yes and Councilman Pugliese voted yes.

RESOLUTION NO. 11

Introduced by Fred Pugliese, adoption moved by same  
Seconded by Brian Joho

**BE IT HEREBY RESOLVED:** That **TRAVIS DILTS** be employed as a Civilian Dispatcher in the Kenilworth Police Department, at a salary of \$30,000.00 per year, effective January 26, 2014.

Roll Call: Councilman DeLuca voted yes, Councilwoman Giordano voted yes, Councilman Joho voted yes, Councilman Klinder voted yes, Councilwoman Macecsko voted yes and Councilman Pugliese voted yes.

RESOLUTION NO. 12

**BE IT HEREBY RESOLVED;** That **MATTHEW RONDEAU, JOSEPH GRIBBON, JESSICA THEDINGA, SUSAN FERNANDES DOS SANTOS AND GARNET HARGRAVES** be employed Per Diem Dispatchers at a rate of \$17.00 per hour, effective January 22, 2014.

Mayor Fiamingo congratulated the three dispatchers. She said Jimmy Hannon is following the footsteps of his uncles and his father before him, Joe Ventre is not related to anyone here and she congratulated Travis. The Mayor said Jimmy and Travis are both Kenilworth boys and we are lucky to have them and happy to have them come on board as well as Sgt. Ventre who is a former Police Officer from another local jurisdiction.

Proposed Ordinance No. 2014-02 was read for a first reading as follows: (Copy attached)  
BOROUGH OF KENILWORTH

**ORDINANCE NO. 2014-02**

AN ORDINANCE AMENDING CHAPTER 37-49 OF THE CODE OF THE BOROUGH OF KENILWORTH – HEALTH BENEFITS FOR RETIREES

Mayor Fiamingo said this is a first reading on an Ordinance amending the Ordinance to provide for retirees in the Borough to have 15 years of service with the Borough in order to maintain health benefits upon retirement. The second reading will be held on February 26, 2014



RESOLUTION NO. 13

Introduced by Fred Pugliese adoption moved by same.  
Seconded by Scott Klinder

**BE IT HEREBY RESOLVED:** That Proposed Ordinance No. 2014-02, be and the same is hereby passed on first reading and ordered published for final hearing on February 26, 2014.

Roll Call: Councilman Deluca voted yes, Councilwoman Giordano voted yes, Councilman Joho voted yes, Councilman Klinder voted yes, Councilwoman Macecsko voted yes and Councilman Pugliese voted yes.

Proposed Ordinance No. 2014-03 was read for a first reading as follows: (Copy attached)

BOROUGH OF KENILWORTH  
**ORDINANCE NO. 2014-03**

AN ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF THE  
BOROUGH OF KENILWORTH

Mayor Fiamingo said this is a first reading on an Ordinance which would increase fees and escrows for Planning Board Applications. The second reading will be held on February 26, 2014 at which time the public will be heard.

RESOLUTION NO. 14

Introduced by Toni Giordano adoption moved by same.  
Seconded by Barbara Macecsko

**BE IT HEREBY RESOLVED:** That Proposed Ordinance No. 2014-03 be and the same is hereby passed on first reading and ordered published for final hearing on February 26, 2014.

Roll Call: Councilman Deluca voted yes, Councilwoman Giordano voted yes, Councilman Joho voted yes, Councilman Klinder voted yes, Councilwoman Macecsko voted yes. Councilman Pugliese voted no.

MEETING OPEN TO THE PUBLIC

Motion was made by Councilwoman Giordano, seconded by Councilman Pugliese to open the meeting to the public. All in favor.

No one wished to speak.

Motion was made by Councilman Pugliese, seconded by Councilman Joho to close the meeting to the public. All in favor.

GENERAL COMMENTS

None.

ADJOURNMENT

There being no further business to come before the Council, it was moved by Councilman Pugliese, seconded by Councilman Joho and carried, that the meeting be adjourned to the call of the chair.

9:00 P.M.

Respectfully submitted,

Kathleen Moschitta  
Deputy Borough Clerk