

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 26, 2020. MAYOR LINDA KARLOVITCH PRESIDED.

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

The Salute to the Flag was led by Mayor Karlovitch.

ROLL CALL

Roll Call at 8:00 P.M. showed the following Council Members present: Kaye Ceceri, Larry Clementi, Mark David, Gerry Laudati, Daniel Lopez and Robert Schielke.

MINUTES

It was moved by Councilman Laudati, seconded by Councilwoman Ceceri and carried that the minutes of the Work/Executive Session and Regular Council Meetings of February 12, 2020 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- NJ DOT – 2020 Municipal Aid Award Notification – Roadway Improvements 380,000.00
- RVSA – 2020 Assessment & Related Information
- Robert Wood Johnson University Hospital – Offering Paramedic Coverage dur to MONOC closure
- Receipt of and Award Bond Anticipation Note (BAN) -

It was moved by Councilman Clementi, 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 Karlovitch reminded everyone that Census 2020 is coming soon, every decade America comes together to count every resident in the United States. The success of the census is depending on everyone's participation. Results provide basis for millions of Federal funds to State and Local communities to support vital programs impacting housing, education, transportation, employment and public policies. Census data is relied upon to determine the need for new roads, hospitals and schools. She urged all residents to be on the lookout and to please participate because this is important for our community.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilman Lopez reported the State of New Jersey mailed the Senior Tax Freeze / Property Tax Reimbursement forms to current participants in the program. Our tax office has had 48 residents visit us since last week to have their taxes certified for their PTR-2 application. If you were a participant in the Senior Freeze program last year and have not received this year's application, call the state at 1-800-882-6597. If you are a new applicant for 2020, the tax office has not received the new applications from the state for new participants but expect to receive them by the end of March.

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The Finance Committee will be meeting with the Engineer and Clerk on Thursday to discuss capital projects, buildings and grounds and clerk's budgets. If there is a capital project that you would like to the Mayor and Council to consider, please contact me or the CFO so we can include it in our discussions. A reminder that delinquent property tax notices have been mailed and are due March 6th. If you have a question on a delinquent notice received, please contact the tax office at 908-276-5800. On February 20, 2020 he attended a public hearing regarding rate increase of 12% by American Water. The proposed increase is still in the early stages. Statements were made by the Division of Rate Council, American Water and myself. My statement was that this is a substantial increase and the public wants to know how can we prevent this hike. The public hearing was held in Hillsborough, NJ. The Councilman said he has copies of those statements if anyone is interested in reading them.

DEPARTMENT OF PUBLIC WORKS

Councilman David did not have anything to report.

PUBLIC SAFETY

Councilman Clementi reported he has the 2nd February report from the Chief, a couple of highlights...on February 4th Officers Fuschino and Torre were dispatched to a report of an elderly fall victim but when they got to the scene it was determined that it was much more serious than a fall. The elderly patient had stopped breathing and they administered CPR immediately. By the time the First Aid Squad got there the patient began to breath and a pulse was detected and the patient was turned over to first aid who continued to provide assistance. Patient was transported to Overlook Hospital and upon follow-up it was learned he was diagnosed with pneumonia as well as other complications, but his condition is currently stable. Councilman Clementi said both officers should be recognized for an outstanding job. A member of the Senior Citizen Club reported her wallet missing from her purse on February 21st, Sgt. Bryson and Officer Scurzo and Officer Filipe responded. They obtained the centers video, they searched the building and they did find the lost wallet. Chief Zimmerman would like to recognize them for a job well done. Our February 25th interviews were held for the current vacancy in the Kenilworth Police Department for a Police Officer. The Police committee as well as the Chief and Captain Soos were in attendance and a decision to appoint a probationary officer will be made at the next meeting in March.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke had nothing to report.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported the Fire Department has 8 members going to the Fire Academy, 6 are going to fire fighting one and two are going to fire fighting two. Engine 63 will be in service by mid March. A reminder for the Recreation Department, Softball and Summer Camp registration is open and you should please use the Community Pass to register.

