

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
KENILWORTH HELD ON WEDNESDAY EVENING, JUNE 11, 2014. MAYOR SCOTT
KLINDER PRESIDED.

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

The Salute to the Flag was led by Mayor Klinder.

ROLL CALL

Roll Call at 8:00 P.M. showed the following Council Members present: Anthony DeLuca, Toni Giordano, Kevin Leary, Barbara Macecsko and Fred Pugliese. Brian Joho was absent.

MINUTES

It was moved by Councilwoman Giordano, seconded by Councilman Leary and carried that the minutes of the Regular Council Meeting of May 28, 2014, and the Work Session minutes of May 13, 2014 & May 27, 2014 be dispensed with and approved as submitted. (Copies furnished each Council Member prior to the meeting.)

COMMUNICATIONS AND PETITIONS

1. NJSLOM Notices
2. Letter from Laura Fitzgerald, 549 asking for permission to have a Block Party.
3. Letter from Mildred Galasso, 608 Bloomingdale Ave., regarding the Senior Center HVAC.
4. Invitation received from the Union Elk's Lodge #1583 regarding Flag Day Ceremony on 6/14/14 at 10:00 AM.

REPORTS

1. Police Department Report for the month of May, 2014.
2. Construction Department Report for the month of May, 2014.
3. Borough Clerk's Report for the month of May, 2014.
4. Fire Department/Rescue Squad Report for the month of May, 2014.
5. Public Works Department for the month of May, 2014.

It was moved by Councilwoman Macecsko, seconded by Councilwoman Giordano and carried that the above communications be received and filed and any money amounts indicated be spread over the minutes. All in favor.

REPORT OF COMMITTEES

MAYORS REPORT

Mayor Klinder said starting this evening the Council will be wearing summer casual shirts. We will be having our fireworks on Sunday, June 29th at dusk in the David Brearley High School parking lot. He hopes everyone will come out and enjoy the fireworks.

Seeking Expert & Amateur Scientists and Naturalists to join survey teams for Union County's 10th Annual 24 Hour Bio-Blitz June 13th & 14th, 5pm – 5pm at Oak Ridge & Ash Brook Reservation in Scotch Plains Help gain a “snapshot” of the areas biodiversity and raise awareness about the importance of parkland as outdoor classrooms and wildlife habitat. For more information call Betty Ann Kelly at 908-789-3683

Kenilworth VFW is running a bus trip to the NY Yankees vs. Baltimore Orioles game at Yankee Stadium Sat., June 21st the \$85 ticket includes transportation, refreshments on the bus and stadium admission. Call the VFW at 908-276-9769 for more information

DEPARTMENT OF FINANCE

Councilman Joho was absent.

DEPARTMENT OF PUBLIC WORKS

Councilman DeLuca reported that over the past two weeks the Borough had major problems with the Lafayette Pump Station. Upon inspection of the pump station they found large amounts of cleansing wipes that were wrapped around the propellers. This problem has been fixed and in another week or so we will be getting the grinder installed. Councilman DeLuca advised residents said that whether the wipes say flushable or none flushable he recommends that you do not flush wipes in the toilet because they do not degrade as much as toilet paper does. He said it is not just Kenilworth, it is a problem throughout the state. The County of Union striped and painted all the Borough's double yellow lines. Our DPW is currently working on painting stop bars and crosswalks. The Borough mason has completed the back steps behind Borough Hall and the cement work in front of Borough Hall. The Borough has received our 2014 Clean Communities Grant in the amount of \$12,556.82.

