

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD  
ON WEDNESDAY EVENING, FEBRUARY 8, 2017. MAYOR ANTHONY 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, Peter Corvelli, Mark David, Gerry Ladauti and Nick Mascaro.

MINUTES

It was moved by Councilman Ladauti, seconded by Councilwoman Ceceri and carried that the minutes of the Regular Council Meeting and Work Session of January 25, 2017 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

NJSLOM Notices

- Borough Engineer – Recommendation of Award for 2016 NJDOT Roadway Project
- Kenilworth Public Library – NJ Makers Day Invite
- Kenilworth Historical Society – Upcoming Events
- Relay for Life 2017 Kenilworth Kick Off Event - February 8<sup>th</sup>

REPORTS

Department reports for January 2017 were received from: The Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)

It was moved by Councilman Clementi, seconded by Councilman Ladauti 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

Union County Theater is showing Bubble Trouble on stage at the Union County Performing Arts Center in Rahway on Sunday, February 19, 2017 at 2:00 PM. Tickets are \$8 and can be obtained at [ucpac.org](http://ucpac.org) or by calling the box office at 732-499-8226. The Kenilworth Seniors will be having a bus trip to Atlantic City, Thursday, March 2, 2017, for more details or reservations call Emily Grimaldi at 908-272-6329. The Historical Society is celebrating Black History Month at the Nitschke House with an African Tea Ceremony on Sunday, February 19, 2017 at 1:30. They are also hosting a bus trip to Mohegan Sun on Saturday, March 11, 2017, for more information and reservations for these events call 908-709-0434. David Brearley Middle and High School PTO Vendor and Crafter show was advertised in the Kenilworth Business Life, unfortunately the date was incorrect, the actual date is Saturday, March 18, 2017, 9:00AM to 4:00 PM.

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The Mayor said there was a vast improvement in our recycling company. The first time was messy but they are getting better. He said recycling will now be a bi-weekly schedule, next week on February 14, 2017 they will pick up on the north side of town, the week after which is February 21, 2017 they will pick up on the south side of town. The bi-weekly schedule will continue throughout the year. We are going to make every effort to put out this information to everyone, we have utilized every option we could short of going door to door knocking on every door. He said we have an option of using Reverse 911. Some people are not on that list but they can go on our Borough website [www.kenilworthborough.org](http://www.kenilworthborough.org) and sign up. On the home page on the bottom left there is an icon that says "Swift 911" and you can sign up there for updates, he said we will be at the Seniors to let everyone know. He asked residents to let their elderly neighbors and other neighbors, who may not be on the reverse 911 list, know about recycling dates. The Mayor said if this does not work out we have an action plan in place but he is positive and optimistic that this will work well for us. He thanked everyone for being patient.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilman Mascaro said as a reminder from our CFO, the grace period to pay your property taxes ends at the close of business on Friday, February 10<sup>th</sup> at 4:30 PM. Tax payments must be submitted to the Tax Office, not postmarked, you have to physically hand them in by then end of the business day Friday. Payments received after that time will accrue interest back to the February 1<sup>st</sup> due date. He said as of last Tuesday they are at 87% of the total taxes collected which is a very high number. The Finance Department met with Capture Point to update the online payment system that our Recreation Department uses for children to sign up for various events and now it will be much easier for you to sign your children up for sports. He commended our new CFO for upgrading that portal which was a little bit behind the times.

DEPARTMENT OF PUBLIC WORKS

Councilman David said that Danny Ryan, Superintendent for the DPW, said the DPW has completed curbside brush/leaf pick-up as of January 30<sup>th</sup>. The entire town was done in one day. The DPW is currently focusing on filling potholes on Monroe Avenue, Market Street, South 21<sup>st</sup> Street and Lincoln Drive. They will continue to send a crew out every day, weather permitting. Maureen Burns from NJ Department of Environmental Protection inspected the DPW on Wednesday, February 3<sup>rd</sup> and found the facility and paperwork to be in perfect order. She was impressed and complimented us on our record keeping and the cleanliness of the yard. She was also happy to see we had a vehicle wash system and drainage system behind the garage and also the fact that it was repaved. Councilman David reminded everyone that tomorrow we are expecting a large amount of snow and he said everyone should get their cars off the road so it can be properly plowed. He said in the past, as everyone knows, there were certain streets in town where people don't move their cars and plows could not get down the streets and we had snow bound vehicles which created a hazard for emergency vehicles and for everyone else. He said if you have a driveway try to put all your cars in the driveway to make it easier for the DPW to plow.

