

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 12, 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, and Fred Pugliese. Barbara Macecsko was absent. Tony DeLuca arrived at 8:10.

MINUTES

It was moved by Councilman Pugliese, seconded by Councilwoman and carried that the minutes of the Regular Council Meeting of January 22, 2014, and the Work Session minutes of January 21, 2014 be dispensed with and approved as submitted. (Copies furnished each Council Member prior to the meeting.)

COMMUNICATIONS AND PETITIONS:

1. NJ DEP – Green Communities Grant for development of Community Forestry Management
2. A grant opportunity was received from NJDEP – Green Communities Grant for development of Community Forestry Management.
3. Notification was received about the Annual Visitation from the Union County Superior Court Municipal Division.
4. The Municipal engineer made recommendations on the following: Recommendation of Award :2014 Collections System Operators Proposal & Recommendations and Open Channel-Electric Grinder was awarded to Rapid Pump & Meter Service for \$43,390.00.
5. The Kenilworth Historical Society will be hosting a Black History Month Celebration on 2/23/14 at the Oswald J. Nitschke House.
6. A letter was received from St. Theresa's School thanking the Kenilworth Fire Department for a donation and kindergarten field trip to the station.

REPORTS

1. Police Department Report for the month of January, 2014.
2. Construction Department Report for the month of January, 2014.
3. Borough Clerk's Report for the month of December, 2014.
4. Fire Department/Rescue Squad Report for the month of December, 2014.

It was moved by Councilwoman Giordano seconded by Councilman Joho 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 welcomed our new Borough Clerk, Laura Reinertsen to the dais and she looks forward to Laura being with the Borough for a very long time.

The Kenilworth Historical Society is having a Black History Month Celebration which is featuring an African American read-in. The Celebration will be held on Sunday, February 23, 2014 at the Oswald Nitschke House, 49 South 21st Street. Soul Food Tasting will start at 1:30 pm and the program will begin at 2:30. Everyone is invited, the admission is free.

The League of Municipalities announced the “Louis Bay 2nd Future Municipal Leaders Scholarship Competition” for high school Juniors and Seniors who are planning to continue their education after high school, is now available. Copies of the application and the requirements to apply for the scholarship will be at the school.

Mayor Fiamingo said last night, the Kenilworth Police Department in conjunction with the Union County Prosecutors Office, held a seminar called “From Pills to Heroin”. She said unfortunately she could not stay for the entire meeting because she had the Work Session, but it was very interesting and she is sorry that it was not recorded so that we could have played it on our TV station. She said it was very informative and she appreciates the Chief and Officer Pickton putting it together along with the Prosecutors Office.

The Mayor is looking for someone who would like to be a member of the Union County Transportation Advisory Board to keep us informed as to items that are coming before the Board that might affect the Borough. If anyone is interested in serving in a volunteer position, they have monthly meetings, please call the Clerk’s Office.

DEPARTMENT OF FINANCE

Councilman Joho reported the first quarter tax collection rate was 94.5%. The Finance Committee and Council continue discussions on the 2014 budget. The Mayor and Council were provided their 2014 budget books for review. The Borough Auditor will meet with the Council at the next Work Session in regard to the 2014 budget.

DEPARTMENT OF PUBLIC WORKS

Councilman DeLuca reported last week the Borough got hit with two snow storms of about 15 inches and he suspects the one tomorrow will be about one foot. He said the DPW did a good job considering the man power and what they had to deal with. He advised that the Borough does not have rock salt. The Superintendent of the DPW advised him that he has received a few threatening phone calls and a few irate residents and this type of behavior will not be tolerated.

He asked everyone to be patient and remain calm, it is only snow, it will melt and don't get upset and to please realize the DPW is doing the best they can with what they have. He said right now there is nowhere to put the snow. He said they had issues with private contractors pushing the snow into the wrong area, he said private contractors who move snow onto somebody else's property will be dealt with. He asked everyone to be careful.

