

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 14, 2018. 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, Mark David, Linda Karlovitch Jerry Ladauti and Robert Schielke.

MINUTES

It was moved by Councilman Ladauti, seconded by Councilwoman Ceceri and carried that the minutes of the Regular Council Meeting, Work Session and Executive Session of January 24, 2018 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- RVSA – Facility Tour invitation
- UC St. Patrick’s Day Parade Committee – Sat., March 10th at 1pm
- Kenilworth FD – Appointment Recommendations
- Kenilworth Historical Society – Request for Support

It was moved by Councilman Clementi, seconded by Councilman Schielke 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 wished everyone a Happy Valentines and welcomed Boy Scout Troop 83.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch reported the first quarter property tax collections have ended and delinquent notices will be mailed out by next week. The Annual Debt Statement has been completed, the auditors have been collecting preliminary audit information in preparation for our Municipal Audit. PD5 forms are due in the Kenilworth Tax Office by March 1st, PD5 forms for the State of New Jersey are for senior citizens and disabled for a \$250 tax credit. Tax Assessment cards have been mailed, the amount billed to a resident may not necessarily be the amount paid for 2017 since this amount does not include any credit, therefore for income tax purposes you can retrieve the amount paid in your property taxes on line on the Borough of Kenilworth’s web site or you can use your 2017 final bill. Senior Citizen property tax free booklets for new applicants will not be sent by the State to the Borough’s Tax Office until mid to late March. Previous applicants who were eligible for this program should receive their booklets directly by the State via mail around mid to late March.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported all curb side leaves have been picked up and they are now doing potholes. The sanitation truck was repaired and is back in service.

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PUBLIC SAFETY

Councilman Clementi had nothing to report.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke reported the Planning Board did not have a meeting in February. The Zoning and Building Reports were received and reviewed. Councilman Schielke said he will be attending a Veterans Affair Meeting on February 21st.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported as far as the Fire Department....tonight Robert Cox and Robert Kukla will be appointed as Fire Fighters, Elizabeth Toro will be appointed as a Probationary EMT and Rae Mauro will be appointed Rescue Squad Cadet. Carnival dates were discussed and will be August 13, 2018 to August 18, 2018. For Recreation, the Dimario Park ceremony will be on Sunday, March 18th at 1:00 PM. The Easter Egg Hunt will be on Saturday, March 24th at 10:00 AM, rain date March 25th @ 10:00 AM. The Somerset Patriots games will be on June 16, 2018 and is a fireworks game that begins at 7:00 PM...there are only 50 tickets and space is limited and the cost is \$8.50. Softball sign-ups are open for grades K thru 8 and practices will begin in March and games will start the second week in April.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti reported Welfare Department had a meeting in January and they spoke about helping the Food Pantry grow. They are looking for people to run the Salvation Army Kettle next year. He said the budgets are being formed for the School. The school will have a change in their schedule. The Library wants to put a sign in front of the library with library information.

CONSENT AGENDA

Resolutions No. 1 thru 12 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 Clementi. 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, Merck Sharp & Dohme Corp, the former owner of Block 180, Lot 13, 185 Sumner Avenue, Kenilworth, in error paid the taxes on their former property in the amount of \$12,973.37.

WHEREAS, Merck Sharp & Dohme Corp. is requesting a refund of this erroneous tax payment, and;

NOW, THEREFORE BE IT RESOLVED that the Treasurer, after proper notation on the tax account records by the Collector of Taxes, be and is hereby authorized to issue a warrant to Merck Sharp & Dohme Corp, One Merck Drive, Tax Dept. WS2F-96, White House Station, NJ 08889-0100 in the amount of \$12,973.37.

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RESOLUTION NO. 3

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 3, 2018 for the 2018 Temporary Budget and

WHEREAS, the total temporary budget attached does not in amount exceed 26.25% of the total appropriations in the 2017 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 |
|--|---------------|
| Construction - Other Expense | 2,000.00 |
| Recreation – Salary and Wages | 10,000.00 |
| Recreation - Other Expense | 10,000.00 |
| Payroll – Other Expense | 3,000.00 |
| Emergency Management – Other Expenses | 2,000.00 |
| Statutory – DCRP | 10,000.00 |
| Recycling – Other Expense | 20,000.00 |
| Insurance Waiver – Other Expense | 2,000.00 |
| Library – Other Expense | 50,000.00 |
| Total amended | |
| | |
| Total Appropriations for the 2018 Temporary Budget | 109,000.00 |

RESOLUTION NO. 4

Whereas, on February 23, 2017, Portview Properties, LLC, paid a cash bond to the Borough of Kenilworth, for the outstanding resolution conditions, Application #351 & 3-15, 515 North Michigan Avenue, Kenilworth, NJ and;

Whereas, the project has been completed, and;

Whereas, an inspection was conducted by Anthony Gallerano, P.E., Harbor Consultants on December 4, 2017, and found that the work has been completed in accordance with the approved plans.

