

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, OCTOBER 22, 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, Kevin Leary, Barbara Macecsko and Fred Pugliese.

MINUTES

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

COMMUNICATIONS AND PETITIONS

1. NJSLOM Notices (emailed to all)
2. KVFD Chief Giordino – Re: Auction of 1974 Hahn 1250 Gal. Pumper

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. All in favor.

REPORT OF COMMITTEES

MAYORS REPORT

Mayor Klinder reminded everyone the Kenilworth Street Fair will be held this Sunday, October 26th from 10AM to 4:30 PM and he hopes everyone will attend. The Taste of Kenilworth will be held on Tuesday, October 28th at Merck from 6:00 PM to 8:00 PM. Tickets can be purchased at the door or you can go on the website. The Community United Methodist Church on the Boulevard is hosting a blood drive on November 8th from 10:00 AM to 2:00 PM.

Mayor Klinder said this will be the last meeting before the election on November 4th and he encouraged everyone to vote.

DEPARTMENT OF FINANCE

Councilman Joho reported memos will be going out to all Department Heads regarding the 2015 budgets.

DEPARTMENT OF PUBLIC WORKS

Councilman DeLuca reported Bulky Waste went well and he will report the tonnage when the invoices come in. He reminded residents that the last brush pick-up for the year will be October 27th and the last grass pick-up will be on October 28th.

DEPARTMENT OF PUBLIC SAFETY

Councilman Pugliese reported the Boulevard will be closed from 14th Street to South 23rd Street from 7:00 AM to 7PM, this Sunday for the Street Fair.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilwoman Giordano reported the Zoning Officer Frank Spallone has been speaking with many of the merchants on the Boulevard regarding the banner signs they started using that kind of look like a flag waving which have become very prevalent along the Boulevard. They are not authorized to be put up along the Boulevard. He said 95% of the merchants willingly removed them but he has one or two that he needs to go back to and discuss this issue. Also there was a mattress tied to a pole for advertisement and some other signs that have gotten out of hand. She said it is nice to see that Mr. Spallone has taken a proactive approach and went and spoke with the merchants personally as opposed to just sending a letter and he rectified the situation fairly quickly.

Councilman Giordano read a letter to Mayor and Council from Nicholas Giuditta, Planning Board Attorney in response to the Master Plan review that was requested by the Council a couple of months ago. The letter is dated October 20, 2014.

“On October 9, 2014, the Planning Board met and considered the Town Council’s request by way of Resolution No. 13 to consider a proposed change recommended in its 2011 Master Plan that would permit multi-family homes in certain zones in which they already are allowed and in the R-2 zone in which they are currently not permitted.

Anthony Lepore, Charles Zignauskas, Vincent Badali, Anthonio Cuppari, Sal Candarella, Anthony Pugliese, Madonna Bogus and Frank Mazzeo participated in this decision.

Councilwoman Toni Giordano was absent. Board Chairman Richard Picerno recused himself from consideration of this matter and was not in the room when it was discussed. All members of the Board with the exception of Sal Candarella, who abstained, agreed that the Board did not wish to reconsider this portion of the Master Plan.

The Board had a lengthy discussion regarding the Town Council's request and also heard from its Borough Planner Kevin O'Brien and engineer Richard O'Connor. Mr. O'Brien's September 10, 2014 memorandum was also discussed and relied upon by the Board in arriving at its decision.

In regard to the Council's request that the Zoning Board strictly apply the (D) variance standard when an applicant seeks development of multi-family homes in a zone that is currently zoned single family, that is, of course, as a matter of law the standard the Board would apply. The Planning Board thoroughly discussed and analyzed this issue prior to the February 2011 adoption of the Master Plan and does not believe, for the reasons stated above, reconsideration or amendment of this portion of the Plan is warranted."

Councilwoman Giordano said she wanted to inform every one of the final ruling by the Planning Board of the request by the Council in regards to the Master Plan.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Macecsko reported the Fire Department is selling an old pumper and the minimum bid is \$2000 but they are hoping to get a little bit more than that. The Recreation Department has finished sign-ups for basketball and they are now having sign-ups for hockey. They are having a "Spooktacular" for Halloween and you can check Facebook if you are interested.

