

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 22, 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, Mark David, Gerry Ladauti and Nick Mascaro. Peter Corvelli was absent.

MINUTES

It was moved by Councilman David, seconded by Councilman Ladauti and carried that the minutes of the Regular Council Meeting and Work Session of February 8, 2017 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

NJSLOM Notices

It was moved by Councilman Mascaro, seconded by Councilman David 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

The Historical Society is hosting a bus trip to Mohegan Sun on Saturday, March 11, 2017, for information and reservations call 908-709-0434. David Brearley Middle High School PTO Vendor and Craft Show was advertised in the Kenilworth Business Life, unfortunately the date was incorrect, the actual date is Saturday, March 18, 2017, 9AM to 4PM. St. Theresa's Rosary Society is hosting the annual Fish Fry on Ash Wednesday, March 1, 2017, 4PM to 7PM at St. Theresa's School gym. Dine in or take out is available and tickets are \$15.00.

Mayor Deluca said in our efforts to improve recycling we have gone to a bi-weekly schedule. There have been some issues here and there but we are working on them. February 28 south side will be picked up and the week after that is March 7<sup>th</sup> and the north side will be picked up, this bi-weekly schedule will continue. There is a hotline number you can call which is 908-349-8778. Also the Borough of Kenilworth offers a drop off Monday thru Friday from 7AM to 2PM for Borough residents only. You can drop off bottles, cans and cardboard and newspapers and motor oil. You need to stop in the office and let them know that you are there and they will check it, no bulk grass, brush or leaves. We have a system that we use in the event of an emergency to get things out to residents called Swift 911. You would need to register for it on our web site [www.kenilworthborough.com](http://www.kenilworthborough.com). It is very easy to register or you can call Borough Hall and someone will help you. This system enables you to get e-mails, text messages or phone calls. The Mayor said with the bi-weekly schedule we split the sides of town down the Boulevard which enables us to have a timely pick-up of recycling. He said he is hoping for the best and he has faith that in a couple of weeks we will be back to normal and there won't be cardboard and boxes flying around. He thanked everyone for being patient.

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REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilman Mascaro reported the Finance Committee and our CFO has been meeting with all the Department Heads to work out their budgets for the coming year. We are now at the point where we are working on their Capital portions of the budget so it is a little bit of fine tuning in working out some of the particulars for each of the departments to make sure they are completely funded and have all of the resources they need to provide the services that they do for the Borough. He said our CFO has been instrumental in getting that done. He said we are pretty close to where we want to be with a very modest tax increase this year. Councilman Mascaro said there is an on-line auction for some surplus vehicles from the Police Department which will open starting March 23<sup>rd</sup> and will close on March 30<sup>th</sup>. It will be on the Borough's web site and [www.govdeals.com](http://www.govdeals.com). PTR books which are specific to our senior citizens and disabled have been mailed to those who applied and the Tax Office will have the PTR1 applications by mid March for new applicants. He said to those who have already qualified for the \$250 property tax deduction, the State requires PD5 forms that must be completed and submitted to the Tax Office no later than March 1<sup>st</sup>.

DEPARTMENT OF PUBLIC WORKS

Councilman David said on February 9<sup>th</sup> the Borough had approximately 6 inches of snow and the DPW started plowing at 6AM and stopped at 7PM. All the roads were plowed and salted and then they started off the next day and finished. They have a new sanitation truck being built and it should be ready late April or early May. He reminded residents that curbside brush pick-up is starting Monday, February 27<sup>th</sup>.

PUBLIC SAFETY

Councilman Corvelli was absent. Councilman Clementi reported that the Police Department is interviewing for Police Dispatcher to fill the one vacancy that they have and they are currently in negotiations for the Police contract.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Clementi reported the next Planning Board Meeting is March 9<sup>th</sup> at 7:00 PM.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported that the Recreation Department is gearing up for baseball, the dates will be determined and announced in the future. The Rescue Squad is sponsoring a fundraiser called from Motown to Ktown on Saturday March 4<sup>th</sup>, from 7PM to midnight for ages 21 and up, tickets are \$25.00 and beer, wine and soda is included and you can also bring snacks or food. To purchase tickets by phone call Captain J. Days at 848-250-0002 or Lt. Adabato at 908-591-7876 or the Event Chair Anne Lofty at 201-906-7527.