Now, Therefore, Be It Resolved that Richard Picerno, Planning Board Chairman, has approved the return of the cash bond, the Treasurer be and is hereby authorized to draw a warrant to refund the following to:

Amount of \$5,000.00 to be refunded to:
Portview Properties, LLC
633 Division Street, Elizabeth, NJ 07201

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T-03-56-852-001

RESOLUTION NO. 5

BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth of Union County, New Jersey upon recommendation of the Borough Engineer that Payment #1 for the Contract listed below be and is hereby approved.

BE IT RESOLVED that the payment authorized herein is conditioned upon compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et. seq.; and

TITLE OF JOB: 2017 NJDOT Roadway Improvements

CONTRACTOR: S. Brothers, Inc.
PO Box 317
South River, NJ 08882

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

Payment #1

| | |
|--|---------------------|
| TOTAL ORIGINAL CONTRACT PRICE | \$460,706.11 |
| Change Order Amount | \$0.00 |
| Contract Sum to date: | \$460,706.11 |
| Less 5% Retainage to date | \$4,018.55 |
| Amount Due | \$76,352.45 |
| <i>Balance to Finish Including Retainage</i> | <i>\$384,353.66</i> |

All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

CERTIFICATION OF FUNDS
APPROPRIATION:

JOE DEIORIO, TREASURER

RESOLUTION NO. 6

WHEREAS, the Kenilworth Board of Health has determined and recommends the City of Elizabeth, Dept. Of Health and Human Services to provide STD Services to provide said services for the Borough of Kenilworth at a practical rate ; 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:

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1. The Borough of Kenilworth hereby authorizes the Kenilworth Board of Health to enter into an agreement with the City of Elizabeth, Dept. Of Health and Human Services for Sexually Transmitted Disease Services pursuant to their contract (attached), for a sum of \$160.00 per patient for a term beginning January 1, 2018 through December 31, 2018.
2. The Mayor, Borough Clerk and the Borough Attorney are hereby authorized to negotiate and finalize terms of the agreement and execute all necessary documents to effectuate the purposes herein above expressed.

CERTIFICATION OF FUNDS

APPROPRIATION:
#8-01-27-788-000

Joseph DeLorio, Treasurer

RESOLUTION NO. 7

Resolution Authorizing Disposal of Surplus Property

WHEREAS, the Kenilworth Borough is the owner of certain surplus property which it no longer needs for public use: and

WHEREAS, the Kenilworth Borough is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Kenilworth Borough as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Kenilworth Borough Website.
- (2) The sale will be conducted online March 9, 2018 to March 16, 2018 and the address of the auction site is www.govdeals.com
- (3) A list of the surplus property to be sold is as follows:

| Year | Model | Make | VIN | Minimum Bid |
|------|-------|---------|-------------------|-------------|
| 2003 | Audi | A4 | WAUAC48H23K020754 | \$500.00 |
| 2002 | Mazda | Protégé | JM1BJ225720553189 | \$400.00 |
| 2011 | BMW | 328 | WBADW7C52BE443561 | \$600.00 |

- (4) The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (5) The Kenilworth Borough reserves the right to accept or reject any bid submitted.

RESOLUTION NO. 8

BE IT HEREBY RESOLVED, that Robert Beiner be appointed as Kenilworth’s representative to the Rahway Sewerage Authority for a five (5) year term from February 1, 2018 to January 31, 2023.

RESOLUTION NO. 9

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BE IT RESOLVED, that **Robert Cox** and **Robert Kukla** be appointed as Fire Fighters on the Kenilworth Fire Department.

BE IT RESOLVED, that **Elizabeth Toro** be appointed as a Probationary EMT on the Kenilworth Fire Department.

BE IT RESOLVED, that **Rae Mauro** be appointed Rescue Squad Cadet.

BE IT FURTHER RESOLVED that these appointments are contingent upon successful completion of medical release, criminal and background checks.

RESOLUTION NO. 10

BE IT HEREBY RESOLVED that **GREGORY ROSSI**, 32 South 20th Street, Kenilworth, NJ 07033 appointed as an Alternate Crossing Guard, at a rate of \$17.69, effective February 15, 2018.

RESOLUTION NO. 11

BE IT HEREBY RESOLVED: That the Mayor's appointment of **JOSEPHINE GONZALEZ, ESQ.** as **PUBLIC DEFENDER** for the year 2018, be and the same is hereby confirmed.

RESOLUTION NO. 12

WHEREAS, ENRIQUE LAMELA, ESQ. was appointed as Municipal Prosecutor for the year 2018, on January 3, 2018, effective immediately upon passage of this resolution.

BE IT FURTHER RESOLVED, that the Municipal Prosecutor be compensated at a rate of \$1,250.00, per month; not to exceed \$15,000.00 per annum.

MEETING OPEN TO THE PUBLIC

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

No one wished to speak.

Motion was made by Councilman David, seconded by Councilwoman Karlovitch 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 David, seconded by Councilman Schielke and carried, that the meeting be adjourned to the call of the chair.

8:15 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk