

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 26, 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 Councilman Joho and carried that the minutes of the Work Session of February 11, 2014 and the Regular Council Meeting of February 12, 2014 be dispensed with and approved as submitted. (Copies furnished each Council Member prior to the meeting.)

PRESENTATION

Mayor Fiamingo presented Robert Jeans a Resolution honoring him for being appointed Grand Marshall of the 2014 Union County St. Patrick's Day Parade. The Mayor said this is a great honor, well deserved and we are very proud of him. Mayor Fiamingo read the following resolution:

**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 23<sup>rd</sup> Infantry Division, 196<sup>th</sup> Light Infantry Brigade, 31<sup>st</sup> 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 3<sup>rd</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> Annual Union County St. Patrick's Day Parade on Saturday, March 15, 2014 at 1PM on Morris Avenue in Union.

On behalf of his entire family, Mr. Jeans, thanked Mayor Fiamingo and the Council. He asked his fellow cohorts from the Union County Parade Committee to stand and be acknowledged and said if it was not for them he would not be getting this honor. He thanked the Borough and asked everyone to join in the parade because everyone is Irish on St. Patrick's Day.

Mayor Fiamingo congratulated the Parade Committee and said she knows it is a tremendous undertaking to put the parade together each and every year for the last 18 years. She said they were very smart to have Bobby as the Grand Marshall because he is truly a tremendous asset to the Irish people and definitely to the people of Kenilworth and he has been a wonderful person who has helped many organizations. The Mayor said she does not know where the VFW and the KOC would be without him and she said she appreciates everything he does for the town.

**COMMUNICATIONS AND PETITIONS:**

1. Various NJSLOM Notices and Advisories
2. The Township of Springfield is requesting a resolution urging the Governor & State OEM to request FEMA funds to reimburse Springfield and other towns due to severe weather of 2014.
3. The Borough received an Ad Form for the 18<sup>th</sup> Annual Union County St. Patrick's Day Parade for the Souvenir Journal.

It was moved by Councilwoman Macecsko, 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 reported the 2014 Relay for Life kickoff dinner was last week and anyone who is interested in participating or donating can go on line to the American Cancer Society Relay for Life and look for the Kenilworth section. There are a number of teams and she urged everyone to participate.

The Union County Economic Development Corporation has loans available for those businesses that were affected by Sandy and still have some needs for working capital to help recover from the storm. For more information visit [www.ucedc.com/storm](http://www.ucedc.com/storm) or call 908-527-1166. Mayor Fiamingo said she will put the information on the Kenilworth Web Site.

### DEPARTMENT OF FINANCE

Councilman Joho said the Finance Committee and the Council received the 2014 Budget Books yesterday. At the Work Session last night the Borough Auditor presented his assessment of our finances based on the preliminary budget proposal. The Council will meet in a Special Session on March 5<sup>th</sup> to discuss the budget further.

### DEPARTMENT OF PUBLIC WORKS

Councilman DeLuca said as of February 21<sup>st</sup> the DPW has 6 yards of salt left which equates to less than a truck load. He said he did not speak with Dan Ryan today but if we get 100 tons that equates to 4 truckloads which is still not enough if we have another big storm. He said unfortunately the same is true throughout the State. He said he knows the roads are in bad shape. The DPW was trying to put cold patch out today but cold patch does not hold up very well in this weather but they are doing what they can and he asked residents to please be patient. He said if you go to other towns there are some areas that are even worse than Kenilworth. Lafayette Avenue has been referred to Grotto Engineering and they are taking a look at repairing the road when the weather improves, unfortunately right now there are craters there and we have to deal with it until the weather improves.

Mayor Fiamingo said we arranged for a delivery of 26 tons of salt over the weekend to the DPW So that we do have some salt although it is not what we had hoped to have had but apparently there is a very large shortage of salt because it is still on a barge coming from Maine.

### DEPARTMENT OF PUBLIC SAFETY

Councilman Pugliese said in early January we hired three new Police Officers and he is pleased to report that they are currently still in the academy and are doing well in both the physical training as well as the educational components of the academy which is required by both the Police Department, State Police and Union County Police Academy. It is anticipated they will be joining the force in a few months.