Mayor Fiamingo said the snow ordinance is in effect and said she does not know how else she can communicate this to everyone because it is nixed, it is on the web site and on the Kenilworth TV and also it is in the Kenilworth Business Life newspaper. She said the Ordinance says you cannot park on the odd numbered side of the street or you will get a ticket. We have to be able to plow the street. She said those of you, and she knows who they are because she has seen them do it, who take the snow from your property and throw it back into the street, the snow will be coming back on your property when the snow plows come by again. She said let's try to all work together to get through this winter. The Mayor said not only is there no salt in Kenilworth, there is no salt in the whole state.

DEPARTMENT OF PUBLIC SAFETY

Councilman Pugliese reported that when they first hired the Police Dispatchers, they were hired at \$30,000.00 per year but we never thought about what we would pay them for their service all the years after. The initial thought was to give them a percentage each year but after a discussion with the Chief, and the Mayor, they decided that did not seem fair given the type of work that the dispatchers do, the shift work they do and the type of work they do which is very important to the Police Department and the Community. We are in the process of implementing an 8 step annual pay schedule wherein they would receive, every year through the first eight years of their employment with the Borough, a percentage increase, roughly in the amount of \$2500.00 for the second through eighth years of their employment with the Borough. They are in the process of enacting that and amending our employee handbook to reflect that because we hope that our dispatchers will stay for a good length of time. He said that should be enacted within the next month or so.

Councilman Pugliese said that Sgt. David retired, this past week after many years of service to the Borough and he wished Sgt. David well and good luck in his second profession.

He said he joined the Mayor and Councilman Klinder at the "Pills to Heroin Program" regarding the dangers of drugs in suburban communities. He said there is a misconception out there that many of these drugs, particular heroin and a lot of the prescription drugs, are primarily abused in urban communities but in fact there is an epidemic in suburban communities. The presentation described how to identify these drugs, what to look for and he thought it was a very well put presentation. He said good job to Chief Zimmerman, the Prosecutors Office and the County Detectives for putting the program together.

Councilman Pugliese said that during the first half of the month of February, the Police Department has been very active in several drug investigations. On February 2, 2014 about 10:45 AM on the Boulevard and Twenty-sixth Street, while on patrol, Officer Scanielo stopped a motor vehicle for a violation of no seat belt and an expired inspection sticker. Lt. Daniel Sims provided back-up to the stop and during the investigation, Officer Scanielo observed several indicators that made him suspicious of the driver and had him exit the car. While outside the vehicle, the driver fled back to his vehicle and speed away while the officers tried to stop him. The driver drove away at high speed, putting both officers in danger of being stuck by the vehicle which is aggravated assault. The suspect fled to the parkway while the officers kept them in sight. The suspect crashed the vehicle at 138B and fled the vehicle and was apprehended by Officer Scanielo, Lt. Sims and NJ State Trooper and brought back to Kenilworth. The suspect was found to have cocaine, illegal pain killers and paraphernalia and money which are all indicators that he was selling drugs. He was criminally charged by Patrolman Scanielo with aggravated assault, eluding police, intent to distribute cocaine and possession with intent to distribute oxycotin. He was transferred to the Union County Jail.

On February 7, 2014 at about 3PM, Kenilworth Police Detectives were investigating an area that was known for drug activities. While investigating, Sgt. Bryson observed an individual, known from prior arrests for drug offenses. Sgt. Bryson, Patrolman Pastor and Patrolman Scanielo approached the subject for an investigation. Upon the interview the subject was found to be in possession of an amount of cocaine and currency consistent with being involved with drug sales. The suspect was arrested and brought to the Kenilworth Police Department and was charged with possession with intent to distribute.