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Councilman Leary reported that on Friday, October 24th the Library will be having a Halloween celebration which will be a Halloween/Science event and will be put on by Mad Science, from 7:00 PM to 7:45. Children are encouraged to come in costume and they must register for the event by calling the Library up until 5:00 PM on Friday. Robert Dopira, a classical guitarist will be performing at the Library on November 6th from 6:00 PM to 7:30 PM. On November 7th from 11:00 AM to 2 PM will be an open house at the Library for children 4 to 12 to come and create lego creations. Councilman Leary thanked all the volunteers who worked The Kenilworth Health Fair a few Saturdays ago. He said there were over 100 people who came out for bloodwork and flu shots.

Mayor Klinder said the attendance was down a little bit but it all went pretty well.

CONSENT AGENDA

Resolutions No. 1 thru 8 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

BE IT HEREBY RESOLVED: That the attached following non-contractual Borough Employee receive a salary increase of 2% retroactive to January 1, 2014;

<u>Name</u>	<u>12/31/2013 Base</u>	<u>1/1/2014 Base</u>	<u>Total 1/1/2014</u>
Robert Weiss (Court Attendant)	\$25.00 per hour	\$25.50 per hour	\$25.50

RESOLUTION NO. 3

BE IT HEREBY RESOLVED That the Mayor’s appointment of **ROSARIA DEAHL, MIRTHA BOSOLASCO, DENNIS ARMENTO, JOHN NAPOLI, and GIACOBBE LUIGI** as Alternate Crossing Guards, effective October 24, 2014, be and the same is hereby resolved.

RESOLUTION NO. 4

WHEREAS, the Borough of Kenilworth, County of Union, State of New Jersey, is the owner of certain property described on the attached schedule which property is not needed for public use; and

WHEREAS, the Borough desires to offer said property for public sale at auction, pursuant to NJSA 40A:12-13 and NJSA 11-36;

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

1. Said sale shall be conducted by the Borough Clerk or by any person so designated by her.
2. Said property is being sold “as is”.
3. All prospective purchasers are put on notice to personally inspect the property.
4. At the Time of said sale, the purchaser shall deposit the entire purchase price with the Borough Clerk in cash or certified check made payable to the Borough of Kenilworth
5. If the purchaser fails to take title and possession within (10) days of the date of purchase, the Governing Body of the Borough of Kenilworth may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages, and the Borough may resell said property or pursue such other and further legal and equitable remedies as it may have. If the purchaser fails to take title or possession within said (10) days, purchaser will be liable for reasonable storage fees.
6. If the title to this property shall prove to be unremarkable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to the Borough without any further cost, expense, damage, claim against or liability upon the Borough.
7. The Borough of Kenilworth reserves the right to reject all bids and shall not be obligated to accept any bids.
8. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the within conditions of sale.

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Identification #</u>	<u>Minimum Bid</u>
1974	Hahn	1250 Gallon Pumper w/500Gal booster tank	Vin. # HC522127434	\$2,000.00

RESOLUTION NO. 5

WHEREAS, the Tax Assessor has recommended the hiring of an appraiser to advise on outstanding tax appeals.

BE IT RESOLVED that Timothy Hoffman, Inc. be hired to advise on three (3) outstanding appeals at a cost not to exceed \$7,500.00

**Timothy Hoffman, Inc.
409 Westfield Ave., Westfield, NJ 07090
908-233-8888**

RESOLUTION NO. 6

RESOLUTION EXPRESSING THE IMPORTANCE TO RECOGNIZE THE STRENGTH OF LOCAL PENSION FUNDING IN REGARDS TO RECOMMENDATIONS FROM GOVERNOR CHRISTIE'S PENSION & HEALTH STUDY COMMISSION

WHEREAS, State actuaries confirm by the latest Valuation Report the pension and benefit reform enacted in 2010 and 2011, coupled with the consistent pension payments made by employees and local governing bodies, have resulted in the savings; and

WHEREAS, the fiscal health of "Other Than State" public pension systems, report a distinction between local commitments, and the commitments which are a State government's responsibility; and

WHEREAS, according to the latest Valuation Reports, local government Public Employees Retirement System (local PERS) and local Police and Fire Retirement System (local PFRS), are more sound, due to the fact municipalities and counties have funded full employer contributions as required for over a decade, with local PERS currently funded (comparing assets to liabilities) at 73.9% and local PFRS is currently funded at 76.9%, according to the experts; and

WHEREAS, the State PERS, on the other hand, is currently funded at 48.1% and State PFRS is, at 50.8% and both will go lower for a lack of payment; and

WHEREAS, the Officers of the League of Municipalities have submitted a statement to Governor Christie's Pension and Health Benefit Study Commission, urging that the Final Report and Recommendations of that Study Commission not weaken the vitality of the local pension plan;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey according to the following:

1. The East Brunswick Council urges State policy-makers to recognize the deficit issues are State Funding problems, and reject any recommendations that would threaten municipal budgets and property taxpayers; to share the cost.
2. We recognize the State's budget problems and are anxious to see results but cannot permit a shifting of the State burdens to our property taxpayers.
3. The Pension and Health Benefits commission must also address State mandated requirements which drive up the cost of funding health benefits insurance by property tax payers.
4. A certified copy of this Resolution is to be forwarded to Governor Chris Christie, State Treasurer Andrew Sidamon-Eristoff, our State Senator Thomas Kean, Representatives Jon Bramnick, Nancy Munoz and the New Jersey League of Municipalities.

This is to certify that this is a true and compared copy of a resolution adopted by the Borough Council of the Borough of Kenilworth on October 22, 2014.

Laura Reinertsen, Borough Clerk

CERTIFICATION

Borough Attorney

Chief Financial Officer

RESOLUTION NO. 7

Whereas, the following property was issued a permit, and fee were received by the Building Department;

Whereas, it has been determined that the permit was not required as work was never done.

Now, Therefore, Be it Resolved that the Treasurer be and is hereby authorized to draw a warrant to refund the following to:

Amount of \$1,798.00 to be refunded to:

Kevin and Marietta Smith
220 North 22nd Street
Kenilworth, New Jersey 07033

Permit #12-00282

RESOLUTION NO. 8

WHEREAS, an existing drainage problem exists on North 10th Street , 100’ North of Monroe Avenue; and

WHEREAS, requests for proposals were solicited from four (4) utility contractors to correct the problem and two (2) of the contractors submitted proposals; and

WHEREAS, the Borough Engineer has reviewed the quotes and recommends that **S. Brothers, Inc., PO Box 317, South River, NJ** be issued a purchase order in the amount of their quote of \$11,800.00 for drainage repairs; and

WHEREAS, the Municipal Treasurer has certified as to the availability of funds for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that the Mayor and Council pass a resolution authorizing the award of contracts.

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Kenilworth hereby awards a contract to **S. Brothers, Inc., PO Box 317, South River, NJ** whose bid amounted to \$11,800.00.
2. The Mayor and the Borough Clerk are hereby authorized to execute all documents to effectuate the purposes herein above expressed.

CERTIFICATION OF FUNDS

DATE: _____

APPROPRIATION:

ROBERT ORDWAY, TREASURER

Proposed Ordinance No. 2014-12 was read for a first reading as follows: (Copy attached)

BOROUGH OF KENILWORTH
ORDINANCE NO. 2014-12

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF KENILWORTH, NEW JERSEY.

RESOLUTION NO. 9

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

BE IT HEREBY RESOLVED: That Proposed Ordinance No. 2014-12, be and the same is hereby passed on first reading and ordered published for final hearing on November 12, 2014.

Roll Call: Councilman Deluca voted yes, Councilwoman Giordano voted yes, Councilman Joho 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 Councilman Joho to open the meeting to the public. All in favor.

