

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, JANUARY 23, 2019. MAYOR DELUCA PRESIDED.

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

The Salute to the Flag was led by Mayor Deluca.

ROLL CALL

Roll Call at 8:00 P.M. showed the following Council Members present: Kay Ceceri, Larry Clementi, Mark David, Linda Karlovitch, Robert Schielke. Gerry Laudati was absent.

MINUTES

It was moved by Councilman David, seconded by Councilman Schielke and carried that the minutes of the Regular Council Meeting, Work Session and Executive Session of December 12, 2018 and the Re-Organization Meeting of January 1, 2019 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- County of Union – Juvenile Detention Center Shared Service with Essex County
- UC Utilities Authority – 2019 Tipping Fees
- KVFD – Probationary EMT Appointment Recommendation
- Party City – Temporary Banner Request
- **Department reports for December 2018** were received from: The Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)

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

MAYORS REPORT

Mayor Deluca said if anyone did not get their 2019 DPW Information Guide they can get one uptown also they offer a recycling app for the smart phone, you can download it on Google Play. It gives you all the information in regards pick-ups for recycling, for garbage, for tree and brush pick-up and grass pick-up. If anyone has any questions regarding the recycling app, the library or anyone uptown can show you where it is, it is very easy to put up and very easy to read.

The Mayor said RVSA hit us again and all he can say is that we will do our due diligence, he feels the calibration methods that were placed in 2015 with the new meters were wrong. We are going to continue to get reports from New Jersey American Water in regards to our water usage for the past couple of years, meaning if there was large infiltration water issues we are also looking into seeing if major storms or other things that may affect the total number of sewerage costs going out. He said he does not believe this is the case, our representative, Bob Beiner voted no on the budget, everyone else voted against us. Regardless of whether we have to pay it or not we are going to continue to fight it.

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There will probably be another meeting in a month or two and he will keep you advised. He will continue to fight because he does not believe we flush our toilets that much to deserve a bill that much.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch said the Finance Committee had their first budget meeting on January 9, 2019, they met with various departments and the next meeting is scheduled for January 30, 2019. The auditors have returned to commence their audit and they will be in and out of the office from now until April. Property taxes are due February 1, 2019, the grace period ends on February 11, 2019 at 4:30PM. Residents are encouraged to use the on-line payment system located on the Borough's web site, you can also place your payments in our drop box 24 hours a day, 7 days a week, located on the Tax Departments door. Our new gas and diesel fuel monitoring system will up and running within the next couple of weeks, we are waiting on a few departments to provide their vehicle information and it will be ready for installation.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported Monday, January 28, 2019 the DPW will collect any remaining leaves with the curb side brush collection. Please all leaves and brush in a 32 gallon container and leave your containers at curb side until they pick it up as they come out during the entire week. They are sending out crews to do potholes, weather permitting and manpower permitting. Councilman David went over the snow plow ordinance and stated that if you are an even numbered house you can't park on the even number side if it snows and if you are an odd number house you can't park on an odd number day if it snows.

PUBLIC SAFETY

Councilman Clementi said he is receipt of the Police Departments Report for the month of December, there were 1,867 calls for service, 231 9/11 calls. On December 3, 2018 Chief Zimmerman, Captain Soos, Lt. Campanelli and SRO Brian Pickton participated in David Brearley's first Challenge Day. The Challenge Day Program is an experience that is designed to have an impact on each student's life and to help shift the school culture to a more inclusive one. The Challenge creates trust and connection in learning by helping participants step out of their comfort zones through music and games. Participants recognize stereo types and labels and learn to share and connect as human beings. During the afternoon participants examine the impact that bullying, depression and other forms of violence have on their lives and the lives of people around them, they find commonality and the sense of belonging through an exercise known as cross the line. The program goes beyond traditional anti-bullying efforts by building compassion and uniting a movement of positive change. The experience is inspiring and will be useful in adult life. On December 10, 2019 body cameras were put into trial use by our police department with a roll out date of February, 2019. On December 19, 2018 patrolman Robert Rueger graduated from the Police Academy. The graduation was held at the Union County Performing Arts Center in Rahway. Officer Rueger brings the department back up to full compliment. Officer Michael Devlin will be on assignment to the Union County Prosecutors Office High Tech Task Force beginning February 4, 2019 through April 26, 2019. He will receive training in surveillance software as well as electronic data recovery from computers, cell phones and mobile devices. This assignment will benefit Kenilworth Police Department with the knowledge and experience gain to be brought back for

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investigations here in Kenilworth. The Councilman said he is in receipt of the Kenilworth Municipal Court Monthly Report for December, 2018.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke received both the Zoning Report and Construction Report for the month of December, 2018. The Planning Board met in the beginning of January and had 1 resolution and 1 application, that application has been carried to the February meeting. The Planning and Zoning Board will break out into 2 sub committees this year to start reviewing the Master Plan, the Master Plan is not due for recertification for 2 years but by starting it now and taking small bites at it we think we will do a thorough job. The Planning/Zoning sub-committee is working on an issue regarding sump pump discharge on the street and there will be more to follow on that.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri received the Fire Departments Monthly Report for December, 2018 from Chief Krueger, there were 58 fire calls and 110 rescue squad calls for a total of 168 calls. The Recreation Committee will have a Valentine Day craft on February 9, 2019 at 10AM for grades K thru 3rd grade, registration is required.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Gerry Laudati was absent. The Mayor said we have a new Superintendent of Schools and he wished him well.