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PUBLIC SAFETY

Councilman Corvelli reported we are appointing a new Dispatcher tonight. There are on-going negotiations with the PBA for contracts. He said as Councilman David said, please keep your cars off the street and let the DPW and the police do their job. He said he knows parking is limited in some parts of town but talk to your neighbor, maybe he will allow you to park in his driveway. He said he has two spots you can use his. He welcomed the new dispatcher to our Family.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Clementi reported that he is in receipt of the January monthly zoning report from Bob Herbert, our Zoning Officer. He had another busy month with 13 violation notices, 15 zoning permits were received, 1 summons was issued and he had 4 complaints. The Planning Board Meeting for tomorrow night has been cancelled because there are no applications filed. The next Planning Board Meeting is March 9, 2017 at 7PM.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported there is not much for Recreation, everything is up and running and they are working on some dates for some events to come. Announcements will be made at a later date. The Kenilworth Volunteer Rescue Squad will host a night of live entertainment and dancing featuring a Rhythm and Blues show performing Motown, R & B and more on March 4, 2017 at 7:00 PM. Beer wine and soda are included in the price of the \$25.00 per ticket for ages 21 years old and up. Proceeds will benefit Kenilworth Volunteer Rescue Squad. If you are interested you can call Annette Lotfy at 201-906-7527 or Captain J. Days at 848-250-0002 or J. Adabato at 908-591-7776.

Mayor Deluca said the Fire Department attended a six alarm fire in between Maplewood and Springfield the other night. It was the Avalon Apartment buildings and it was a big job with a lot of towns there.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti thanked the Fire/Rescue and the Police for being so professional on the job, he had an incident during the week and they took care of him. He said he is going to meet with the Superintendent of Schools to discuss finances to get a good grip on what is going on as far as money being spent from our tax dollar. The Library would like to meet with the Finance Committee to discuss what projects they can fund for this summer coming up. The health department is promoting a health fair and a farmers market.

Laura Reinertsen said right now we are in the preliminary stages of putting together a Farmers Market in the Borough of Kenilworth. We are looking at the property on 21<sup>st</sup> Street across from the VFW on Tuesday afternoons. She does not have any other details because we are just beginning. We are looking forward to a lot of success. Councilman Ladauti said Laura has been helping him out trying to get this together and she did an excellent job making the right contacts.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 8, 2017. MAYOR ANTHONY DELUCA PRESIDED.

Mayor Deluca said last Wednesday night two of our police officers made a routine stop for an expired registration. During that stop there was a strong smell of marijuana in the car and when Sgt. Scaniello was interviewing the person in the car, he reached into the glove compartment and pulled out a loaded handgun with a round in the chamber. At that time a quick thinking officer, Officer Kernan, apprehended the subject who was then arrested and thankfully none of our officers were hurt. The Mayor said thank God our police are at the ready to do something like that for our residents. He said we should be thankful for a police force that is willing to put their life on the line.

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 Clementi moved that all items under the Consent Agenda be approved, seconded by Councilman Ladauti. 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

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION  
BY RIDER FOR THE BOROUGH OF KENILWORTH ACCUMULATED ABSENCES LIABILITY TRUST FUND)  
REQUIRED BY NJAC 5:30-15**

**WHEREAS,** permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

**WHEREAS,** NJAC 5:30-15 provides for receipt of municipal funds by the municipality to provide for the operating costs to administer this act; and,

**WHEREAS,** N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Accumulated Absences Liability Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

**NOW, THEREFORE, BE IT RESOLVED,** by the Governing Body of the insert type of governmental unit of Borough of Kenilworth, County of Union, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Accumulated Absences Liability Trust Fund by NJAC 5:30-15.
2. The Clerk of the Borough of Kenilworth, County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 8, 2017. MAYOR ANTHONY DELUCA PRESIDED.

RESOLUTION NO. 3

**WHEREAS**, funding was received through the New Jersey Department of Transportation Municipal Aid program from the New Jersey Transportation Trust Fund Authority Act; and

**WHEREAS**, sealed bids were received on January 19, 2017 for **2016 NJDOT Roadway Improvement Program** and Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876, 908-231-7570, having submitted the lowest responsible bid as follows:

Base Bid #1 & #2	\$282,181.73
Alternate #1	\$ 80,399.95
Alternate #2	\$ 42,728.62
<b>Total Bid</b>	<b><u>\$405,310.30</u></b>

**NOW, THEREFORE, BE IT RESOLVED** that **Top Line Construction Corporation** be awarded the total bid of \$405,310.30 for 2016 NJDOT Roadway Improvement Program.

**BE IT FURTHER RESOLVED:** That pursuant to N.J.A.C. 5:34-5.1 et seq. Local Public Contracts Law, the required Certificate of Availability of Funds has been obtained from the Chief Finance Officer of the Borough of Kenilworth

CERTIFICATION OF FUNDS

APPROPRIATION:

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Joseph DeIorio, Treasurer

RESOLUTION NO. 4

**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 2, 2017 for the 2017 Temporary Budget and amended on January 25, 2017 Resolution #2 and

**WHEREAS**, the date of this resolution is within the first thirty days of January 2017; and

**WHEREAS**, the total temporary budget attached does not in amount exceed 26.25% of the total appropriations in the 2016 Budget (exclusive of any appropriations made for Debt Service, Capital Improvement Fund and Public Assistance (Relief));

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

<b>Account</b>	<b>Amount</b>
Finance – Other Expenses	\$ 2,000.00
Celebration of Public Events	\$ 500.00
Total this amendment	\$ 2,500.00
Total Appropriations for the 2017 Temporary Budget	\$3,839,650.00

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RESOLUTION NO. 5

**BE IT RESOLVED** by the Mayor and Council of the Borough of Kenilworth, Union County, New Jersey that the contract for **Repairs to DPW Building** by Tekton Construction, Inc., 262 Bennetts Lane, Somerset, NJ 08873, in accordance with the Plans and Specifications and any approved Change Orders, as directed by Harbor Consultants, Inc., 320 North Ave., East, Cranford, NJ 07016. Said construction is hereby accepted and Tekton, Construction, Inc.. Payment #3 in the amount of Two Thousand, Six Hundred Eighty Seven Dollars and Fifty Cents (\$2,487.50) is hereby considered final payment; and

**WHEREAS**, the Contractor having supplied a Maintenance Bond (Number BX01661MB) in the amount of Forty Nine Thousand Seven Hundred Fifty dollars (\$49,750.00) for a period of One (1) years from 12/16/2016; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the following:

Harbor Consultants, Inc.  
320 North Avenue, East  
Cranford, NJ 07016

Tekton Construction, Inc.  
262 Bennetts Lane  
Somerset, NJ 08873

CERTIFICATION OF FUNDS

APPROPRIATION:

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\_\_\_\_\_  
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J. DeLorio, Treasurer

RESOLUTION NO. 6

**WHEREAS**, there are vacancies in Kenilworth Police Department for Civilian Dispatchers; and

**BE IT RESOLVED**, that the appointment of **ROBERT RUEGER** as Probationary Civilian Dispatcher in the Kenilworth Police Department is hereby approved; effective February 13, 2016.

**THEREFORE BE IT FURTHER RESOLVED**, that this offer of employment is contingent upon successful completion of psychological, evaluation, medical release, criminal and background checks.

RESOLUTION NO. 7

**WHEREAS**, the Laura Reinertsen was re-appointed as Municipal Clerk by the Governing Body of the Borough of Kenilworth pursuant to NJSA 40A:9-133 et seq. at the regular meeting of the governing body on January 25, 2017.

**BE IT FUTHER RESOLVED**, that this re-appointment is effective February 1, 2017 at a rate of \$87,000.00 per annum.

Proposed Ordinance No. 2017-01 was read for a second reading as follows: Copy can be found in 1/11/17 minutes.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 8, 2017. MAYOR ANTHONY DELUCA PRESIDED.

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE Chapter 5 'ADMINISTRATION OF GOVERNMENT' Section 5-14 titled 'Meetings and conferences' OF THE CODE FOR THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY**

Mayor Deluca said this Ordinance adds a time limit to somebody who comes up to speak. He said he loves when people come up to speak but we wanted to prevent somebody from maybe having a 10 minute or ½ hour speech so we limited it to 3 minutes. That does not mean you cannot come up again if you have something else to say, it just means that when you come up you state what you are here for and you have 3 minutes to state that and at that point you conclude your statement and sit down so that somebody else is able to speak. If you have something else to add you can get back up but the time limit is limited to 3 minutes.