Livio Mancino, 102 North 24th Street – Mr. Mancino asked if the Mayor and Council if the people running the Street Fair pay for our DPW and Police overtime? Mayor Klinder said they pay a portion of the overtime, which was the agreement we made with them. The overtime costs between the DPW and the Police is about \$6,000. Mr. Mancino asked the Council to get an accounting sheet from JC Promotions regarding how much they make. Mr. Mancino said there is a rumor that the Mayor and Council intend to purchase some property from one of the builders in town and he asked how are the funds being accumulated to purchase that property? Mayor Klinder said it is the Cross Street property which is 1.2 acres and the Borough sent the owner two letters but they are not interested in selling the property. We asked if they would donate it because we are looking to make it a park and they said no. If we were to buy it we would look for Green Acre funds. We have reached out to the County regarding Green Acre funds but we have not heard back from them. He said it would be an Open Space grant. Mr. Mancino asked Councilman Pugliese to see if he could make sure all homes put a light on at night especially during the fall and winter months. He said it is the best deterrent for crime. He said a few in his neighborhood have had break-ins and it was obvious they broke into a house that did not have a light. He said all residents should be asked to keep a light on in the front and the back because it is a deterrent for crime and it also lights up the area for people that walk.

Mr. Mancino wished good luck and good health to Councilman Pugliese in his pursuit during the election. He said he will support whoever is elected.

Mr. Mancino said to Mayor Klinder that considering what his predecessor did, he has done an outstanding job and he hopes the Community appreciates the fact that he is a committed person when it comes to public service. He left no stone unturned and did what he was supposed to do. No one can point a finger at you and if they say anything they can say you were steadfast and a leader and you did not do it with any threats or anything else. He said personally he thinks he speaks for many of the residents and he commended Mayor Klinder on his tenure and he wished him luck and good health. He said Mayor Klinder has been an asset in his short time as Mayor.

Mayor Klinder thanked Mr. Mancino and said he tries to do what is best for Kenilworth.

Rich Picerno, 241 Faitoute Avenue – Mr. Picerno congratulated Mayor Klinder on his hard work as Councilman over the years and all the work he has done with the Library. He recognizes that a lot of people respect the Mayor and Mr. Mancino is right in that whatever happens in November we will support our Mayor. Mr. Picerno reiterated what the Mayor said in that an offer was made and refused for the purchase of the Cross Street property and that the Borough was looking for Green Acres money and have heard nothing back from the County. Mr. Picerno asked Councilman Pugliese, should he win as Mayor, would he follow that same route and exercise eminent domain to try to purchase the Cross Street property to make it a park or a recreation center? Councilman Pugliese said never say never. He said whatever the best way to better our community is the avenue he will proceed in. If the property is purchased then he will proceed toward that avenue and if it is not then he won't. He said it depends on a couple of different factors. The bottom line is that the location is ideal, the lot size appears to be ideal but we have to take into consideration the financials. He said they would work jointly with the school because the school is so close to the area and they will take some input from them and also input from the community. He said hopefully we would invite the community to speak and give us their input and what they would like to see so it would probably be more of a joint discussion rather than an edict. He said if it is better for the community then it is absolutely going to happen and if it is not then it is not.

Mayor Klinder said if we ever did acquire the property the school would open the fence up and make the park actually bigger, but again that is a big if.

Mr. Picerno said he did not want to make it a solemn night, especially on the Mayor's his last night and he will keep it as short as possible. He said we do have other parks in the community that need major, major restoration. He said he doesn't see the aspect of the Mayor's thought process of purchasing that property when the town needs so many other things like our roads and the town in general needs uplifting. He said he would like the Mayor to take into consideration the fact that after the purchase of the property for 1.3 million you then have to look at putting in a park or rec center and that would probably be upwards of an additional 2 million dollars to renovate the park. Also if you are going to have to sit on this piece of property it has to be realized that right now it is bringing in a tax roll of approximately \$19,000.00 per year. He said if there was to be buildings on the property whether it be one or two family houses, the tax revenue would be in excess of \$125,000.00 per year. He said he would like the Mayor and Council to think long and hard on this decision. Although it may be a nice thing to do, this property has been sitting there for 20 years and nothing has been done on it. He said you have to take into consideration the karma that may come back to this community which is that our children would be playing on a playground that was taken out from under someone. and he, personally, does not want to be a part of something like that. He does not see why this is such an important piece of property for us to have and take it away from someone who clearly does not want to sell it when we clearly have other parks that need major renovations. He stands here tonight to explain this to the Mayor in the kindest most civil manor. He wished the Mayor well and thanked him for a great job..