CONSENT AGENDA

Resolutions No. 1 thru 5 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 Karlovitch moved that all items under the Consent Agenda be approved, seconded by Councilman Schielke. All in favor.

RESOLUTION NO. 1

BE IT HEREBY RESOLVED: That all bills be paid when properly audited and funds are available.

RESOLUTION NO. 2

WHEREAS, N.J.S. 40A:4-19 of the Local Budget Act provides that (where any contracts, commitments or payments are to be made prior to the final adoption of the Budget), temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, Resolution #5 was approved on January 1, 2019 for the 2019 Temporary Budget; and

WHEREAS, the date of this resolution is within the first thirty days of January 2019; and

WHEREAS, the total temporary budget attached does not in amount exceed 26.25% of the total

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appropriations in the 2018 Budget (exclusive of any appropriations made for Debt Service, Capital Improvement Fund and Public Assistance (Relief); now therefore,

BE IT HEREBY RESOLVED, that the appropriations below be amended and a certified copy of this resolution be transmitted to the Municipal Finance Officer for his records.

Account	Amount
Fire Prevention – Other Expenses	\$ 2,500.00
Sewer – Other Expenses	\$ 5,000.00
Construction Code – O/E	\$ 100.00
Zoning S/W	\$ 3,000.00
Insurance – General	\$20,000.00
Insurance – Health Benefit Waive	\$ 2,000.00
Recreation – S/W	\$ 3,000.00
Maint. Of Free Public Library	<u>\$50,000.00</u>
Total this amendment	\$85,600.00
Total Appropriations for the 2019 Temporary Budget	\$3,911,950.00

RESOLUTION NO. 3

WHEREAS, N.J.S.A. 40A:4-59 provides for municipalities to transfer within the appropriation reserves of the preceding budget during the first three months of the fiscal year; and

WHEREAS, it is necessary to transfer the following funds within the 2018 Appropriation Reserve Budget providing for appropriations to fulfill the obligations chargeable to the 2018 Budget; and

WHEREAS, the transfer is adopted by not less than 2/3 vote of full membership of the governing body of the Borough of Kenilworth.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Kenilworth, County of Middlesex, State of New Jersey that the Chief Financial Officer is hereby authorized in accordance with N.J.S.A. 40A:4-59 to make the following appropriation reserve transfers within the 2018 Budget for the Borough of Kenilworth.

2018 Appropriation Reserves Transfer:

CURRENT FUND		
FROM:		
Engineering – Retainer	\$22,000	8-01-20-715-027
Statutory – Social Security	\$5,000	8-01-36-837-000
Court S/W	\$5,000	8-01-33-833-011
Utilites – Fire Hydrant Svs.	\$10,000	8-01-31-777-000
Recreation SW	\$5,000	8-01-28-795-011
Board of Health SW	\$ 6,000	8-01-27-785-011
Traffic - OE	<u>\$ 3,000</u>	<u>8-01-25-746-026</u>
TOTAL	\$ 56,000	
TO:		
Engineering – Other Expense	\$20,000	8-01-20-715-040
Police S/W	\$ 13,000	8-01-25-745-010

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Fire Department S/W	\$ 600	8-01-25-749-010
Utilities – Solid Waste	\$ 400	8-01-31-827-000
Insurance -	\$22,000	8-01-23-733-020
TOTAL:	\$56,000	

And Be It Further Resolved that on December 12, 2018 Resolution #1 authorized the Chief Finance Officer to make transfers for necessary obligations prior to the next regularly scheduled Council Meeting, and

Whereas the following transfers were made prior to year end

CURRENT FUND		
FROM:		
Police O/E	\$5,000	8-01-25-745-043/076
Traffic S/W	\$ 6,000	8-01-25-746-012
Traffic – O/E	\$7,000	8-01-25-746-026
Public Works –S/W	\$20,000	8-01-26-765-011
Public Works – O/E	\$20,000	8-01-26-765-026/131/132/150
Sewers – O/E	\$2,400	8-01-26-773-026
Prosecutor – O/E	\$1,200	8-01-33-757-021
Court – S/W	\$20,000	8-01-33-833-011
TOTAL	\$ 81,600	
TO:		
Assessor – S/W	\$300	8-01--20-710-012
Snow Removal	\$20,000	8-01-26-766-175
Senior Citizen Prg – S/W	\$100	8-01-27-762-010
Accumulated Leave	\$20,000	8-01-32-750-175
Prosecutor – S/W	\$1,200	8-01-33-757-012
Capital Improvement Fund	\$40,000	8-01-44-840-000
TOTAL:	\$ 81,600	

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chief Financial Officer and the Municipal Auditor of the Borough of Kenilworth.