He said, in reference to the snow ordinance, there were close to 200 summons issued during the snow storm to vehicles that were parked on the wrong side of the road, which is the odd side of the road. He said not only did they get a ticket but they had to come to court because a court appearance was required. The fine for parking on the wrong side of the street during a snow storm is \$250.00. He said the reason we have a snow ordinance is because we need to have the roads clear in order for ambulances, fire trucks and police vehicles to get to residents in need of assistance. He said the Mayor and the Council all agree that perhaps the penalty provisions need to be reviewed so that a court appearance is not required and the fine should be reduced from the current \$250.00 to a significantly less amount. He said he hopes to have that in place by next winter. In addition, there were complaints that there were not enough signs put up in regard to the ordinance. He said the Mayor, Police Chief, Prosecutor, Borough Attorney and himself will be going over the specifications for the signs, the amount of signs and the language which should be placed in the signs to make them compliant and give the residents the notice they need to be in compliance with the ordinance. He said that is what they plan to do going forward. He said he understands there were a great deal of angry people in the courtroom on Tuesday but the ordinance was for the safety of the residents and not for the Borough to make money. He said the fines were suspended and only court costs were assessed during court on Tuesday. He said the main point behind this is to get it out to people to not park on both sides of the road because the emergency vehicles need to get through. Councilman Pugliese said about three years ago the Fire Chief Lou Giordino and the DPW Superintendent Dan Ryan came to the Council and said they needed help plowing the roads and they need help making sure their vehicles can get down the roads. They asked the Council to enact this type of ordinance. He said at first they wanted no parking on any side of the road but the Council thought there were certain parts of the town like Newark Avenue and certain portions of the North side of town that there is not enough parking to begin with, let alone making it no parking at any time during a snow storm. He said Union and Cranford have no parking on the roads when there is snow and we tried to compromise by having parking on one side of the road. He said it is a good compromise and going forward, we need to get the signs up and change it so a court appearance is not required.

Councilman Pugliese said he will be meeting with Chief John Zimmerman and Lt. Wayne Fennes in regard to the implementation of the Towing Ordinance and the manner and method by which towers are assigned by the town to do towing on behalf of the Borough. That process needs to be reviewed and hopefully that ordinance will be cleared up in the next month or so.

Councilwoman Macecsko said we need the roads cleared in order to get a fire truck or emergency vehicle through.

#### DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilwoman Giordano reported they are successfully running the new computer program. She said the new Borough Clerk implemented having all of the systems backed up to a server which it was not prior to her joining the Borough. She is glad to have that because there is a lot of valuable information in the Planning, Building and Finance Departments. She said everything is running smoothly.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Macecsko reported the Recreation Department is having soft-ball sign-ups, having Zumba classes and the Friday Night Recreation is a big hit. She said if you want to know what is going on you can “friend” them on Facebook under Kenilworth Recreation.

She gave kudos to our dedicated Volunteer Fire Department of which Councilman DeLuca is a member. In January they responded to 70 calls, 10 of them were mutual calls which means they helped other towns with a fires. She said we have a system where we help other towns and they help us. The Rescue Squad responded to 93 calls. Our Fire/Rescue Squad had to uncover fire hydrants from the snow so if you are out there shoveling and you see a fire hydrant, please shovel it out.

Mayor Fiamingo said that is a very good point, especially if the fire hydrant is servicing your house, you would want it to be available for you. She said if you can help out it would go a long way to helping the Fire Department.

HEALTH, EDUCATION & WELFARE

Councilman Klinder reported the Rabies Clinic will be held on March 23rd from 11:00 to 1:00 at the Fire Department. Out of Town dogs and cats are welcome.

ORDINANCES AND RESOLUTIONS

CONSENT AGENDA

Resolutions No. 1 thru 10 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 Consent Agenda be approved, seconded by Councilwoman Giordano. 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**, a proposal was received from Chapman, Inc. for Collections System, C-2 Licensed Operator services for the year 2014; and

**WHEREAS**, the Borough Engineer has reviewed the proposal and recommends that the Borough retain Chapman, Inc. at a cost of \$575 per month; extra work to be invoiced in accordance with their proposal.

**THEREFORE BE IT RESOLVED**, that the mayor and/or Clerk be authorized to enter into agreement with Chapman, Inc.

CERTIFICATION OF FUNDS  
DATE: \_\_\_\_\_

APPROPRIATION:  
\_\_\_\_\_  
\_\_\_\_\_

Treasurer

RESOLUTION NO. 3

**BE IT HEREBY RESOLVED:** That the Mayor's appointment of **LAURA REINERTSEN** as Garden State Municipal Joint Insurance Fund Commissioner for \$3,500.00 per annum.

RESOLUTION NO. 4

**BE IT HEREBY RESOLVED:** That the Mayor's appointment of **LAURA REINERTSEN** as Certifying Agent, Personnel Supervisor and Local Improvement Search Officer for the year 2014, be and the same is hereby confirmed.

RESOLUTION NO.5

**BE IT HEREBY RESOLVED:** That the appointment of **LAURA REINERTSEN**, Borough Clerk, as Public Agency Compliance Officer (P.A.C.O.) for the New Jersey Affirmative Action Office for the year 2014, be and the same is hereby confirmed.

RESOLUTION NO. 6

**BE IT HEREBY RESOLVED:** That the Mayor's appointment of **LAURA REINERTSEN** as ADA Coordinator for the year 2014, be and the same is hereby confirmed.

RESOLUTION NO. 7

**BE IT HEREBY RESOLVED:** That the Mayor and Clerk be authorized to enter into agreement with the Township of Union for the utilization of the Township of Union's Firearms Training Facility by the Kenilworth Police Department.

RESOLUTION NO. 8

**WHEREAS**, *N.J.S.A. 40A:11-11(5)*, specifically authorizes two or more contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and enter into a Cooperative Pricing Agreement for its administration; and

**WHEREAS**, the MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION, referred to as the “Lead Agency”, is conducting a voluntary Cooperative Pricing System with other contracting units; and

**WHEREAS**, this Cooperative Pricing System is to effect substantial economies in the provision and performance of goods and services; and

**WHEREAS**, all parties hereto have approved the within Agreement by Resolution' in accordance with the aforesaid statute; and

**WHEREAS**, it is the desire of all parties to enter into such Agreement for said purposes;

**WHEREAS**, The Lead Agency entering into contracts on behalf of the Borough of Kenilworth shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) and all other provisions of the revised statutes of the State of New Jersey.

**NOW, THEREFORE, IN CONSIDERATION OF** the promises and of the covenants, terms and conditions set forth, in the attached Middlesex Regional Educational Services Commission 65MCESCCPS Agreement for a Cooperative Pricing System, the Mayor and/or Clerk be authorized to enter into agreement with the Middlesex Regional Services Commission, effective immediately upon passage.

RESOLUTION NO. 9

**WHEREAS**, it shall become necessary to expend for some of the purposes specified in the budget appropriation of the respective sums appropriated, and

**WHEREAS**, there is an excess in one or more appropriations over and above the amount deemed necessary to fulfill the purpose of such appropriation, and

**WHEREAS**, N.J.S. 40A:4-58 provides for the transfer of such amounts deemed in excess to appropriation for the amount of which are deemed to be insufficient to fulfill purposes of such appropriation, and

**WHEREAS**, the transfers about to be authorized do not affect any appropriations to which transfers are prohibited under statute,

**NOW, THEREFORE BE IT RESOLVED** that the attached transfers be approved and the Chief Financial Officer is hereby authorized to make the transfers in the 2011 Municipal Budget.

FROM

Other Expenses

|                |             |            |
|----------------|-------------|------------|
| Traffic Police |             | 8,000.00   |
|                | Total       | 8,000.00   |
|                | Grand Total | \$8,000.00 |

TO

Other Expenses

|                                  |             |            |
|----------------------------------|-------------|------------|
| Police – Other Expenses          |             | 2,500.00   |
| Fire Department – Other Expenses |             | 5,500.00   |
|                                  | Total       | 8,000.00   |
|                                  | Grand Total | \$8,000.00 |

RESOLUTION NO. 10

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

#2033 David Brearley High School Athletic booster Club for a Bingo on March 28, 2014 at 33 South 21<sup>st</sup> Street, Kenilworth, NJ.

2034 David Brearley High School Athletic booster Club for An On-Premise 50/50 Raffle on March 28, 2014 at 33 South 21<sup>st</sup> Street, Kenilworth, NJ.

Proposed Ordinance No. 2014-02 was read for second reading as follows: (Copy appears in Minutes of January 22, 2014)

**ORDINANCE NO. 2014-02**

AN ORDINANCE AMENDING CHAPTER 37-49 OF THE CODE OF THE BOROUGH OF KENILWORTH

Motion was made by Councilman Joho, seconded by Councilman Pugliese to table the vote on Ordinance 2014-02 until further language can be added to cover existing as well future employees.

All in favor.

Proposed Ordinance No. 2014-03 was read for second reading as follows: (Copy appears in Minutes of January 22, 2014)

**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 an ordinance on the revamping of the schedule of fees and escrows for applications to the Planning Board and the Board of Adjustment. They are applications that do not affect the average resident, they are minor and major subdivisions, site plans, variances, commercial and industrial uses. The second part of the proposed ordinance is to revamp the schedule of escrows collected for the professionals who have to review these applications. For those who are not familiar with the process, we collect escrows, our professionals review the applications, make reports to the Planning and Zoning Board of Adjustment and they have to be paid. They are paid by the applicant. The escrows that are collected and if there is a balance remaining in the escrow account, they are refunded to the applicant. She said they are not changes to the normal permit fees and applications that the everyday resident would have.

Motion was made by Toni Giordano, seconded by Brian Joho to open the hearing on ordinance 2014-03. All in favor.

The Mayor said if anyone wishes to speak on Ordinance No. 2014-03, please step forward, state your name and address for the record.

Frank Pugliese, 235 North 13<sup>th</sup> Street – Mr. Pugliese asked which Councilman brought this ordinance up for a vote? Mayor Fiamingo responded it was at the Planning Board's request. She said the Planning Board requested that the Council amend the Ordinance and it was brought to Council via the Planning Board. The Mayor said Ms. Giordano is the liaison to the Planning Board and it is her job to bring Planning Board issues to the Council.

Councilwoman Giordano said this was brought to Council prior to her being on Council when it was Councilman Candarella. She said she inherited this when she was elected and now has his position. She said this was started more than 18 months ago. Mr. Pugliese said a lot of people are upset because we don't live in Holmdel or Colts Neck or Clark, we live in Kenilworth and are not rich people. Ms. Giordano said she begs to differ with Mr. Pugliese. Ms. Giordano asked Mr. Pugliese if he had a question because she would be happy to answer it. Mr. Pugliese said a lot of people are concerned about tonight's vote.

The Mayor said these are fees that are not charged to the average resident and she said to Mr. Pugliese maybe he could let people know that when he talks to them.

Joseph Rizzo, 212 North 21<sup>st</sup> Street – Mr. Rizzo said he printed the Proposed Ordinance from the web site and it reads a fashion that is unclear. He said the ordinance says “Residential other than Single Family”, and he asked if that was also for variances? The Mayor replied yes and he asked if they would be able to make that more clear. He asked if the fees were adjusted? Ms. Giordano said this was the original request from the Planning Board. Mr. Rizzo said to double the fees? Ms. Giordano replied yes. Mr. Rizzo asked from 2009 to 2013 the costs for reviewing the applications doubled? Ms. Giordano said yes.

Mayor Fiamingo said before 2009 the last time they had been changed was 1981. The change to 2009 was not market value at \$125.00 to review a minor subdivision and for herself, she did not think that was a big change. Mr. Rizzo asked why now with these tough economic times are the fees doubled when back in 2009 they were already adjusted? He asked if the Board just came and said the fees to review the applications and the fees for the secretaries and inspectors will cost twice as much?

Councilwoman Giordano said no, what they did was they formed a committee a little over 18 months ago to review all the application and escrow fees. She said she was not on Council then and not involved in that part. There was a committee that handled that with the Planning Board and the Councilperson at that time. She said they felt that this would be the appropriate increase because it had been such a long time since the application fees and escrow fees were adjusted. She said the escrow, whatever is left, comes back to the applicant and the application fees stay with the Borough. She said to increase that amount of money from 1981 she feels is appropriate. She said it has nothing to do with the fees of the professionals which have remained the same for the last six years up to this year with a ridiculously small increase in their hourly rate. Mr. Rizzo asked if she was talking about the consultant professionals or the in-house inspectors. Mayor Fiamingo said no not in-house. Ms. Giordano said the professionals meaning the Planner and the Engineer which are not in-house. Mr. Rizzo asked if the Committee reported their findings to you? Councilwoman Giordano said the Councilperson at that time brought it to the Council and it took all of this time to come to fruition, that person is no longer here and she has that department and it is her responsibility to relay what the Planning Board is requesting to the Council. Mr. Rizzo said the Council Member, that is no longer here, it was his representation that the fees should be doubled? Councilwoman Giordano said no it was not his idea, he was just the spokesperson for the Planning Board. The Planning Board had a committee, who speak among themselves with all of their members, and then they have to present it to the Council, much like Councilman Pugliese is a spokesperson for the Police but it doesn't mean he is a Police Officer.

Mr. Rizzo said the Committee should understand the average costs of what it would have been for the Borough to process the application. Councilwoman Giordano said sure, they know everything because it is actually handled through the Planning Board Secretary and the employees that run the Building Department, that is how all of that gets managed. She said you have a volunteer person who is on the Planning Board working tirelessly with the people that are in the Building Department to invoice, collect money and have the money go round and round. Mr. Rizzo said that committee is no longer here? Ms. Giordano said they are here, except for the Councilperson because now I'm here. Mr. Rizzo asked if she met with the committee? Councilwoman Giordano said the committee is no longer in effect because they have done their job and it was presented to Council. She said she inherit that responsibility by presenting it to Council. Mr. Rizzo said he is trying to get what was presented to Council?