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DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Laudati reported the Health Fair is September 26th and you will see posted signs soon. The Rabies Clinic is March 22nd and you will see a bulletin out there, it talks about aggressive dogs being muzzled and cats must be in carriers and also dog/cat owners must clean up after their dog and/or cat. There were cats found that were dead, hit by cars around town and the Health Department gets a report and goes there to take care of it. The police may move an animal to the side of the road to be taken care of also. Some of the recommendations for the corona virus are to keep on washing your hands, avoid touching your eyes, avoid sick people and cover your mouth when you cough. If you need information dial 1-800-222-1222. All vaping flavored products are prohibited to be sold at any store within Kenilworth, actually it's all over but we are taking care of Kenilworth. If you are caught the first fine is \$250, second fine is \$500 and the 3rd fine is \$1,000.

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.

Councilman Schielke moved that all items under the Consent Agenda be approved, seconded by Councilwoman Ceceri. All in favor.

RESOLUTION NO. 1

BE IT THEREBY RESOLVED that all bills be paid when properly audited and funds are available.

RESOLUTION NO. 2

BE IT HEREBY RESOLVED:

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, 2020 for the 2020 Temporary Budget; and

WHEREAS, the Resolution #2 (Jan. 22, 2020) and Resolution #2 (Feb. 12, 2020) was approved for an amendment to the 2020 Temporary Budget; and

WHEREAS, the total temporary budget attached does not in amount exceed 26.25% of the total appropriations in the 2019 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#	Account	Amount
TO:		
0-01-20-705-036	Finance Administration	4,000

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0-01-20-706-025	Human Resources	5,000
0-01-20-712-030	Legal Labor	5,000
0-01-22-721-010	Zoning – PT S/W	2,500
0-01-23-730-000	Insurance - Liability	200,000
0-01-23-734-175	Insurance – Health Benefit Wavier	5,000
0-01-25-745-025	Police – Maintenance of Motor Vehicles	20,000
0-01-25-746-026	Traffic-Maintenance of Equipment	2,000
0-01-25-747-010	OEM – S/W	1,000
0-01-25-749-012	Fire Department S/W PT	3,000
0-01-25-753-020	Fire Prevention - Vehicle	3,000
0-01-25-775-001	Recycling – Cans and Bottles	20,000
0-01-27-761-034	Senior Transportation – Motor Vehicle Parts and Maintenance	3,000
0-01-45-850-000	Principal on Bonds	145,000
	Total this amendment	\$418,500
	Total Appropriations for the 2020 Temporary Budget	\$616,600

AND 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 2019 Appropriation Reserve Budget providing for appropriations to fulfill the obligations chargeable to the 2019 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 Union, 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 2019 Budget for the Borough of Kenilworth.

2019 APPROPRIATION RESERVES TRANSFER:

CURRENT FUND		
FROM:		
9-01-36-837-000	Statutory Expenditures- Social Security	\$14,000
TOTAL	\$	\$4,000
TO:-		
9-01-20-705-020	Finance O/E	\$4,000
9-01-20-715-020	Engineering O/E	\$10,000
TOTAL:	\$	\$14,000

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RESOLUTION NO. 3

Whereas, the Borough of Kenilworth, pursuant County Cooperative Contract Purchasing is specifically provided for in *N.J.S.A. 40A:11-11(6)*, may by resolution and without advertising for bids, purchase any goods or services under the County Cooperative Purchasing Program for any County contracts entered into on behalf of the Cooperative; and

Whereas, the Borough of Kenilworth is a participating member of the Union County Coop, an agreement approved by the Director of the Division of Local Government Services through July 2021 ; and

Whereas, the Borough of Kenilworth has the need on a timely basis to purchase goods or services for "Telephone/Associated Systems – Equipment, Installation, Maintenance System" at Police Department; and

Now, Therefore, Be It Resolved, that the Borough of Kenilworth authorizes the purchase of certain goods or services from ***Johnston Communications Voice & Data, PO Box 390, Kearny, NJ 07032*** pursuant to the approved Union County (Lead Agency) Cooperative contract 8-UCCP Bid #42-2017 Telephone/ Associated Services Systems equipment, installation, maintenance services (Avaya, Cameras, NVR's, Door Security, Cabling) contract 8-UCCP Bid #42-2017.

Be It Further Resolved, that the Mayor and or Clerk are hereby authorized to enter into agreement with ***Johnston Communications Voice & Data, PO Box 390, Kearny, NJ 07032*** for security enhancements as indicated on their ***quote #9284 in the amount of \$29,791.88***, attached.