Mayor Klinder said he does understand Mr. Picerno's concerns and they are valid. He said, yes, if they were to become houses it would bring in money but he looks at it differently. It is the last piece of open land in Kenilworth. He said you are right, our parks do need some tender loving care, no doubt about that. He said once those houses go up the land is gone forever. He said he does appreciate Mr. Picerno's concerns and there are always going to be different views. He said if we save it, and he is not saying that that's going to happen, we save it and Green Acres would pay for it and it would not come from the town budget. He said no doubt we would have to fund it but it would be saved and it is the last piece of land in Kenilworth. He said maybe he is remembering times past but he remembers it when it was a flower shop and it was open space. He said he knows that eminent domain is not popular but the Parkway was built by eminent domain, airports are built with eminent domain, they have a good cause when it is used. He said he is not comparing it to the Parkway but he works in the park system and they have used eminent domain for parks. He said he is not going to compare this to the parkway but we all use the Parkway so we all have supported eminent domain in a roundabout way. He said we will see how it goes but this is the last piece of land and when it's gone its gone forever.

Mr. Picerno said he appreciates the Mayor's thoughts but he did some research and eminent domain does say that if you need to run a sewer line or a pipe or some type of electrical or something that would benefit the community in some way shape or form and parks, not a rec center, yes you can take someone's property. He said he understands the Parkway is a necessity because we have to get to and from work, vacation, etc., however he also has a love for parks, which is his business, he said he builds parks all over the United States, ..his parks were voted best parks in the State of New Jersey. Mayor Klinder stated that Mr. Picerno did all the parks for the Sandy Hook school for the Newtown tragedy. Mr. Picerno said parks are what he and his wife, Councilwoman Giordano do for a living. He said as much as he would like to build a park in his town, he still would like everyone to recognize what we are doing to in order to obtain this property. He is asking Council to please put themselves in the position of the owner of that property when you are making your decision. Whatever little or big parcel of land that you own, consider someone taking that away from you and uprooting it when you don't want to sell it. Mr. Picerno congratulated Scott again.

Mayor Klinder said he knows what eminent domain is and it would be nice if the person wanted to sell it. He said parks increase values in town, researchers show that a park makes the area around 25% more valuable. He said he does not know how this is going to go and he can't give any definite answers.

Councilwoman Macecsko said that council has not voted on this yet.

Mr. Picerno said himself as well as the Mayor have been nothing but straight forward on this issue, he has given his side of the situation and the Mayor has given his side. He said we both have opinions and he respects the Mayors opinion and he hopes the Mayor respects his opinion.

Mayor Klinder said he does but with things like this there is always a down side.

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

GENERAL COMMENTS

Councilwoman Macecsko thanked Mayor Klinder and said he did a great job filling in.

Councilman DeLuca said good luck to Mayor and he would keep an open seat for him on the dais but he will see him around town.

Councilman Pugliese said he will save his comments for the Mayor at the next Council Meeting. Councilman Pugliese said at this point we are very far away from doing anything with the Cross Street property, a corporation owns the land. He doesn't know if the corporation has feelings but he can tell you that a lot of us on the dais have children and there are a lot of children in town so if it will help our children and give them some place to play, it is between three schools, and if the price is right and everyone in the community is for it, it is probably going to happen. If the price is not right and we don't have the money then it is not going to happen. That's the bottom line.

Councilman Joho thanked Mayor Klinder for all his service to the Council and as Mayor and he said January is coming up pretty soon, if he ever wants an appointment to another Board.

Councilwoman Giordano thanked Laura Reinertsen, Borough Clerk and Robert Ordway, CFO for the new paint job in our Municipal Building happen. She said it looks absolutely fantastic. She said it took a lot of time for Rob to pick out the painter who was best qualified and had the best price, and for Laura to facilitate moving everything around and getting it done. She thanked Scott for jumping in as Mayor, she said she knows it's not easy trying to figure out what's what and getting caught in the cross fire of a lot of different things but she thanked him for filling in.

Mayor Klinder thanked Laura who has helped make his time as Mayor better.

ADJOURNMENT

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

8:30 P.M.

Respectfully submitted,

Kathleen Moschitta
Deputy Borough Clerk