Councilwoman Giordano said there was a recommendation to raise the fees and why they were requesting the fees to be raised. She said there were issues trying to collect monies that were due for escrow and there was a never ending chain of sending out invoices, by the time the money comes back, they had already approved other expenses and by then another invoice had to go out and things go back and forth. She said they are talking about in 2013, there were only 15 applications filed. Mr. Rizzo asked what type of applications and Councilwoman Giordano replied, the type of applications that this would pertain to. Mr. Rizzo asked all site plans? Councilwoman Giordano said she did not say 15 site plans, 15 applications of various things that would apply to these fees. Mayor Fiamingo said sub divisions as well. Councilwoman said some of them were with the same owner, so it was not 15 individual people. She said this was out of a town that has 2800 or so tax payers, so it is only affecting 15 people. She said this is to effectively run the department and facilitate the Planning Board in doing what they feel they need to do. Mr. Rizzo asked if the department was in deficit last year? Councilwoman Giordano said the department was not in deficit last year. Councilwoman Giordano said she thinks some of the misunderstanding is that people think these are permit fees, like if you have to put up a shed or fence or something like that which affects a lot more people in the Borough and it isn't that at all. Mr. Rizzo said it affects anyone who has a site plan and anything that you change on the façade of a building requires a site plan. Mayor Fiamingo said not residential. Mr. Rizzo said a lot of things trigger a site plan and when you say site plan there are a lot of applications. Councilwoman Giordano said there were only 15 last year and so far this year there is only 1. Mr. Rizzo said that is amazing because he has one and he knows someone that has 2 and he is not sure how we only have one application this year. Mayor Fiamingo asked what the site plan was for and Mr. Rizzo said single family. Mayor Fiamingo said we don't file site plans for single family. She asked Mr. Rizzo if he was talking about construction permits and he said yes. The Mayor said construction permits have nothing to do with this ordinance. Councilwoman Giordano said permits are different and have nothing to do with these fees. She said permit fees are for the majority of our residents. The Mayor asked Mr. Rizzo if he was coming before the Board and he said no.

Councilwoman Giordano said they never talked about raising permit fees. Mr. Rizzo said either way if it is 1 person or 15 people, it still should be done correctly. Councilwoman Giordano said she thinks they think they are doing it correctly. Mr. Rizzo said in comparing the fees to other towns, the fees and especially the escrow fees seem astronomical. Councilwoman Giordano said she has investigated 11 towns and went as far as Monroe, Bridgewater and what has happened is a lot of the towns have applications fees or escrow fees listed and they may seem much lower than what we are. So if we say it will cost \$1,000.00, another town may say it is only \$600 but then there is a back-up that says plus \$1.00 per square foot for every square foot of your addition or your construction and you could go way over. Councilwoman Giordano said people only see that hard number of \$600 and don't see if there is maybe a percentage added later or a per square foot charge added later on. Some towns we are a little bit higher and some towns we are much much lower. She said she checked a lot of towns including Garwood, Roselle, Roselle Park, Elizabeth, Linden, Rahway, North Plainfield and Bridgewater. Mr. Rizzo said in comparing those fees, for instance, a residential single family right now is \$375.00 and you are proposing to double it to \$750, Springfield Bulk Variance is \$125.00. The Mayor asked if he was speaking about Residential other than single family and Mr. Rizzo said yes. The Mayor said that would be a variance for a multi-family? Mr. Rizzo said even if you want to look at a single, it doesn't say what variance and different variances require a lot more work and that's the other thing, now that we are revising it why don't we revise it the correct way and make it clear to read, so bulk variances and use variances require more work and some do not. He said we can make a simple site plan, he said for a sub division we don't need to have a preliminary and final review? He said it could be done in one step. Councilwoman Giordano said that 80% of them have been that way, she doesn't understand why, it is not her forte, but the Planning Board members know every nuance and what the terminology means but 80% of them have a preliminary and final. She said that sometimes people will say it only costs \$600 but that is your preliminary and then you have to add your final and then you might have a percentage on top of that, so what is your true cost? You could end up paying \$2000 because it's all in the way it is worded. She said she found that Kenilworth was more straight forward and more clear on what the terminology was and what we are charging. She said a lot of other towns had so many calculations, it was mind boggling, it took her 3 days to review them all. Mayor said asked Joe that when he was talking about preliminary and finals, was he talking about fees? The Mayor said we don't have fees for preliminary and final. The Mayor said for him to keep in mind that the preliminary and final which are in most cases are done at the same time, you are not being charged for both but you are putting up escrows. She said again, if the fees aren't charged then you are getting the escrow back.