CERTIFICATION OF FUNDS

APPROPRIATION:
C-04-55-191-109

J. DeIorio, Treasurer

RESOLUTION NO. 4

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 #3 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: **Ballfield Reconstruction at North 16th Street Park**

CONTRACTOR: K&D Contractors, LLC
351 Monroe Ave., Kenilworth, NJ 07033

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

Payment #2

TOTAL ORIGINAL CONTRACT PRICE	\$110,000.00
Change Order Amount	\$2,530.00

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Total Completed and stored to date:	\$112,530.00
Less 10% Retainage	\$0.00
Less Previous Payments	\$82,170.00
Amount Due	<u>\$30,360.00</u>

Balance to Finish including retainage \$0.00

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: 2017 Union County Recreation Grant
Ord 2017-05 c-04-55-175-104
Ord 2017-12 c-04-55-177-101
2018 Kids Recreation Trust

JOE DEIORIO, TREASURER

RESOLUTION NO. 5

WHEREAS, the Mayor and Council continue to be committed to preserving and promoting the history of Kenilworth which is highlighted by the 19th century Oswald Nitschke home and the stewardship of the Kenilworth Historical Society; and

WHEREAS, the Mayor and Council authorize and support the annual Town Wide Garage Sale, Oct. 5-6, 2019, organized and promoted by the Kenilworth Historical Society waiving any borough fees.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough Kenilworth commend the Kenilworth Historical Society the preservation of the history of the Borough of Kenilworth.

RESOLUTION NO. 6

Whereas, the Mayor and Council of the respects and recognizes that longevity of life is a blessing for an individual and for a community which benefits from the knowledge, creativity, and experiences these individuals bring; and

Whereas, the Kenilworth Senior Center is a Borough of Kenilworth property located at 526 Boulevard, utilized by the Kenilworth Senior Citizens Club; and

Whereas, a Kenilworth family has donated a pool table to the Kenilworth Senior Citizens Club for enjoyment of its membership; and

Whereas, the Kenilworth Senior Citizens Club has requested permission to bring the pool table into the Senior Center.

Now Therefore, the governing body approves the placement of said pool table and authorized the Department of Public Works to assist in the pickup and delivery of the pool table for the Senior Citizens Club from its current location to the Senior Center.

RESOLUTION NO. 7

WHEREAS, the Borough of Kenilworth has outstanding grant balances from years 2004 through 2008 awarded from the Union County Open Space, Recreation and Historic Preservation Trust Fund; and

WHEREAS, the Borough of Kenilworth requested a change of scope to include:

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Additional irrigation/water retention and park improvements to the 16th Street Park
Tennis and Basketball and access improvements to DiMario Park

WHEREAS, the Union County Open Space, Recreation and Historic Preservation Trust Fund Committee has approved the Borough's request.

THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey authorize the submittal of a grant application for the scope change as proposed to and approved by the Union County Open Space, Recreation and Historic Preservation Trust Fund Committee on January 23, 2020.

CERTIFICATION OF FUNDS
APPROPRIATION:

JOE DEIORIO, TREASURER

RESOLUTION NO. 8

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF KENILWORTH AUTHORIZING (1) THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC., AND (2) THE PREPARATION OF AN AREA IN NEED OF REDEVELOPMENT STUDY

WHEREAS, Kenilworth Redevelopers Urban Renewal, LLC (hereinafter the "Redeveloper") is the contract purchaser of a property identified as Block 183, Lot 9, commonly known as 15 North 26th Street (the "Property"); and

WHEREAS, after ongoing discussions and negotiations between Borough professionals and the Redeveloper, the parties have agreed upon the general terms of a residential family rental development consisting of one hundred sixty five (165) units with a fifteen percent (15%) affordable housing set-aside on the Property (the "Project"); and

WHEREAS, the Borough professionals and the Redeveloper have negotiated and agreed to a Memorandum of Understanding ("MOU"), which is attached hereto as Exhibit A; and

WHEREAS, after the MOU is executed, the Borough and the Redeveloper will negotiate and enter into a formal Redevelopment Agreement; and

WHEREAS, the MOU, in the form attached hereto as Exhibit A, has been reviewed and approved by Borough professionals, along with the attorney for the Redeveloper; and

WHEREAS, the Project will proceed under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq. (the "Redevelopment Law"); and

WHEREAS, the Redevelopment Law sets forth the procedures for the Borough to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined to be a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

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WHEREAS, pursuant to P.L. 2003, Chapter 159, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condemnation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a ‘Condemnation Redevelopment Area’); and