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DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti reported the Board of Health will have a Rabies Clinic for dogs and cats on March 19<sup>th</sup> from 11:00 AM to 1:00 PM at the Fire House. He suggested you put small dogs on leashes and muzzle larger dogs. For more information call 908-276-2740. The Library is looking for members. David Brearley is having their National Junior Honor Society elections for the 7<sup>th</sup> and 8<sup>th</sup> grades. The Superintendent is running a parenting community partnership which will be held at the school. The Welfare Department and he read a letter from the Dept. of Community Affairs which states they will be accepting free applications on line at [www.waitlist.comnj599](http://www.waitlist.comnj599) for the State rental assistance program waiting list. The Dept. of Community Affairs will accept applications to the lottery for the following categories, elderly, family and disabled. The applications will be accepted on line from 10AM March 6<sup>th</sup> until 5PM March 10<sup>th</sup>. You must have an email address to apply and also meet income levels. Individuals selected by the lottery will be notified via e-mail which may take several weeks. For more information contact Mrs. Drogan at 908-276-6461.

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.

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

**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](http://govdeals.com) and also available from the Kenilworth Borough Website.
- (2) The sale will be conducted online March 23, 2017 to March 30, 2017 and the address of the auction site is [www.govdeals.com](http://www.govdeals.com)
- (3) A list of the surplus property to be sold is as follows:

2003 HONDA ACCORD

VIN #1HGCM82213A011359

2006 FORD EXPLORER

VIN #1FMEU73E86UA27597

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2004 CADILLAC DEVILLE	VIN #1G6KD54Y24U164992
2006 GULFSTREAM CAVALIER TRAVEL TRAILER	VIN #1NL1GTR2461073391
2004 FORD CROWN VICTORIA INTERCEPTOR	VIN #2FAFP71W34X136198
2000 FORD CROWN VICTORIA INTERCEPTOR	VIN #2FAFP71W5YX179298
VARIOUS OFFICE CHAIRS	

- (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. 3

**A RESOLUTION TO ADVERTISE AND SELL  
LOT 27 BLOCK 134 (Commonly known as 108 South 25<sup>th</sup> Street)**

**PURPOSE OF THE RESOLUTION: To provide for the sale of a parcel of Borough property that is less than the minimum size required for development and without any capital improvement thereon.**

**WHEREAS**, the borough is the owner of lot 28 block 134, a pie shaped parcel with only 20 feet frontage on south 25<sup>th</sup> street for which the borough has no practical use for said property which is less than a buildable lot; and

**WHEREAS**, the borough by a prior resolution resolved to sell said property at an open public auction; and

**WHEREAS**, the borough attorney has determined that pursuant to N.J.S.A 40a:12-13(a)(5) the sale can be limited to an auction of only the adjacent property owners and thus, avoid the necessity of incurring the cost of publishing notice of the auction to sell the property.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH ON THIS 22<sup>nd</sup> DAY OF FEBRUARY, 2017 AS FOLLOWS:**

1. The Borough Attorney is authorized to give written notice by certified mail for sale the real property known as lot 28, block 134 by public auction with a minimum bid of \$750.00 within thirty-three (33) days from the date of mailing notice of the sale to the owners of Lots 1, 26 & 27; and
2. The Deed of Sale shall be a quiet claim deed with the reservation for existing easements of record.

RESOLUTION NO. 4

**WHEREAS**, the Borough of Kenilworth on December 14, 2016 passed an ordinance vacating a portion of Monmouth Avenue; and

**WHEREAS**, the resident that acquired the vacated property desires further clarification of the property being annexed to their existing property at the request of their title insurance company.

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**NOW THEREFORE BE IT RESOLVED** that the purpose of this resolution is to further explain Ordinance No. 2016-11 with respect to the vacation of a portion of Arthur Terrace and for recording, so that this resolution may be appended to the Ordinance when the owner of 60 Arthur Terrace records a copy of the Ordinance with and in the Union County Clerk's Office.

MORE SPECIFICALLY, the owner of 56 Arthur Terrace, Block 122, Lot 11, located north of the property vacated by the Ordinance has voluntarily relinquished any and all right title or interest in and to said property. Thus, the entire property vacated by the ordinance is hereby annexed to 60 Arthur Terrace, Block 123, Lot 17, and becomes a part thereof. Said Block 123, Lot 17, is located south of the property being vacated.

#### RESOLUTION NO. 5

**BE IT HEREBY RESOLVED** that ROBIN LUEDDEKE, 261 Faitoute Ave Kenilworth NJ 07033 be appointed as Alternate School Crossing Guard, at a rate of \$17.34, effective February 23, 2017.

