

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 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.

Mayor Deluca called for a moment of silence for the victims of the Florida shooting.

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 Karlovitch and carried that the minutes of the Regular Council Meeting, Work Session and Executive Session of February 14, 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)

Kenilworth Library – Maker’s Day Invitation, March 10th

Gateway Chamber – Annual Mayor’s Dinner Invitation

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 Deluca said according to our local meteorologist Nicky Thomas, who is not a meteorologist but he is our local meteorologist, is saying there is a possibility of a big storm coming on Friday. They are looking at a lot of rainfall but hopefully we won’t be getting any snow.

RVSA has given us a 28% increase this year which equates to about \$200,000.00 and that means higher taxes which we want to avoid. The Mayor is requesting a review of the process to find out why we got such a high percentage when other towns were getting 5% or 6%. The other highest percentage was Garwood which was 10%. He said correct me if I’m wrong, but he does not think that we flush toilets that much in this town. We are requesting a review of the calibration methods of the way the system works and hopefully we will get some consideration and restitution as to why we are given that high percentage. This amount accounts for 30% of their total operating budget for this year and that is a lot for 11 towns that are in the RVSA. He said stay tuned and hopefully we will have some answers by the next meeting.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch reported the Finance Committee has scheduled a budget meeting for March 5th at 5PM. She said she recently met with the Clerk and the Finance Officer regarding conducting a "Restaurant Week" for June in the Borough of Kenilworth.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported DPW crews are going around town filling potholes and also a couple of crews are cleaning out the storm drains, they have finished one half of the 555 storm drains we have in town.

PUBLIC SAFETY

Councilman Clementi reported that Chief Zimmerman asked him to read the following important message ... "As I am sure many of you know, there was a school shooting in a high school in Parkland, Florida on February 14, 2018. A school shooting is a terrible traumatic event and while it is natural for everyone to have concerns about their child's safety at school, student safety is a top priority here in Kenilworth. The entire school staff and Police Department work diligently to keep our students safe and follow protocols including all types of drills. The schools have stringent protocols in place to maintain a safe learning environment for our students. On Thursday, February 15th through our Kenilworth student PSLP period, principal Dana Chibbaro personally met with all middle and high school students in groups in the auditorium with our school resource officer Detective Pickton and Chief Zimmerman to review all safety procedures and protocols and to reassure students that they are safe at school. It is important that staff and students take these procedures seriously, additionally we asked all staff and students to report any suspicious behavior or inappropriate conversations in school or on social media regarding violence in school to staff or local law enforcement. All conversations will be kept confidential. Our schools are being monitored and will always be responsive to parents, staff and student concerns. Kenilworth schools will continue to operate normally and will resume safety drills so that they are prepared for any emergency should it arise.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke reported that he attended an Elected Official Seminar hoping to learn more about zoning, the take a way was that legalized cannabis is not coming any time soon, they will most likely extend the medical usage but legalized cannabis is not seen in the near future. He said he attended a zoning meeting last night to talk about enforcement of some ordinances that we will be following up on. He said he attended a Veterans Affairs Meeting, there are over a dozen purple heart recipients in Kenilworth, we are looking to put parking signs up for purple heart recipients. We will be putting two at the VFW, one at the Legion, one at the high school and one at Borough Hall. Councilman Schielke held up the sign to show everyone what the signs looked like.

Mayor Deluca said as far as he knows, we are one of the first in the State to be doing this.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported that softball registration went well and they will start practice the last week in March. The official Playground unveiling will be Sunday, March 18th at 1PM, there will be a ceremony and refreshments. The Easter Egg Hunt will be Saturday, March 24th at 10:00 AM with a rain date of March 25th at 10:00 AM. Summer Camp registrations will be opening up within the next week or so and you can view that on the website.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti reported that a female wrestler came in second in District 4 and made it to Region 14. They are looking for teachers to do curriculum writing in Algebra IA and Algebra 1B and calculus for the new schedule in September. The school will be closed from April 2nd thru April 6th for Easter/Spring vacation. The Library is looking to get new stairs, new phone system and a new sign out front. The Board of Health will sponsor a Rabies Clinic on March 18th at the Fire House from 11AM to 1PM. The Health Fair is September 22, 2018 from 9AM to 12 noon at St. Theresa's.

CONSENT AGENDA

Resolutions No. 1 thru 14 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 Karlovich moved that all items under the Consent Agenda be approved, seconded by Councilwoman Ceceri. 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 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
Payroll O/E	3,000.00
Insurance Benefit Waver	500.00
Principal on Bonds	400,000.00

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

Total	403,500.00

RESOLUTION NO. 3

WHEREAS, Corelogic Tax Services paid the property taxes for the 1st quarter of 2018 for the following properties located in Kenilworth, NJ, and;

WHEREAS, this resulted in the overpayment of taxes for the 1st quarter of 2018, and;

WHEREAS, Corelogic Tax Services has requested that the overpayment be refunded to them.

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 Corelogic Tax Services, Attn: Centralized Refunds, P. O. Box 9202, Coppell, TX 75019.

<u>Block</u>	<u>Lot</u>	<u>Property:</u>	<u>Amount</u>
16	11	310 No. 20 th St.	\$ 2,606.38
39	1	237 No. 18 th St.	\$ 2,366.33
47	4	612 Washington Ave.	\$ 2,281.04
92	32	91 Park Dr.	\$ 1,802.17
95	2	59 Columbia Ave.	\$ 1,943.51
96	11	285 Roosevelt Lane	\$ 1,937.42
112	2	64 So. 17 th St.	\$ 3,765.17
118	5	564 Newark Ave.	\$ 2,067.80
119	5	59 Arthur Terr.	\$ 2,649.02
129	12	743 Newark Ave.	\$ 1,821.66
147	12	10 Red Oak Lane	\$ 2,835.45

TOTAL \$ 26,075.95

RESOLUTION NO. 4

WHEREAS, sealed bids were received on February 22, 2018 for "Pickup Transporting and Disposal of Fall Leaves For a Three Year Contract with Two Year Renewal Option" and S. Rotundi & Sons, Inc., having submitted the lowest responsible bid as follows:

	<u>Bid Price</u>	<u>Season</u>	<u>Amount Per Cubic Yard</u>
	B1	2018	\$5.98
	B2	2019	\$5.98
B3	2020	\$5.98	
B4	2021	\$5.98*	
B5	2022	\$5.98*	*Optional years

NOW, THEREFORE, BE IT RESOLVED that S. Rotundi & Sons, Inc., PO Box 1407, Summit, NJ 07902 be awarded the Pickup Transporting and Disposal of Fall Leaves For a Three Year Contract with Two Year Renewal Option.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

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:

Joseph Delorio, Treasurer

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 #2 for the Contract listed below be and is hereby approved.

TITLE OF JOB: New Emergency Generators
CONTRACTOR: Advanced Control Systems
ENGINEER: Harbor Consultants, Inc.
320 North Avenue, East
Cranford, NJ 07016

Payment #2

TOTAL ORIGINAL CONTRACT PRICE	\$189,500.00
Total Completed and stored to date:	\$ 84,250.00
Less 5% Retainage	\$ 4,212.50
Less Previous Payments	<u>\$ 34,912.50</u>

Payment #2 - Amount Due this period \$ 45,125.00
Balance to finish including retainage \$109,462.50

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:

RESOLUTION NO. 6

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2018 NJDOT Roadway Improvement project.

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of the Borough of Kenilworth formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Various Streets-Kenilworth-00298 to the New Jersey Department of Transportation on behalf of the Borough of Kenilworth.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Kenilworth and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION NO. 7

WHEREAS, Borough of Kenilworth determines it's a positive goal to assist employees who are desirous of improving the professional skills they provide to the community; and

WHEREAS, employee Justyna Zagorska is desirous of seeking certification as a Municipal Finance Officer; and

WHEREAS, it has been determined said training is beneficial to the Borough

NOW THEREFORE BE IT RESOLVED, as follows:

- 1) The Borough agrees to provide payment to Rutgers University in an amount not to exceed \$8,746, so that Justyna Zagorska can complete the necessary courses for certification as a Municipal Finance Officer.
- 2) By agreement Zagorska agrees to remain in the employ of the Borough for no less than two (2) additional years upon receipt of said certification.
- 3) Should Zagorska not complete the requisite courses and or certification, she agrees to reimburse the Borough for monies expended which are not waived by the Borough.