DEPARTMENT OF PUBLIC SAFETY

Councilman Pugliese reported that Bob Schielke, our OEM Coordinator, and Chief Zimmerman met with the Red Cross with regard to the shelter list within the Borough, currently the two shelters approved by the Red Cross are the high school and the recreation center. An additional inspection with the Red Cross is scheduled. The County received a grant from FEMA to update the County-wide mitigation plan with regard to a possible emergencies. Previously Kenilworth never participated with the County plan but this year, as a result of Bob's participation and forethought, we are now participating with the County Emergency Management Plan and working hand in hand with the County Officials in case of an emergency. The initial grant application for the OEM generator went passed the first couple of hurdles but they were still looking for more information and that additional information was provided to the State by Bob. We are waiting for further notification as to whether or not we will receive the grant. The generator will be housed at the OEM building on the corner of 14th Street and Sheridan Avenue for emergencies such as street lights being out.

The Borough has 5 volunteers for the CERT Team which is part of the team that will assist the OEM, the Fire & Police Departments in case of a town wide emergency. Mike Mangelli, a former law enforcement officer from Belleville, is one of the 5 volunteers and has offered to be the leader of the CERT Team. Mr. Mangelli was involved in the CERT Team in Belleville. He has also agreed to a two-day training course, offered by the State of New Jersey, called "Train the Trainer" and is mandatory for someone who is going to head the CERT team. There has been a request by Bob Schielke for funding toward the hiring of a consultant for a town-wide emergency management plan and that is being considered as part of the budget. Once the budget is passed and the funds becomes available, we will be provided that information and the funds to hire a consultant, once he discusses what he wants to do with the Chief. Councilman Pugliese said for the past few weeks the Police Chief and officers have been performing cross-walk details which is where they walk the cross walks undercover and they look to see if vehicles stop and if they don't stop another officer will give them a summons. They have been doing this all spring and if they have the manpower they will be doing it all summer.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilwoman Giordano reported that last month the Building Department had approximately 55 applications totaling \$15,000. She said it is evident we are in spring with most of the permits being for pools, decks, roofs, siding and other home improvements that are now flourishing in the town.

Councilwoman Giordano said it is nice to see that people are taking pride in their homes and putting money into refurbishing them. Last Wednesday, the PZO Committee completed their review of the Land Use Ordinances as they relate to the Master Plan. It will go on to the next step and she said they are progressing nicely and hopefully they will be moving toward completion within the next couple of months.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Macecsko reported during the month of May the Fire Department responded to 60 fire calls, 2 mutual aid calls. The Rescue Squad responded to 63 calls. The Recreation Department has hired their Summer Recreation Program counselors and 15 of them are Borough residents, the camp will be starting up soon. Additional activities are being planned for the summer and you can check the web site for details.

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Councilman Leary reminded everyone about the Legos at the Library Program which will be running for three Wednesdays this summer and each week the children will be given an opportunity to build their own creative project based on the theme that week. Registration is required starts on June 18th. The Bard on the Boulevard will kick off on June 19th with the performance of the "Twelfth Night" from 7:30 to 9:30 at the Library and it is free. The Friends of the Library will be having a dinner on June 17th at 6:30 and is \$30.00 at the door. Councilman Leary said the Block Grants got the final approval and the grants are for The Senior Citizen Chronic Illness Program for \$1,500.00, Senior Citizen Social Service Program for \$6,400.00, The Senior Citizen Transportation Program \$800.00, The Senior Citizen Handyman Program for \$2,000.00.

Mayor Klinder said on the Consent Agenda we will be authorizing liquor license application renewals. He said some of liquor licenses have conditions and if they do not meet those conditions they will get put on probation and they could lose their license.

CONSENT AGENDA

Resolutions No. 1 thru 9 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.

Councilwoman Macecsko moved that all items under the Consent Agenda be approved, seconded by Councilman DeLuca. 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, Borough Ordinance 2012-04 addresses the salary range for Borough of Kenilworth Police Dispatchers; and

WHEREAS, Mayor and Council approve of a salary step schedule commencing annually upon date of hire through Step 7, as follows:

DISPATCHER SALARY SCHEDULE

Starting:	\$30,000.00
Step 1:	\$32,571.43
Step 2:	\$35,142.86
Step 3:	\$37,714.29
Step 4:	\$40,285.72
Step 5:	\$42,857.15
Step 6:	\$45,428.58
Step 7:	\$48,000.01

BE IT FURTHER RESOLVED, that a Dispatcher uniform allowance \$250.00 per year paid in 2 installments, the first installment of \$125.00 paid in June and the second installment of \$125.00 paid in December of the calendar year.

RESOLUTION NO. 3

BE IT HEREBY RESOLVED: That the following be employed as Recreation Summer Playground workers as of June 30, 2014:

Kristen Boyle Head Counselor	\$450.00 per week (Stipend)
Stacey Salvato Assistant Head Counselor	\$420.00 per week
Caitlyn Martin Assistant Head Counselor	\$420.00 per week
Laura Kratzer Counselor	\$10.00 per hr.
Brian Layden Counselor	\$10.00 per hr.
Kaitlyn Tobe Counselor	\$ 9.00 per hr.

Erin Clementi	Counselor	\$ 9.00 per hr.
Janine Napoli	Counselor	\$ 9.00 per hr.
Erin Pentz	Counselor	\$ 9.00 per hr.
Kellie Grochocki	Counselor	\$ 9.00 per hr.
Bryan Kendall	Counselor	\$ 8.50 per hr.
Melissa Stryker	Conselor	\$ 8.50 per hr.
Jenna Clementi	Part-time Asst. Counselor	\$ 9.00 per hr.
Abigale Goger	Part-time Asst.	\$ 7.50 per hr.
Melissa Voorhees	Part-time Asst. Counselor	\$ 7.50 per hr.
Bri Arciri	Part-time Asst. Counselor	\$ 7.50 per hr.

BE IT FURTHER RESOLVED: That the following be employed as Recreation Summer After Care Counselors at the Kenilworth Recreation Center.

Nicole Layden	After Care Counselor	\$10.00 per hr.
Amber Layden	After Care Counselor	\$ 8.50 per hr.

RESOLUTION NO. 4

WHEREAS, it is anticipated that the Borough of Kenilworth may not be able to issue tax bills for the year 2014 in advance of third quarter taxes due August 1, 2014; and

WHEREAS, the Borough of Kenilworth has determined that there may be insufficient cash flow to support operations in late July 2014 unless third quarter revenue is received on time;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Kenilworth as follows:

1. The Tax Collector be and is hereby directed to take all required steps, should he deem it necessary, to send out estimated bills for the third quarter 2014 in accordance with the provisions of NJSA 54:4-66.2 et seq.
2. That the Tax Collector/Chief Financial Officer has reviewed the permissible tax levy range for estimated billing purposes and determined the range should be set at 102.613% of the previous year's tax levy. (\$36,526,314.03 or a tax rate of \$4.474)
3. That the Tax Collector takes any and all additional steps to implement the substance of this resolution.

RESOLUTION NO. 5

WHEREAS, applications for renewal of Plenary Retail Consumption and Distributors and Club Licenses have been filed with the Borough Clerk with their proper fees.

NOW, THEREFORE, BE IT RESOLVED that the Plenary Retail Consumption Licenses, Distributors and Club Licenses be renewed and granted for the license year 2014-2015:

2008-33-001-004	CJMK, Inc., t/a La Griglia
2008-33-008-006	Casa DePesce, Inc., t/a Umberto's Clam Bar & Continental Restaurant
2008-44-012-005	PA & SA, Inc., t/a Parkway Liquors
2008-31-015-001	American Legion Post No. 470 Kenilworth, t/a American Legion Kenilworth 470
2008-31-016-001	Columbian Club of Kenilworth, t/a/ Columbian Club
2008-31-017-001	Kenilworth Veterans Center
2008-33-010-005	Joseph Neri (Special Ruling)
2008-33-007-008	C.Q.D.S. Inc., t/a Taormina Ristorante
2008-44-009-004	Lehar Liquor Corp.
2008-33-011-001	Lucky G, Inc.
2008-33-002-007	M&A Restaurant t/a LaCampagnola
2008-36-004-008	Kenilworth Hospitality, LLC Kenilworth Inn

All of the above premises have been inspected by the Kenilworth Board of Health; proof has been received that all applicants have paid the \$200 filing fee to the Division of Alcoholic Beverage Control.