Mayor Deluca said in this world there is a thin blue line and as much as some of us don't see it, it is because of the great job that they do. He said here in little old Kenilworth there is a thought that it can't happen here. He said part of that reason is because of the dedication of our Police Officers. He said he thanks God every day that he can sleep at night or go to his job knowing that his family, your family, his friends and everybody else here is safe under their watch. The things you don't see are that when Police Officers go out their door every day, they may have to face things even in little old Kenilworth. We are not immune to things that happen and this Proclamation is going to read what could have happened. He said thank God he is reading a proclamation and seeing their faces instead of going to a funeral and having to face their families. He said that is what they do every day, they wake up and kiss their wife and kids goodbye and say see you later but that may not happen. The Mayor said he will read the Proclamation and then he will ask the officers to step up and he will have a presentation for 2 and he will do citations for our officers.

#### PROCLAMATION

**WHEREAS**, Sergeant Michael Scanielo while on duty on February 1, 2017, observed a vehicle fail to stop for a red light and conducted a stop; and

**WHEREAS**, Sergeant Michael Scanielo, upon approach, detected a strong odor of marijuana from the unregistered vehicle and informed the driver that based on probable cause, would be conducting a search of the vehicle. The driver then retrieved a loaded gun from the center console and fled on foot across the Boulevard; and

**WHEREAS**, Patrolman Ryan Kernan, having arrived as backup, approached from the driver's side and was able to apprehend the suspect; and

**WHEREAS**, Sergeant Michael Scanielo and Patrolman Ryan Kernan were able retrieve the weapon from the highly combative suspect, stopping what would have been a continued threat of death or serious physical injury to themselves, members of the community, the suspect's family and other officers; and

**WHEREAS**, Union County Police Officer Robert Garrison and Sergeant Anthony Davis, an off duty Union County Corrections Officer arrived on the scene and assisted Sergeant Michael Scanielo and Patrolman Ryan Kernan in the securing the scene.

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**WHEREAS**, Sergeant Michael Scanielo, Patrolman Ryan Kernan, Officer Robert Garrison and Sergeant Anthony Davis exercised excellent judgment, decisive, certain and immediate actions.

**NOW, THEREFORE, IT IS PROCLAIMED** by the Mayor and Council of the Borough of Kenilworth, that the Citizens express their warmest appreciation and gratitude to Sergeant Michael Scanielo, Patrolman Ryan Kernan, Officer Robert Garrison and Sergeant Anthony Davis for their valiant actions and performance of duties in an extremely professional manner.

**IN WITNESS HEREOF**, I have hereunto set my hand and caused the Seal of the Borough of Kenilworth to be affixed this 22<sup>nd</sup> day of February 2017.

The Mayor asked Sgt. Anthony Davis and County Police Chief Chris Devvie (Chief Devvie was there on behalf of Officer Roger Garrison who could not make the meeting) and he presented them plaques in appreciation for their help.

Mayor Deluca also asked Officer Ryan Kernan and Sgt. Scanielo to come forward to receive citations from the Police Department.

Police Chief Zimmerman thanked the officers for their help, it was a rough situation, looking at the video, he came in that night and the officer's hands and knees were cut up. This was a serious fight in the fast lane of traffic on the eastbound side of the Boulevard near 13<sup>th</sup> Street. These guys were fighting for their lives and people driving by doing 40 miles an hour on the Boulevard and nobody stopped, people just veered around them, two guys were wrestling for their lives trying to disarm someone so they don't have to shoot and kill him or get shot and killed themselves because not only did this gentleman have a handgun, he had a handgun loaded with hollow point bullets that were Teflon coated that would have went right thru their bullet proof vest. He said this was a serious, serious situation; luckily no one was hurt, just some minor scrapes and bruises. He said luckily, first on the scene was a County Police Officer who was able to block the fast lane with his Police cruiser which gave them some safety while they were wrestling with the guy and trying to take the handgun away from them. He said then Sgt. Davvie was driving to work at that point and came up in the slow lane and was able to block traffic and give then even a bigger area so that no one could run them over because just as much as they were fighting for their lives with the handgun there was somebody who went by, believe it or not, with their cell phone and they video tapped the incident without having the good sense to stop and offer assistance or block traffic. He said you can see them on our video using their cell phone as they drove by while our officers were on the ground trying to apprehend the suspect.

Chief Zimmerman said both of these officers assisted in finishing up the arrest and he said he really appreciates their efforts in stopping to help because a lot of people did not stop, he said they went above and beyond.

Chief Zimmerman said that Lt. Campanelli submitted both Sgt. Scaniello and Officer Kernan for the Department Exceptional Merit awards. The criteria for a Department Exceptional Merit Award is as follows: The Exceptional Merit is awarded for 1) an act of bravery, intelligently performed involving personal risk to life 2) great personal danger in the performance or duty and 3) highly credible unusual police accomplishment. He said all three categories apply to these officers, they used great restraint in not using their fire arms which he believes they were 100% able to do in a situation where someone has

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a gun pulled on them, that they successfully wrestled away. Officer Kernan was able to eject the magazine so now they only had to deal with one bullet in the chamber and luckily they were able to get the gun away from them before he was able to install that round. They both did an exceptional job for the Exceptional Merit Award. They will be the second and third officers to receive these awards.