WHEREAS, the Borough Council finds it to be in the best interest of the Borough and its residents to (1) authorize the Borough Planning Board to undertake a preliminary investigation of the Property as a Non-Condemnation Redevelopment Area, and (2) enter into the MOU with the Redeveloper, which is attached hereto as Exhibit A, to memorialize the agreed upon terms of the Project on the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey, as follows:

1. The Borough Planning Board is hereby authorized to undertake a preliminary investigation pursuant to notice, hearing and other requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Borough Council whether the subject Property, identified as Block 183, Lot 9, is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.
2. Pursuant to New Jersey P.L.2013, c.159, the redevelopment area determination shall authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain, also known as a “Non-Condemnation Redevelopment Area.”
3. The Mayor and Borough Clerk are hereby authorized and directed to execute the MOU with Kenilworth Redevelopers Urban Renewal, LLC in substantially the form attached hereto as Exhibit A.
4. Final approval of the proposed Project in the MOU is subject to the subject Property being determined to be an area in need of redevelopment by the Planning Board, and the Borough and Redeveloper entering into a formal Redevelopment Agreement.
5. The appropriate Borough professionals and officials are hereby authorized to take all actions necessary to carry out and implement the terms of the MOU.
6. A certified copy of this Resolution is to be forwarded to the Borough Planning Board.
7. This Resolution shall take effect pursuant to law.

Proposed Ordinance No. 2020-03 was read for a first reading as follows: (Copy attached)

ORDINANCE NO. 2020-03

AN ORDINANCE TO AMEND GUIDELINES FOR CERTIFICATION OF THE KENILWORTH POLICE DEPARTMENT SECTION 39-9 (3) CANDIDATE REVIEW AND SELECTION THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Mayor Karlovitch said the purpose of this ordinance is to follow recommendations relating to Police Officer promotions, readdress specifically setting protocol for candidates review of the results.

RESOLUTION NO. 9

Introduced by Clementi, adoption moved by same.
Seconded by David. Upon roll call all in favor.

BE IT HEREBY RESOLVED that the ordinance #2020-03 entitled:

AN ORDINANCE TO AMEND GUIDELINES FOR CERTIFICATION OF THE KENILWORTH POLICE DEPARTMENT SECTION 39-9 (3) CANDIDATE REVIEW AND SELECTION THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the March 26, 2020 at 8:00PM or as soon as thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Mayor Karlovitch read the following proclamation.

Proclamation

Whereas, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

Whereas, American women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

Whereas, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

Whereas, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

Whereas, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

Whereas, American women have served our country courageously in the military; and

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Whereas, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history.

Now, Therefore, Be It Resolved, by the Mayor and Council of the Borough of Kenilworth, that March is designated as “Women’s History Month” and encourages the people of Kenilworth to observe March as Women’s History Month with Appropriate Programs, Ceremonies, and Activities.

In Witness Hereof, I have hereunto set my hand and caused the Seal of the Borough of Kenilworth to be affixed this 26th day of February, 2020.

Councilman Laudati suggested putting a plaque outside or a little monument honoring women. He officer to put a committee together.

MEETING OPEN TO THE PUBLIC

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

Borough Attorney Frank Capece said he goes to a lot of Township meetings and represented a lot of Boroughs and he wished to put something on the record what he has noticed in the last week. He said he does not know if the Community knows this but Councilwoman Ceceri was persistent in working with Union Township in getting the road paved off Route 22 near Walmart and she made life better for residents. Mr. Capece said he was stunned last week when he found out Councilman Lopez took a day off work, while other people take off work to cut grass or go with their families, he journeyed down to Hillsborough to give testimony on the water bill increase. He probably won’t get any credit for it but it was a good thing that he did that. Mr. Capece said he is not sure how many people know that the Mayor runs her own business and when you don’t show up at work, you don’t get paid. The fact is that the Mayor has taken off 2 days in the last month, once to go to Trenton to give testimony and to go to the office of Administrative Law in Newark a few weeks ago to give testimony on the Gavelstone Bar. He said that is not a fun experience, you have to subject yourself to cross examination, you have to wait.....he just wanted to make the observation, you won’t get credit for it and there will be no plaques but each one of you did something that is so significant for your town and he wanted to make sure those acts were put on the record.

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

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GENERAL BUSINESS

Councilman Laudati started today and he suggested instead of fasting and giving up cake or candy you should have 40 days of service to help our people in town. Just to say hello would be nice.

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk