

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH  
OF KENILWORTH HELD ON WEDNESDAY EVENING, JUNE 25, 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, Brian Joho, Barbara Macecsko and Fred Pugliese. Kevin Leary was absent.

MINUTES

It was moved by Councilwoman Macecsko, seconded by Councilwoman Giordano and carried that the minutes of the Regular Council Meeting of June 11, 2014, and the Work Session minutes of June 10, 2014 be dispensed with and approved as submitted. (Copies furnished each Council Member prior to the meeting.)

COMMUNICATIONS AND PETITIONS

1. Various notices from NJSLOM.
2. Received 2013 Annual Audit Report and 2013 Emergency Services LOSAP Statement from Ferraioli, Weilkotz, Cerullo & Cuva.
3. Block Party request from Susan and Gregory Pace, 580 Passaic Avenue, Kenilworth, NJ.

It was moved by Councilman Pugliese, seconded by Councilman Joho 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 the Union County Parks have some special events planned and will be showing some films. The movies will be at Warinanco Park and are as follows: Frozen, July 8<sup>th</sup>, The Nut Job, July 15<sup>th</sup> and the Lego movie on July 22<sup>nd</sup>. Also on July 29<sup>th</sup> at Galloping Hill Golf Course, will be the movie Jurassic Park. The Summer Arts Festival will be starting at 7:30 on Wednesday evenings at Echo Lake Park and the bands are as follows: Tusk on July 9<sup>th</sup>, Ed Palermo Big Bands on July 16<sup>th</sup>, Jo Bonanno & the Godsons of Soul on July 23<sup>rd</sup> and Danny V's 52<sup>nd</sup> Street Billy Joel Tribute Band on July 30<sup>th</sup>.

The Library Fest will be on August 7<sup>th</sup> from 5:30 PM to 8:00 PM at the Library.

#### DEPARTMENT OF FINANCE

Councilman Joho reported the Mayor and Council received the audit reports for 2013 from our auditors along with their comments and recommendations. The Borough had a tax sale today and 15 parcels were up for auction for 2013 tax delinquencies and 14 parcels were sold to outside bidders. One parcel was not bid on and it became a Municipal lien at 18%. The total revenue collected was \$82,369.80 and \$386,700.00 in premiums are to be held in our trust account until the liens are redeemed.

#### DEPARTMENT OF PUBLIC WORKS

Councilman DeLuca reported the street sweeper will be out of service from June 23<sup>rd</sup> to June 27<sup>th</sup> for maintenance. He reminded residents that grass pick-up will be every Tuesday and should be in 32 gallon covered receptacles and he also reminded residents not to mix brush or branches in with the grass or they will not be picked up. In the event that your grass does not get picked up, call Natures Choice at 201-333-5244, ext. 117 or 128. Brush pick-up will be on June 30<sup>th</sup>.

#### DEPARTMENT OF PUBLIC SAFETY

Councilman Pugliese reminded everyone that school is out and to pay extra attention while driving, especially near cross walks. The first Tuesday in August is National Night Out and if you are interested in having a Block Party you can contact the Police Department at 908-276-1705. If you decide to have a Block Party, the police will have barricades to block off your street and also representatives from the Police Department will be available. There will also be a kick-off event the night before at Harding School where there will be presentations by the Kenilworth Police and Fire Departments as well as the Union County Bomb Squad. The Bomb Squad will have their dogs and the equipment they use to detect devices. They will hand out Italian Ice to the kids.

#### DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilwoman Giordano reported the Planning Board Meeting will be on Thursday, July 10<sup>th</sup>, the June meeting was cancelled. The Building Department is busy lately with a lot of renovations. She advised everyone to get their paperwork into the Building Department as quickly as possible. Residents can call Ellen or Karen if they need help filling out paperwork.

The Officials have made it a practice of using the Conference Room which makes it easier to go through an application and help residents more quickly and thoroughly without having a long line in the Building Department and that seems to be working a lot more smoothly. There have been quite a few Zoning complaints that have piled up during the transition of the Acting Zoning Officer to our current Zoning Officer but he is getting through them quite rapidly and within the next couple of weeks he will be up to speed. The Building Department sends the complaints to him every day instead of them waiting for him once a week.

#### DEPARTMENT OF RECREATION AND FIRE

Councilwoman Macecsko reported that Summer Camp starts next week. Fifteen of the 17 counselors are from Kenilworth. Last night the Fire Chief reported on how to become an EMT in Kenilworth and then how to go on to become Firefighters. She said it is quite an ordeal to first get trained and then to become certified.

#### DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Councilman Leary was absent. Mayor Klinder reported that ‘Bard on the Boulevard’ has started. The Fireworks will be on Sunday, June 29<sup>th</sup> at dusk at David Brearley High School Field.

#### CONSENT AGENDA

Resolutions No. 1 thru 7 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 Councilwoman Macecsko. 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 Licenses:

#2049 Ken Carlson, Jr. Memorial Foundation for an On-Premise 50/50 Raffle on October 25, 2014 at 33 South 21<sup>st</sup> Street, Kenilworth, NJ.

#2050 Ken Carlson, Jr. Memorial Foundation for a Casino Night on October 25, 2014 at 33 South 21<sup>st</sup> Street, Kenilworth, NJ.

#2051 Special Olympics New Jersey for an On-Premise 50/50 Merchandise Raffle on September 24, 2014 at 3 Golf Drive, Kenilworth, NJ 07033.

#2052 Special Olympics New Jersey for an On-Premise 50/50 Raffle on September 24, 2014 at 3 Golf Drive, Kenilworth, NJ 07033.

RESOLUTION NO. 3

**BE IT HEREBY RESOLVED:** That the attached list of Retirees be reimbursed for their payments for Medicare coverage from January 1, 2014 through June 30, 2014 inclusive, in accordance with Chapter 231, P.L. 1970 State of New Jersey.

RESOLUTION NO. 4

**WHEREAS**, Public Service Electric & Gas paid for police outside duty and fees were received by the Kenilworth Police Department, and

**WHEREAS**, it has been determined that Public Service Electric & Gas made a duplicate payment,

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer be and is hereby authorized to issue a warrant to refund as follows:

Amount of \$765.00 refunded to Public Service Electric & Gas.

Public Service Electric & Gas  
472 Weston Canal Road  
Somerset, NJ 08873

RESOLUTION NO. 5

**WHEREAS**, the Borough of Kenilworth held a tax sale on June 27, 2012 for delinquent 2011 property taxes, and a tax lien was purchased by FNA Jersey Lien Services, LLC, on property located at 606 Kingston Avenue, Kenilworth, NJ, and

**WHEREAS**, the owner of said property has satisfied said lien, together with interest and costs by payment of amount due at the Office of the Collector of Taxes, and

**WHEREAS**, the Lienholder paid to the Collector of Taxes a premium in the amount of \$7,000.00 and since the statutory period of five years has not passed, these funds must also be returned.

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer be and is hereby authorized to draw a warrant to FNA Jersey Lien Services, LLC, as follows, **to be refunded upon receipt of the original Certificate of Sale #12-00004** by the Collector of Taxes:

FNA Jersey Lien Services, LLC  
575 Route 70, 2<sup>nd</sup> Floor  
P.O. Box 1030  
Brick, NJ 08723

REDEMPTION AMOUNT

\$ 6,768.72

PREMIUM TRUST ACCOUNT

\$7,000.00  
Treasurer's Note: 1099 = \$940.88

RESOLUTION NO. 6

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

**WHEREAS**, BUTTERNUT CAFÉ, LLC, t/a BOULEVARD 572 applied for renewal of its Plenary Retail Consumption License No. 2008-33-013-011 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 as of this renewal period.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Kenilworth that Plenary Retail Consumption License No. 2008-33-013-011 of 572 Holding Company t/a Tosca be renewed for a one year period commencing July 1, 2014, subject however to the following condition:

**“That the sidewalk Café Area be closed at 11:00 P.M. Sunday through Thursday and 12:00 A.M. on Friday and Saturday.”**

RESOLUTION NO. 7

**WHEREAS**, the auditing firm of Ferraioli, Wielkotz, Cerullo & Cuva, P.A. has completed their audit of the Financial Statements and Supplementary Data of the Borough of Kenilworth for the year ended December 31, 2013; and

**WHEREAS**, they have made six recommendations as a result of that audit; and

**WHEREAS**, based on those recommendations, an Annual Audit Corrective Action Plan needs to be developed.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Kenilworth, County of Union, that the 2013 Annual Audit Corrective Action Plan submitted by the Chief Finance Officer is hereby approved; and

**BE IT FURTHER RESOLVED**, that a certified copy of the 2013 Corrective Action Plan be sent to the Division of Local Government Services.

Corrective Action Plan – 2013 Audit

Recommendation: That the Annual Audit Synopsis be published as required by N.J.S. 40A:5-7.

Analysis: The 2012 Synopsis of Audit was not published as required by N.J.S. 40A:5-7.