Councilman Pugliese said those two arrests tie in with what the Prosecutor was discussing in the Pills to Heroin Program. He said everyone should be on alert and if you see something strange in your neighborhood or on your street don't hesitate to call the police department.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilwoman Giordano was pleased to announce that they met the time line of implementing the new computer system that ties into the Building Department, Planning Board Department and Finance Department. She said it is running nicely, Ellen and Karen had on-site training and the folks at Edmunds have been very good about answering phone calls if they had any glitches or questions. She said it all seems to be working well and she is glad to have met the time line of being up and ready for February which means by the end of the month, everyone will be super versed in how to use the system so when the spring comes with a lot more applications like renovations or new constructions, they will be able to utilize the computer program a lot better. They are also looking to back up these programs to a main server and sharing a lot of the information, so if someone is out ill, someone else can access the information. They had 21 applications come into the Building Department in January, which means an application a day, which keeps the Building Department very busy and that will probably grow quite a bit, if not double as the spring and summer come around.

The Planning Board Meeting for tomorrow night has been cancelled, due to the impending storm. She said there were no applications and the Chairman decided to cancel the meeting.

Councilwoman Giordano said she has a program that she will presented at the next Council Work Shop Meeting. The program is about tax rebate rewards which is a program that has been implemented in a few communities in New Jersey. The Work Shop will be on February 25th if anyone is interested in coming.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Macecsko was absent. Mayor Fiamingo read a letter dated January 8, 2014 to the Fire Department from St. Theresa's School. "Dear Chief Lou and the Kenilworth Fire Department, thank you so much for your generous donation and help for our new cafeteria floor. You are welcome to stop by any time as you know to see the results. The teachers and especially our students are enjoying this new floor so much. In fact our school parents and all who come through the school are quite impressed. Thank you also for being such good neighbors to us with your consistent, reliable support at St. Theresa's School. The Kindergarten class really enjoyed their field trip to the station in October and also your visit to our school with the truck and the fireman. We look forward to the summer and the next carnival. God Bless you and keep you all safe.

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Councilman Klinder was absent.

Motion was made by Councilman Pugliese, seconded by Councilman Joho to take Resolution #11 off the Consent Agenda and have a Roll Call Vote. All in favor.

CONSENT AGENDA

Resolutions No. 1 thru 12 (excluding Resolution No. 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 Joho moved that all items under the Consent Agenda be approved, seconded by Councilman Pugliese. 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

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

#2029 St. Theresa's Church for an On-Premise 50/50 Raffle on May 17, 2014 at 541 Washington Avenue, Kenilworth, NJ.

#02-17 St. Theresa's Church for a Coach Bingo on May 7, 2014 at 541 Washington Avenue, Kenilworth, NJ.

#2030 Orange Avenue School PTA for an On-Premise 50/50 Raffle on April 4, 2014 at 33 South 21st Street, Kenilworth, NJ.

#2031 Orange Avenue School PTA for a Merchandise Raffle on April 4, 2014 at 33 South 21st Street, Kenilworth, NJ.

#2032 Kenilworth Historical Society for an On-Premise 50/50 Raffle on November 20, 2014.

RESOLUTION NO. 3

WHEREAS, the incorrect fee was collected for a dog license; and

WHEREAS, the fee 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 payable to the following:

Mr. Alfred Balzer
33 South 23rd Street
Kenilworth, NJ 07033

RESOLUTION NO. 4

BE IT HEREBY RESOLVED: That **RICHARD TIEMAN** and **KATHLEEN MATIER** be appointed as a Probationary EMT's on the Kenilworth Fire Department.

RESOLUTION NO. 5

WHEREAS, Longtime resident Robert E. “Bobby” Jeans graduated from David Brearley Regional High School in 1968; and

WHEREAS, Robert E. Jeans married Lenore Morrison in 1972 at St. Theresa’s Church in Kenilworth and raised their children Robert, Jr., who with his wife Kristen have been blessed with their children McKenna, Emerson and Declan and their daughter Stacie who teaches 4th Grade in the Kenilworth School District; and

WHEREAS, Robert E. Jeans served in the United States Army from 1969 – 1974, serving in Vietnam in 1969 to 1970, and is the recipient of numerous citations and awards as a Sergeant in the 23rd Infantry Division, 196th Light Infantry Brigade, 31st Regiment. Among those honors received are the Purple Heart, 2 Bronze Stars, Combat Infantry Badge, Vietnam Service Medal, Vietnam Campaign Medal, National Defense Ribbon, Presidential Citation, Valorous Unit Award, Vietnamese Cross of Gallantry with Palm, NJ Vietnam Service medal and the NJ Distinguished Service Medal; and