Chief Zimmerman awarded Sgt. Scanielo and Officer Kernan with the awards.

Chief Zimmerman said these officers make him proud.

Chief Zimmerman said in addition to these two officers, there are 2 other officers he asked to be here tonight, who are not on the agenda. They were submitted by Sgt. Bryson back in August, 2015. He touched on that incident by saying that on August 11, 2015, all the Kenilworth units were dispatched to a serious motor vehicle accident involving an overturned car at the intersection of the Boulevard and Coolidge Drive. It was a min cooper operated by a 90 year old woman who almost crashed into the corner house. The car flipped and was upside down, she was having trouble breathing, the engine was spraying oil and gasoline was pouring from the car with a heavy smoke condition. The Mayor was there as a fire fighter. They smashed windows out and crawled into the vehicle even though the vehicle looked like it was ready to explode at that point without hesitation or regard for their own safety, these two men risked their lives to save another person. Had they not taken these actions the car would have certainly burst into flames resulting in tragic loss of life for the victim? They maintained their composure and acted professionally and worked as a team and their courageousness is to be commended. These two officers went above and beyond and before everyone else came on the scene to save her life. The Chief called Officer Kaverick and Officer Scurzo to the front to congratulate them and said a job well done.

Mayor Deluca thanked all the officers for their service.

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.

Joe Grimaldi, 34 North 14<sup>th</sup> Street – Mr. Grimaldi said he is a big Second Amendment advocate. He said he listen to Gun for Hire radio podcast on Sunday. He said Lake Island Rifle and Pistol Club were on that radio show and they spoke about what they do and one of the things is they have a junior club which is open for boys and girls ages 11 to 18 years old. He said Lake Island Gun Club is in Carteret, New Jersey and you can go to the web site [www.lakeisland.org](http://www.lakeisland.org) for more information, phone number is 908-756-3728. On February 27<sup>th</sup> at 7PM they are having a membership meeting for anyone who is interested. They also have college scholarships for marksmanship for rifle shooting so if some kids are not into basketball, football or baseball person or if you are not a super intellect, this is another way of getting a college scholarship. Target shooting sports are fun. Mr. Grimaldi asked if New Jersey is thinking of doing anything with recreational marijuana because he thinks they are going towards medical marijuana. He said if anyone in the legislature is thinking of going to recreational marijuana they should just think about what the chief mentioned about this case, they smelled the marijuana and he had a gun. Pot smokers say if you smoke pot everything is mellow and you don't do violence but why did they have a loaded gun. He said if anyone in the legislature is thinking about that they should wipe it out of their mind because it's wrong.

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Nancy Turner, 362 Lincoln Drive – Ms. Turner thanked the Mayor and Police Chief for being so proactive in using the telephone to contact the residents of the town alerting us to the inclement weather procedures and also with the recycling. Her only concern is that when the phone call comes to her house there is no caller id associated with it. She said to the Mayor that his number comes up as Union and she said she does not know that it's the town calling. She treats the calls as undocumented calls and she asked if there was any way that the calls can be recorded as coming from the Borough of Kenilworth. The Mayor said he is going to try and figure out how to do it so that it says Kenilworth Borough. She thanked the Mayor. Ms. Turner asked as far the recycling did the Mayor mean to say twice a month for each side of town or twice a month for? The Mayor said it will be bi-weekly which means the north side is one week and the next week will be the south side and it will continue throughout the year.

Adam Roskowski, 40 North 13<sup>th</sup> Street - Mr. Roskowski said he has a large tree in his front yard. The issue they have been having is there is a nest of squirrels that live in the tree and his concern is that it looks like the squirrels are getting to the base of the tree and hollowing out the tree itself. He said if this continues, the tree might fall over if there was a strong gust of wind. He said we have had problems with squirrels in house which they have taken care of with pest control. The pest control person did see the tree and said there is a danger with the tree. He said wherever it falls it could hit a variety of different houses. His is asking if someone could come out there to look at the tree. His mother has called public service several times but she has received a run around from them. Mayor Deluca asked Councilman David if he can contact the DPW. Mayor Deluca said your squirrel infestation is not one or two, it's more like 20.

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

8:50 P.M.

Respectfully submitted  
Kathleen Moschitta  
Deputy Borough Clerk