RESOLUTION NO. 4

Whereas, the following property was issued a Certificate of Compliance and fees were received by the Building Department; and

Whereas, the homeowner was over charged.

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

Amount of \$75.00 be refunded to the homeowner:
 Mr. Alfred H. Schnug
 387 Spring Street
 Union, NJ 07083-8269

For Certificate of Compliance 12-6

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569 Newark Avenue
Kenilworth, NJ 07033, Block 139, Lot 5

9-01-06-601-018

RESOLUTION NO. 5

BE IT RESOLVED, that the following individual be appointed on the Kenilworth Fire Department;

<u>Name</u>	<u>Appointment</u>
Charlie Fuquay	Probationary EMT

BE IT FURTHER RESOLVED that this appointment is contingent upon successful completion of medical release, criminal and background checks.

Mayor Deluca read the following Proclamation on heart disease

PROCLAMATION

More than 600,000 Americans die of heart disease each year, making it the leading cause of death for both men and women in the United States. Though usually preventable, heart disease can manifest itself in sudden and unforeseen ways, and it costs our Nation hundreds of billions of dollars annually. During American Heart Month, we remember those we have lost to this devastating disease, promote healthy lifestyles that mitigate its impacts, and pledge to continue our fight against it. With the help of our Nation's leading medical professionals and appropriate preventative measures, we hope for a future where heart disease no longer claims the lives of so many American men and women.

We also now better understand conditions that increase the risk of heart disease among older adults, such as high blood pressure, high cholesterol, and type 2 diabetes and more effective therapies and medications to prevent and treat them. And, we are better able to identify warning signs at an early stage. The risk of heart disease increases with age, so for most people, prevention is the best deterrent. The risk of heart disease increases with age, so for most people, prevention is the best deterrent. People should also understand that they may be subject to unique risk factors, often based on family history, which may require them to take appropriate, targeted preventative measures. You can reduce your chances of developing heart disease by reducing alcohol intake, exercising regularly, maintaining a nutritious diet, living tobacco-free, and staying aware of early warning signs.

As we honor healthcare providers and medical researchers who strive to advance both the treatment and prevention of this epidemic and remember those we have lost to heart attacks and other cardiovascular diseases. Let us renew our efforts to raise awareness of this disease and its consequences, and let us commit to taking charge of our heart health, this month and every month.

NOW, THEREFORE, I, Anthony DeLuca, Mayor of the Borough of Kenilworth, do hereby proclaim February 2019 as American Heart Month. Furthermore, the Council and I encourage all citizens to participate in National Wear Red Day on February 1, 2019, to raise awareness and reaffirm our commitment to fighting heart disease.

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In testimony whereof, I have here unto signed my name officially and caused the seal of the Borough of Kenilworth to be affixed this 23rd day of January 2019.

MEETING OPEN TO THE PUBLIC

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

Walter Sosnosky, 36 South 17th Street – Mr. Sosnosky said at the last meeting Councilman Clementi said he was very satisfied with Chief Zimmermans performance. On February 22nd there was a meeting where the Chief asked the Council to keep him informed the next time someone was promoted as he wished to take part in the promotions. He said if he is such a fine Chief of Police why don't you think he has the ability to select officers that he believes to be qualified for those promotions. Councilman Clementi said there is a process that is followed. Councilman Clementi said Chief Zimmerman was included in the process.....Mr. Sosnosky said then he is a liar and the Councilman said he is not a liar. Mr. Sosnosky said there are large plastic containers sitting by the old Union Land. He said last week Councilman David threatened him and Councilman David said he could not speak because Mr. Sosnosky has signed complaints against him and said they will let the courts decide. Councilman David said he did not threaten him.

Mayor Deluca said to Mr. Sosnosky's that his 3 minutes were up. Mr. Sosnosky asked if the ordinance supersedes the first amendment. Frank Capece said the first amendment permits reasonable limitations and there are numerous towns that have the same 3 minute limitation. Mr. Capece advised Mr. Sosnosky that this mayor gave you more than 3 minutes. He does not believe the first amendment precludes this Borough. Mr. Sosnosky said that is your opinion. Mr. Sosnosky asked Mr. Capece if he worked for the Local Source and Mr. Capece said he writes a column for the Local Source, he is not reimbursed for writing a column, it allows him to express his opinion. Mr. Sosnosky said it seems like there is a conflict of interest because he writes things for the Local Source and they never print it. Mr. Capece said the editorial staff does not clear their comments with him, he emails his column and he has no input to the editorial positions or anything else the paper does.

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

GENERAL BUSINESS

None.

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

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Kathleen Moschitta
Deputy Borough Clerk