WHEREAS, upon leaving the military Robert E. Jeans joined the Kenilworth Police Department in 1972, retiring as a Lieutenant in the Patrol Division in 2000; and

WHEREAS, Robert E. Jeans has been a member of VFW Post 2230 since 1970 and served as District 5 Commander. He is a life member of the American Legion Kenilworth Post #470, and of the Vietnam Veterans of America Westfield Chapter #668; and

WHEREAS, Robert E. Jeans is a 3rd Degree member of the Knights of Columbus Council #4168, and the Nugent Association; and

WHEREAS, Robert E. Jeans is a member of the Emerald Society of Union County and can trace his lineage back to County Cork through both his mother and father; and

WHEREAS, the 2014 Union County St. Patrick’s Day Parade is dedicated to all POW’s and MIA’s; and

WHEREAS, Robert E. Jeans has been bestowed with the distinguished honor of being named as the Grand Marshal of the 18th annual Union County Saint Patrick’s Day to be held on March 15, 2014;

THEREFORE BE IT RESOLVED; that Mayor and Council congratulate Robert E. “Bobby” Jeans on being named Grand Marshal of the 2014 Union County St. Patrick’s Day Parade and encourage the citizens of the Borough of Kenilworth to support him at the 18th Annual Union County St. Patrick’s Day Parade on Saturday, March 15, 2014 at 1PM on Morris Avenue in Union.

RESOLUTION NO. 6

WHEREAS, sealed bids were received on January 29, 2014 for the “**OPEN CHANNEL-ELECTRIC GRINDER**” and **Rapid Pump and Meter Service Co., Inc., Paterson, New Jersey**, having submitted the lowest responsible bid as follows:

BID
43,390.00

NOW, THEREFORE, BE IT RESOLVED that Rapid Pump and Meter Service Co., Inc., Paterson, NJ be awarded the contract for the “**OPEN CHANNEL-ELECTRIC GRINDER**” as per specifications for a total cost of \$43,390.00.

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:34-5.1 et seq. Local Public Contracts Law, the required Certificate of Availability of Funds has been obtained from the Finance Officer of the Borough of Kenilworth.

BE IT FURTHER RESOLVED that the Borough Attorney draw up the contract and Mayor and Borough Clerk be authorized to sign said contract.

CERTIFICATION OF FUNDS

DATE: _____

APPROPRIATION:

TREASURER

RESOLUTION NO. 7

WHEREAS, the Pride in Kenilworth Committee is planning to hold an event on the Boulevard in 2014; and

WHEREAS, JC Promotions, will supply, contract, coordinate approximately 100+ vendors, provide amusements, live entertainment, obtain the appropriate permits through the Board of Health and Kenilworth Fire Department and provide porta sans; and

WHEREAS, JC Promotions will provide the Borough of Kenilworth a certificate of liability insurance, with the Borough of Kenilworth as additional insured; and

WHEREAS, the Governing Body of the Borough of Kenilworth and Kenilworth Police Chief Zimmerman have approved this event which will necessitate the closing of the Boulevard as follows:

Closing of the Boulevard from 24th Street to 14th Street on Sunday, October 26, 2014 from 7:00 A.M. to 7:00 P.M. for the annual Kenilworth Street Fair.

THEREFORE, BE IT RESOLVED, that the Mayor be authorized to enter into agreement with JC Promotions, Inc. of 117 Prospect Ave., North Arlington, NJ 07031.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Kenilworth request the approval of the Union County Board of Chosen Freeholders for the closing of the Boulevard for the above event.

RESOLUTION NO. 8

WHEREAS, the Borough of Kenilworth is in receipt of a proposal from Florio Perrucci Steinhardt & Fader herein after known as “FPSF”; and

WHEREAS, the Borough has need of Special/Environmental Counsel Services associated with allegations raised by Exothermic Molding, Inc. pertaining to an underground storage tank; and

WHEREAS, “FPSF” will provide legal analysis of liability issues and present them to Mayor and Council as requested and any other matters of mutual agreement.