Corrective Action: The Borough Clerk and Chief Financial Officer will work together to ensure that the Synopsis of Audit is published.

Recommendation: That the Annual Audit Corrective Action Plan be filed with the Division of Local Government Services.

Analysis: The 2012 Audit Corrective Action Plan was not filed with the Division of Local Government Services.

Corrective Action: The Borough Clerk and Chief Financial Officer will work together to ensure that the Annual Audit Corrective Action Plan is filed with the Division of Local Government Services.

Recommendation: That the Financial Disclosure Forms be filed by all Borough officials required to file the forms.

Analysis: Financial Disclosure Forms were not on file for several members listed on the Roster of Officials.

Corrective Action: The State has instituted a new online filing system for the Financial Disclosure Forms which will enable better tracking of who has completed the forms and who is delinquent. This will enable better enforcement of those outstanding in compliance.

Recommendation: That Political Contribution Disclosure Forms be obtained from all vendors paid in excess of \$17,500.00.

Analysis: Political Contribution Disclosure Forms were not on file for 3 vendors paid in excess of \$17,500.00.

Corrective Action: Vendor Analysis reports will be run monthly to determine which vendors have exceeded the \$17,500.00 threshold and contact with those vendors will be made immediately.

Recommendation: That all unissued Dog License Tags be available for audit.

- Analysis: Unissued Dog License Tag #699 could not be accounted for.
- Corrective Action: The Dog Warden has been advised to verify inventory when the tags are received from the manufacturer and better secure the inventory as tags are issued.
- Recommendation: That purchases not be made prior to obtaining requisition/purchase order authorization.
- Analysis: One item included in the test of expenditures was purchased prior to requisition/purchase order authorization.
- Corrective Action: All Department Heads will be advised that proper purchasing procedure requires approval of purchases prior to any orders being placed with vendors.

Proposed Ordinance No. 2014-07 was read for second reading as follows: (Copy appears in minutes of June 11, 2014)

BOROUGH OF KENILWORTH  
ORDINANCE NO. 2014-07

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

Mayor Klinder said this is the second reading on Ordinance 2014-07 and is in regard to Bingo and Raffle Licenses. In the past if you wanted to get a license the application would have to come before the Council, but this Ordinance gives authority to the Borough Clerk to authorize the licenses.

Motion was made by Barbara Macecsko, seconded by Brian Joho to open the hearing to the public on Ordinance #2014-07. All in favor.

No one wished to speak.

Motion was made by Brian Joho, seconded by Barbara Macecsko to close the hearing to the public on Ordinance #2014-07. All in favor.



RESOLUTION NO. 8

Introduced by Toni Giordano 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 second and final reading and ordered published according to law.

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

Proposed Ordinance No. 2014-08 was read for a first reading as follows: (Copy attached)

BOROUGH OF KENILWORTH  
ORDINANCE NO. 2014-08  
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$40,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Mayor Klinder said this is a Capital Bond for the equipment for new Fire Fighters who need to go to the Fire Academy and also for much needed repairs for the OEM Building.

RESOLUTION NO. 9

Introduced by Brian Joho Leary adoption moved by same.  
Seconded by Toni Giordano

**BE IT HEREBY RESOLVED:** That Proposed Ordinance No. 2014-08, be and the same is hereby passed on first reading and ordered published for final hearing on August 27, 2014.

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

Proposed Ordinance No. 2014-09 was read for a first reading as follows: (Copy attached)

Borough of Kenilworth  
Ordinance No. 2014-09

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO THE  
RAHWAY VALLEY SEWERAGE AUTHORITY

Mayor Klinder said this is an ordinance regarding some things that needed to be corrected on the Rahway Valley Sewerage Authority's deed.

RESOLUTION NO. 10

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

**BE IT HEREBY RESOLVED:** That Proposed Ordinance No. 2014-09, be and the same is hereby passed on first reading and ordered published for final hearing on August 27, 2014.

Roll Call: Councilman DeLuca voted yes, Councilwoman Giordano voted yes, Councilman Joho 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 Macecsko, seconded by Councilwoman Giordano to close the meeting to the public. All in favor.

GENERAL COMMENTS

Councilman Pugliese reported that not only will there be Italian Ice at the kick-off for National Night Out, there will also be inflatable houses and obstacle courses for the children.

Councilwoman Macecsko said the Fire Fighters put in a great deal of effort and hours and should be commended.

ADJOURNMENT

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

8:16 P.M.

Respectfully submitted,

Kathleen Moschitta  
Deputy Borough Clerk