Motion was made by Councilman Ladauti, seconded by Councilman Corvelli to open the hearing on Ordinance 2017-01.

No one wished to speak.

Motion was made by Councilman Mascaro, seconded by Councilman Laudati to close the hearing on Ordinance 2017-01.

**RESOLUTION NO. 8**

Introduced by Kay Ceceri, adoption moved by same.  
Seconded by Mark David. Upon roll call all in favor.

**BE IT HEREBY RESOLVED** that the ordinance #2017-01, entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE Chapter 5 'ADMINISTRATION OF GOVERNMENT' Section 5-14 titled 'Meetings and conferences' OF THE CODE FOR THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY**

Was introduced and approved on first reading, at the regular meeting of the Borough Council on January 11, 2017 and approved for final passage at the regular meeting of the Borough Council of February 8, 2017 after all persons interested were given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its final adoption.

**Oath of Office was administered to Robert Rueger.**

Mayor Deluca congratulated and welcomed Robert and said being a Dispatcher is a great job, a little hectic at times but very rewarding.

**MEETING OPEN TO THE PUBLIC**

Motion was made by Councilman Laudati seconded by Councilwoman Ceceri to open the meeting to the public. All in favor.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 8, 2017. MAYOR ANTHONY DELUCA PRESIDED.

Mr. Paul Steck, 50 Lafayette Place, Kenilworth – Mr. Steck said he is in receipt of a letter to Mayor Deluca dated August 16, 2016 from the State of New Jersey, Department of Environmental Protection that says “this letter serves to notify you that the Borough of Kenilworth, as a property owner has an affirmative obligation to remediate the discharge of the oil” onto my property in a timely manner. He said as of today the Borough of Kenilworth has not taken any steps to move forward with remedial activities to the site. Mr. Steck said he is just checking in to see what is going on.

Mr. Harvey Fruchter, Borough Attorney said he is waiting for the survey to come through. Mr. Steck said the State informed him that there was no action from the Borough so if there is action he would be happy. Mr. Fruchter said to the Mayor that because there is litigation with Mr. Steck he would advise the Council not to provide any comment whatsoever. Mr. Steck said he did not know there was any litigation going on. Mayor Deluca said there is a process going on regarding the survey and that is some type of progress, he said he will look into it more for you but under advisement of our attorney he cannot speak on this at this time. Mr. Steck said, in the spirit of cooperation, it has been 3 ½ years and he has tried to do this with whatever venues are available but it is costing money and it’s not getting anywhere. He said it has been contentious, he has some letters he can submit to you, he said he does not want to use lawyers and he doesn’t want to sue but he would like to know that in the spirit of upholding the laws that there is going to be a spirit of cooperation to move forward because he does not sense that. Mayor Deluca said he does not believe in problems he believes in solutions and everything can be worked out when 2 parties can sit down together and amicably come to a compromise and a solution that is amicable to both parties. He said he will do what he can to get to a solution for his problem quickly. He thanked Mr. Steck for bringing it to his attention and if there is any thing we need to add or you need to add for us to come to a better solution, obviously we need more communication with each other, let’s start the process right now. He said if you can give our Borough Attorney anything that will help move this along quicker. Mr. Steck said as long as he is not being told it is his fault because it is not his fault. Mr. Steck asked the Mayor how will we move forward and Mr. Fruchter said that will be determined but we have to wait for the survey. Mayor Deluca said he has no idea and said you have a lot of knowledge and he has less knowledge but he would like to find out more so he can give you as much as he can. Mr. Steck gave the Mayor some of the communications that we have had over the past few years. Mayor Deluca said he will communicate a lot with Mr. Steck because he is around a lot. Mr. Steck asked if the Mayor had office hours because he would be happy to come in and bring coffee. Mayor Deluca said if you call, and if he can come to see you he will or we can meet at a neutral spot. Councilman David said he would like to be involved. Mayor Deluca said Mark was just elected Councilman last year and he is coming in at a late hour and wants to be more involved.

Motion was made by Councilman Ladauti seconded by Councilman Clementi 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 Councilwoman Ceceri, seconded by Councilman Ladauti and carried, that the meeting be adjourned to the call of the chair.

8:50 P.M.

Respectfully submitted  
Kathleen Moschitta  
Deputy Borough Clerk