Mayor Fiamingo said she is a little confused as to what the objections are to the escrows because the fees are the fees and are going to be charged whether you escrow enough money or not, we are going to come after you for the balance if you don't escrow enough money and it has nothing to do with us, it is the professionals fee. She said most of the time the fees are higher because the applications are not done properly and they have to come back more than once. The Mayor said to keep in mind these are not for single family homes, we are just talking about variances, minor sub divisions, major sub divisions and site plans so we are not talking about the majority. Mr. Rizzo said between 2009 and 2014 he said his fees have not doubled and that is what is happening now, the fees are doubling, the escrow fees and the permit fees. Councilwoman Giordano said not the permit fees, the application fees. She said right now we have 14 applications that have outstanding escrow.

Mr. Rizzo said there are ways to handle that when the professionals know there is no escrow. Councilwoman Giordano said it takes a lot of time to invoice and invoice and you are paying people to do this and where if the money had been set aside ahead of time, you are ahead of the game so you're not always backing into it. Mr. Rizzo said once the escrow is there, sure whatever is left over goes back but in order to get that dollar back, it takes a lot of effort and he said the professionals will see that as something that has to be used. Councilwoman Giordano said there is a stop gap to that, any application that comes in gets reviewed at the Building Department then goes to the Planning Board Secretary then she reviews it before it ever gets to the finance department for payment. There are three people that review it and she calls every month if she does not understand something. She said they have also instituted a lot of different procedures such as when one of the professionals have to go on-site to do an inspection, we now have it mandatory that they call and make an appointment so that the people can't say they weren't there and don't know if someone was there for one hour or two hours. Now Ellen or Karen in the Building Department make the appointments for the professionals and the owner of the property and when you get the bill you are in control of what you are being invoiced. The Mayor said to Mr. Rizzo that as far as refunds of escrow you are right in the past there has been a very bad practice but we are trying to rectify things but to say that if there is a balance in the escrow and the professionals therefore are going to bill you is really not a fair statement and it is very insulting to the professionals. Mr. Rizzo said it is a very broad statement and he apologized, he did not mean to insult anyone but he is going by past experience. Mr. Rizzo said his point here tonight is that to see an across the board double increase during these hard economic times is not right. He said compared to other towns it seems that they are high.

Tony Lepore, 39 North 6<sup>th</sup> Street – Mr. Lepore said he would like to straighten out a few things that were said here tonight. He said he was the Chairman of the Planning Board and also the Committee Chair for implementing these increases. He said going back to 1981 fees had not been increased until he took over as Chair. He said they looked at the fees and they were at a very low rate and they wanted to double or triple them at that time but they decided to hold back and start out small. He said as far as the escrow fees, when he first took over the Planning Board he got the reports of the escrow fees and everything that was due back to the applicants was sent back, it was a long process, they went through it page by page by page to make sure that everyone got their escrow fees back and then we set the procedures in place. He said when Councilwoman Giordano took over, we met and we put things into place even better with her help and implementation. He said the reason they doubled the escrow fees was because they had plenty of applications where the applicant did not fill out the application right and it had to go back to the planner/engineer 2 or 3 times and that costs money. Mr. Lepore said they kept going back and forth asking for money and with that in mind and looking at all those figures we wanted to make sure we had enough escrow in our account to cover some of these mistakes that the applicants were making or conditions that were imposed by the Planner or Engineer. He said in the past because our escrow fees were so low, we had to go back to the applicant for more escrow and then again for more escrow and that is where the perception came up that the Planner and Engineers are ripping us off. He said our Planner and Engineer are very honest and upfront guys and straightforward, they do exactly what they are asked to do, no more, no less they just want to get the job done. The outstanding balances that are still due to us are astronomical. Councilwoman Giordano said the amount is \$13,328.00. Mr. Lepore said that is because of the problems we have with the applications or the construction site that had to be revisited again and again. He said they heard back from residents and contractors saying that we were always coming back to them for more money and the reason was because we were not charging enough. Mr. Lepore said he wanted to bring it up 150% or 200% just to have enough in the escrow fees and then when the application is done the escrow goes back to the applicant. We just have to make sure we are able to pay our professionals that we hire and not make the taxpayers of Kenilworth pay. He said all these outstanding debts, have to get paid by the applicant and if not then by the taxpayers of Kenilworth. He said it is not fair to the residents of this town to pay somebody else's bill. He said it was his decision to raise the fees and then it was the Planning Board as a group to say yes and it was almost unanimous, only one person voted no.

Rich Picerno, 241 Faitoute Avenue – Mr. Picerno said he is the Chairman of the Planning Board. He urged all the contractors, Mr. Rizzo and all the contractors on the back bench to come to the Planning Board Meeting and instead of getting back hand information. He said come and learn what we are trying to do. He said we need their help, we don't want to do anything without your help but at the eleventh hour there is not much we can do. If you have a concern, come and we will talk to you about it, we are here for you. He said when you start talking among yourselves and get bits and pieces of ignorant stories, this is what breeds this. He said he listened to Mr. Rizzo and he is talking about variances and application and permit fees and is all over the place because he doesn't have the right information. He said if you come here we can help you with that, if we are doing something wrong we will adjust it but you need to come here and not out there, please come, we need your help.

Frank Pugliese – Mr. Pugliese said he was a member of the Planning Board 15 years ago for two years. He said he left because a bunch Philadelphia lawyers did not want to help the people of Kenilworth, they wanted to hurt them and they looked for any excuse to deny somebody an application. Mayor Fiamingo said that is not what is happening now, it may have happened 15 years ago but not now.

Motion was made by Fred Pugliese, seconded by Councilwoman Giordano to close the hearing on ordinance 2014-03. All in favor.

#### RESOLUTION NO.12

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

**BE IT HEREBY RESOLVED:** That Proposed Ordinance 2014-03 be and the same is hereby passed on second and final reading an ordered published according to law. .

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 no. Five in favor.

#### MEETING OPEN TO THE PUBLIC

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

Ross Dreydoppel, 70 Pembroke Drive – Mrs. Dreydopple asked the Council to look at changing the snow plow ordinance in her area and all the areas. She said for the past month she has had snow covering one side of the street to the opposite side of the street. The DPW goes by every single day with snow plows. She went to see them after the first event to ask them to please come by and plow the street and they told her they could not come by with the small truck

because it would break the plow because everything was frozen. She asked if they would come by with the big truck and they said they would. Mrs. Dreydoppel said everyday they come by with the snow plows on and they do nothing. She showed the Mayor and Council some pictures. She said she the Mayor asked her for some suggestions one of the things she would like to see is that both sides of the street benefit from the snow ordinance. She lives on the even side and has not been able to back her car into her driveway for about a month. Her husband is handicapped and it makes it easier for him to get into the car from the garage. She said she has neighbors across the street that have a three car driveway and they also park three cars on the street and most of that time those cars are parked either in front of her house or in front of the other neighbors houses and it really makes it difficult to get in and out of the driveway. She said she saw two water trucks trying to get down the street and they could not because they could not get by because the snowplow had left a mound of snow in the road. She said if anyone needed emergency service, it was not going to happen. She called the Police to say the road was block with a high amount of snow, she said she should not have had to call the police, the person driving the water truck should have called and said there is a mound of snow in the middle of the street. She said she does not care where people park but when it starts to impede how she lives her life then she gets very concerned. She said why can't they do an ordinance that says the first seven hours you must park your car on the even side of the street and the next seven hours the car must be moved. She said we have to work together because we are all residents of the town and we all pay our taxes and we all have a right to service. She said those pictures should disturb everyone here. She said when you ask someone to please plow, she did not call Councilman DeLuca, she went right to the DPW herself and asked them to please help her. Every time she saw a truck go by she asked them to help her and nothing was done. She said in the initial part of the storm they do great and do everything they need to do and then it's like why are they driving around in trucks with snow plows on them if they are not going to help. She said mushy snow and ice is just as dangerous as ice in the road. She said she will do everything she can to protect herself and getting her husband out but this is very unfair. She said she did her due diligence and called around other towns to see what their snow policies were and none of them have the policy that Kenilworth has. She is not saying our policy is wrong but our policy needs to benefit every resident, not just the people who live here, there or anywhere. Mayor Fiamingo asked what were the results of her survey? Mrs. Dreydoppel said basically the towns that did nothing said they just bury them in. Roselle said cars always have to be off the County roads and they have posted signs where you can't park on certain streets at certain times and that makes it seem like every resident has an opportunity to have their snow cleared. Westfield does not have a town ordinance but residents are encouraged to not park their cars in the street. Ms. Dreydoppel asked all the towns if the streets were plowed again after the event and every town said yes and that did not happen on Pembroke Drive. Cranford has no restrictions, people are urged to park off the streets but they are trying to change their ordinance so there would be no on-street parking during the snow or ice event. Springfield Township has absolutely no parking on the street. Mayor Fiamingo said the concerns for Kenilworth is that some of the neighborhoods do not have off street parking. She said we are not looking punish people with this ordinance, we are looking to be able to plow.

Mayor Fiamingo said she lives on the right numbered side of the street and it is a problem for her because when she shovels her driveway, she has to go another 4 feet out because they don't plow her side of the street. Mrs. Dreydoppel said she has an underground pumping system because she is on the low part of Pembroke Drive and they get very serious flooding. She said they park in front of her house even though she has asked them not. She does not care if they put the snow on her lawn but they push it in front of the drain. Mayor Fiamingo said this is something they are going to have to address in some manner because obviously there are problems. She said when they passed the Ordinance 3 years ago, they were trying to be fair to everyone and it's taken a couple of years to see what those results have been, this year was a particularly bad one and maybe we do have to revisit it.

Mrs. Dreydoppel said she thinks it is wrong to lower fines, she thinks people should be fined and that being kind to them only makes matters worse. If you fine people for doing something wrong don't back track because they will just go on doing what they want. Councilman Pugliese said he understands her position but when this ordinance was first passed he received a call from a person on Woodland Avenue who lived on the odd side of the road and was complaining that she could not park in front of her house, and now people, like yourself, are complaining that now people are parking in front of their house. He said before this ordinance was being enforced, during the first couple of snowfalls, he was getting phone calls and people were saying they did not park in front of their house because they live on the odd side of the road and they move their car and then the neighbors kid comes and parks in front of his house and now the front of his house was not being plowed. They are saying that even though they followed the ordinance and parked somewhere else, it did not matter because someone else parked in front of their house and the street did not get plowed on his side. Councilman Pugliese said the ordinance is in effect for public safety. Mrs. Dreydoppel said her safety is now being impeded by the fact that her street is not being cleaned when the DPW ride by on a daily basis with snow plows, even when it was warmer out, and they could have plowed. Councilman Pugliese said maybe that is something Councilman DeLuca could address. Mayor Fiamingo said there may be a man power issue. Mrs. Dreydoppel said it would be wonderful if they could change the ordinance to favor both sides of the street.

Bob Herbert, 363 Coolidge Drive – Mr. Herbert asked in the commercial/industrial zones if they get a new tenant do they have to apply for a minor site plan? Mayor Fiamingo said technically yes, however, the new ordinance will eliminate that. The old ordinance says yes but the new one says that as long as they demonstrate compliance then the answer is no. Mayor Fiamingo said they are trying to phase that in right now. Mr. Herbert asked the Mayor when she says "technically it does" can she elaborate on that. Mayor Fiamingo said technically any change of use under the current ordinance requires a site plan. We are trying to phase in the new ordinance that will say as long as you demonstrate compliance with the zoning requirements of parking and everything else, as long as that is shown to the Zoning Enforcement Officer there will be no requirement for a site plan.

Mayor Fiamingo said they are looking to encourage businesses. Mr. Herbert asked if anyone knew what ordinance that is? He said a lot of towns have a change of occupancy and they make the mistake of interrupting change of use as a new tenant and that is not the case, a change of use is a different group use which falls under the UCC regulations and whatever committee that is involved in these ordinances, he encouraged them to do some homework on that and maybe consider adding that into the new ordinance about group use or change in tenancy because he does not think we have that language in our current ordinance.

The Mayor said it was one of her goals for revamping the zoning ordinances to make it easier for these buildings to be occupied under appropriate conditions but they are not going to allow non-compliant businesses in buildings but if they comply, let's get them in there and open them up.

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

#### GENERAL BUSINESS

Mayor Fiamingo said several weeks ago a long time resident Tom McHale passed away. He was a former Councilman, former Board of Education Member, Former Planning Board Member, Former Fire Fighter and RVSA Member who devoted his life to the Town. He was a very community minded person and she said he was truly a wonderful person and his wife as well. Her sympathies go out to the family.

Councilwoman Giordano wanted to make one clarification on the professionals that work for us, the Borough Planner and the Borough Engineer. She said there may have been rumors that there was a significant fee increase for either both or one of them and that was the driving force behind the increased fees in the ordinance. She said that is not true, the Borough Planner is still at the rate that he has been at for the past 3 years and the Borough Engineer was at the same rate for 6 years and gave an increase of \$5.00 for this year, and she does not know too many people that could say that. She said she wanted to clarify that to the residents and the applicants that may be coming in. She said one of the new things that they implemented in the application packet in 2013 is a full fee schedule from both the professionals along with the description of what their responsibilities are on every application so that you can anticipate how much it is going to cost for a particular application and what they are going to be charging.

#### ADJOURNMENT

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

9:10 P.M.

Respectfully submitted,

Kathleen Moschitta, Deputy Borough Clerk