RESOLUTION NO. 6

BE IT HEREBY RESOLVED: By the Governing Body of the Borough of Kenilworth that:

WHEREAS, The Michigan Pub of Kenilworth, Inc. t/a The Michigan Pub applied for renewal of its Plenary Retail Consumption License No. 2008-33-005-007 for a one year period commencing July 1, 2014; and

WHEREAS, said applicant has tendered the proper license fees to the Borough Clerk and proof has been received that the applicant has paid the proper filing fee to the Division of Alcoholic Beverage Control; and

WHEREAS, the Chief of Police and the Kenilworth Board of Health has reviewed the application and approved of the same; and

WHEREAS, special conditions were annexed to the applicant's license when a Person to Person Transfer was granted on February 12, 2003; and

WHEREAS, the facts which led this Governing Body to impose such special conditions have continued;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kenilworth that Plenary Retail Consumption License No. 2008-33-005-007 of The Michigan Pub of Kenilworth, Inc. t/a The Michigan Pub be renewed for a one year period commencing July 1, 2014, subject however to the following condition:

“That live entertainment is prohibited at this location, 303 South Michigan Avenue.”

RESOLUTION NO.7

WHEREAS, Galmayo, Inc. t/a Blackthorn applied for renewal of its Plenary Retail Consumption License No. 2008-33-006-007, for a one year period commencing July 1, 2014; and

WHEREAS, said applicant has tendered the proper license fees to the Borough Clerk and proof has been received that the applicant has paid the proper filing fee to the Division of Alcoholic Beverage Control; and

WHEREAS, the Chief of Police and the Kenilworth Board of Health have reviewed the application and approved of the same; and

WHEREAS, special conditions were annexed to the applicant’s license when Expanded Premise was granted on July 2, 2001; and

WHEREAS, the facts which led this Governing Body to impose such special conditions have continued;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kenilworth that Plenary Retail Consumption License No. 2008-33-006-007 of Galmayo, Inc. t/a Blackthorn, be renewed for a one year period commencing July 1, 2014, subject however to the following conditions on the licensed premises:

1. Occupancy on the deck area shall not exceed 145 persons.
2. No permanent or portable service bars shall be allowed on the deck area. All alcoholic beverages shall be served by waiters or waitresses.
3. The deck area must be closed to patrons by 12:30 A.M., except on Thursday, Friday, and Saturday evenings when said closing shall be at 1:00 A.M., at which time the consumption of alcohol on the deck area shall be prohibited.
4. No music or other form of entertainment may be played, broadcast or conducted on or over the deck area after 12:30 A.M.
5. Operating months for the deck area shall be from April 15th through October 15th.
6. Deck area allowed to be open March 17th (St. Patrick’s Day).

RESOLUTION NO. 8

BE IT HEREBY RESOLVED: By the Governing Body of the Borough of Kenilworth that:

WHEREAS, **BBKS HOUSE OF MUSIC, t/a 10TH STREET LIVE**, applied for renewal of its Plenary Retail Consumption License No. 2008-33-003-009, for the one year period commencing July 1, 2014; and

WHEREAS, said applicant has tendered the proper license fees to the Borough Clerk and proof has been received that the applicant has paid the proper filing fee to the Division of Alcoholic Beverage Control;

WHEREAS, the Chief of Police and the Kenilworth Board of Health have reviewed the application and approved of the same; and

WHEREAS, special conditions were annexed to the applicant's license when it was last renewed for a one year period commencing July 1, 2014; and

WHEREAS, the facts which led this Governing Body to impose such special conditions have continued; and