THEREFORE, be it resolved that the Mayor and Clerk be authorized to enter into an agreement with Florio Perrucci Steinhardt & Fader of 235 Broubalow Way, Phillipsburg, NJ 08865 for a fee not to exceed \$7,500.00.

RESOLUTION NO. 9

BE IT HEREBY RESOLVED: That Darleen Marin, be employed as per a per diem dispatcher in the Kenilworth Police Department at a rate of \$17.00 per hour, effective February 12, 2014.

RESOLUTION NO.10

BE IT HEREBY RESOLVED: That **Lisa Guarino**, employed as a part time Records Clerk in the Kenilworth Police Department , be paid at a rate of \$12.00 per hour effective February 17, 2014.

RESOLUTION NO. 12

BE IT HEREBY RESOLVED: That **Jennifer Prochazek**, employed as a full time Dispatcher in the Kenilworth Police Department, be paid \$35,142.86 annually, effective February 16, 2014.

RESOLUTION NO. 11

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

BE IT HEREBY RESOLVED: That **Len Lueddeke**, be promoted to the rank of Sergeant in the Kenilworth Police Department as per the results of the promotion process and as recommended by Police Chief John Zimmerman, effective February 12, 2014.

ROLL CALL: Councilman DeLuca voted yes, Councilwoman Giordano voted yes, Councilman Joho voted yes and Councilman Pugliese voted yes.

Police Chief Zimmerman said that Sgt. Lueddeke has been a police officer for 14 years, has worked on the Task Force and the Narcotics Trace Force with the Union County Prosecutor's Office and the Chief said he will make a fine Sergeant.

Oath of Office was administered by Mayor Fiamingo to Sergeant Lueddeke.

Proposed Ordinance No. 2014-01 was read for second reading as follows: (Copy appears in Minutes of January 8, 2014)

BOROUGH OF KENILWORTH
ORDINANCE NO. 2014-01

AN ORDINANCE AMENDING CHAPTER 15 SECTION 2 ENTITLED DEPARTMENTAL STRUCTURES WITH REFERENCE TO THE POLICE DEPARTMENT AS ESTABLISHED BY CHAPTER 39 OF THE CODE OF THE BOROUGH OF KENILWORTH

Mayor Fiamingo said this is a second reading on an ordinance amending the Table of Organization for the Police Department. The Mayor said if anyone wishes to speak regarding this Ordinance, please step forward and state your name and address for the record.

No one wished to speak.

Mayor Fiamingo closed the hearing on Ordinance No. 2014-01.

RESOLUTION NO. 13

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

BE IT HEREBY RESOLVED: That Proposed Ordinance 2014-01 be and the same is hereby passed on second and final reading and ordered published according to law.

Roll Call: Councilman DeLuca voted yes, Councilwoman Giordano voted yes, Councilman Joho voted yes, and Councilman Pugliese voted yes. All in favor.

MEETING OPEN TO THE PUBLIC

Motion was made by Councilman Pugliese, seconded by Councilman Joho 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

Mayor Fiamingo said the DEP granted the approval for the Birchwood Avenue Project waivers to raise the street a foot and build on the wetland. She does not know specifically what those waivers consist of but that doesn't mean the project is necessary going forward immediately, Cranford is still contesting the initial ruling that took it out of their Planning Board's hand and putting it into the hands of the courts. They will probably appeal the DEP's decision on the approval. The Mayor said this is not a good thing environmentally and for Kenilworth, it means 300 units that will dump out on Orange Avenue, Faitoute Avenue and Bloomingdale Avenue.

Mayor Fiamingo congratulated Sergeant Luddeke on his promotion and she welcomed Laura as Borough Clerk.

Councilwoman Giordano welcomed Laura and congratulated Sgt. Luddeke.

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.

8:40 P.M.

Respectfully submitted,

Kathleen Moschitta
Deputy Borough Clerk