WHEREAS, by reason of the nature of the applicant's business and its clientele, patrons leaving the licensed premises have continued to create a nuisance on neighboring streets and properties by reason of loud and raucous noise and litter substantially interfering with the peace, quiet, and rights of those residing in the neighborhood and adjoining property owners; and

WHEREAS, said situation will continue to exist unless certain special conditions are maintained upon the applicant; and

WHEREAS, the Governing Body has heretofore notified the applicant of its intention to impose this additional condition and afforded the applicant an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kenilworth that Plenary Retail Consumption License No. 2008-33-003-009 of **BBK HOUSE OF MUSIC, t/a 10TH STREET LIVE**, be renewed for a one year period commencing July 1, 2014, subject, however, to the following conditions:

1. That the licensee provide an employee to police the area in the neighborhood of the licensed premises on both sides of North 10th Street (including privately owned properties whose owners file written consents with the Borough Clerk), and remove all bottles, cans, cartons and similar debris associated with the operation of a Plenary Retail Consumption business, every Friday, Saturday and Sunday morning;
- 2.. That the licensee continue to employ personnel to maintain peace, quiet and good order within the licensed premises every Friday and Saturday from 10:00 o'clock P.M. to closing;
3. That the licensee employ other personnel to monitor and assist in maintaining peace, quiet and good order in its parking lot and street within such area as the Chief of Police shall direct, every Friday and Saturday from 10:00 o'clock P.M. to closing, provide that the duties of such special police officers shall be limited to seeing that the patrons of "Tenth Street Live" act peaceably, quietly and in good order as they arrive and leave the licensed premises, provided, however, that the Chief of Police, for good cause, may waive the requirement set forth in this paragraph for such periods of time when he deems its application unnecessary;
4. That the licensee maintain an accurate count of all persons entering and leaving the licensed premises on Thursday, Friday and Saturday nights and provide such count, upon request, to the Mayor, Fire Chief, Police Chief, Fire Commissioner or their authorized representatives;
5. That the licensee continue to maintain and utilize a "bull-horn" to announce the license numbers of motor vehicles illegally parked so that the owners may remove the same promptly;
6. That no packaged goods be sold after 9:00 o'clock P.M.;
7. That the licensee meet with the Mayor and /or Governing Body periodically upon request in order to discuss problems that may arise in connection with the operation of the licensed premises.

In the event that any conditions or portion thereof be held invalid or unenforceable, the invalidity or unenforceability of such condition or portion thereof shall in no way affect any other condition or portion thereof.

RESOLUTION NO. 9

WHEREAS, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption License #2008-33-002-007 M&A Restaurant LLC, for purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized;

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

NOW, THEREFORE BE IT RESOLVED that the Kenilworth Governing Body does hereby approve, effective June 11, 2014, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 520 South 31st Street, Kenilworth, New Jersey to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

Proposed Ordinance No. 2014-07 was read for a first reading as follows: (Copy attached)

BOROUGH OF KENILWORTH
ORDINANCE NO. 2014-07

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 91, ARTICLE V,
BINGO AND RAFFLE LICENSES

Councilman Klinder said the ordinance is being passed because in the past Bingo and Raffle licenses had to come before the Council for approval and this ordinance gives the Borough Clerks office the authority. We are just getting in line with what other towns are doing.

RESOLUTION NO. 10

Introduced by Kevin Leary adoption moved by same.
Seconded by Barbara Macecsko

BE IT HEREBY RESOLVED: That Proposed Ordinance No. 2014-07, be and the same is hereby passed on first reading and ordered published for final hearing on July 9, 2014.

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

MEETING OPEN TO THE PUBLIC

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

No one wished to speak.

Motion was made by Councilwoman Giordano, seconded by Councilwoman Macecsko 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 Leary and carried, that the meeting be adjourned to the call of the chair.

8:25 P.M.

Respectfully submitted,

Kathleen Moschitta
Deputy Borough Clerk