RESOLUTION NO. 8

WHEREAS, **JOSEPHINE GONZALEZ, ESQ.** was appointed PUBLIC DEFENDER for the Borough of Kenilworth for the year 2018, at the regular meeting of the Mayor and Council on February 14, 2018; and

WHEREAS, the Council has reviewed the rate of compensation and has determined to increase the rate per session, effective as of the date of appointment, February 14, 2018.

BE IT FURTHER RESOLVED, that the Public Defender be compensated at a rate of \$225.00, per session; not to exceed \$6,000.00 per annum.

RESOLUTION NO. 9

WHEREAS, on September 19, 2017 Lieutenant Wayne Fennes filed a grievance against the Borough of Kenilworth under Article 10, Section 3 of the agreement between the Borough of Kenilworth and the Kenilworth PBA Local 135; and

WHEREAS, on January 3, 2018 the Mayor and Council of the Borough of Kenilworth authorized the Chief Financial Officer to pay Lieutenant Fennes based on the provisions set forth by the agreement between the Borough of Kenilworth and the Kenilworth PBA Local 135 at the Captain's rate beginning from

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

January 14, 2017 to date until a time wherein the position of Captain is filled or eliminated by Ordinance or by other appropriate measures.

WHEREAS, a Captain has been appointed effective March 1, 2018.

THEREFORE BE IT RESOLVED, Lt. Fennes be compensated at his regular Lieutenant rate effective March 1, 2018 in the amount of \$126,573.96 per annum prorata as set forth under the terms and conditions of the January 1, 2017 through December 31, 2020 contract between the Borough of Kenilworth and the NJPBA Kenilworth Local 135.

BE IT FURTHER RESOLVED, That Lt. Wayne Fennes will continue in his position of Traffic Safety Officer at an annual stipend of \$1,500/year

RESOLUTION NO. 10

WHEREAS, N.J.S.A. 52:34-6.2 P.L. 2011, C.139 allows contracting units to enter into agreements with state, regional, or single government agencies that award contracts for its own use and is authorized under its own laws to extend those contracts to other government agencies; and

WHEREAS, under federal law, postage is considered to be currency and the printing of postage is therefore strictly regulated by the United States Postal Service (USPS). There are very strict rules on the manufacture and use of postage meters and they can therefore only be leased to businesses by authorized dealers. Postage meters absolutely cannot be purchased. This policy applies to both new and used machines.

WHEREAS, the Borough of Kenilworth has the need to lease a Postage Meter and related Mailing Equipment; and

WHEREAS, in accordance with N.J.S.A. 40A:11-11(5), N.J.S.A. 52:25-16.1 et seq. and N.J.A.C. 5:34-1.7, all Cooperative Purchasing Program participants are responsible for ensuring that the Purchase Order issued reflects the correct contract item pricing and that payment is processed accordingly; and

WHEREAS, the Borough Council has determined that it is in the best interests of the residents of the Borough to award FP Mailing Solutions 140 N. Mitchell Ct., Ste. 200, Addison, IL 60101-5629, phone 800-341-6052, www.fp-usa.com for the lease of the Postage Meter and related Mailing Equipment pursuant to *New Jersey Department of Treasury State Contract #41263, "Francotyp Postalia Inc."*; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Kenilworth, in the County Union, State of New Jersey as follows:

1. The Borough Council of the Borough of Kenilworth hereby authorizes the lease of a Postage Meter and related Mailing Equipment in the amount of \$58.00 per month for 36 months (the "Lease"), to be paid quarterly, pending the completion of the legal publication requirements.
2. The Mayor and Borough Clerk are hereby authorized to execute any and all documentation necessary to effectuate the Lease of the Postage Meter and related Mailing Equipment pursuant to the NJ contract #41263, T-number T-0200 16-x-24117 with FP Mailing Solutions.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD
ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

RESOLUTION NO. 11

WHEREAS, BLAK OPS, LLC d/b/a Blackthorn Restaurant, ABC Licensee #2008-33-006-008, has requested permission to utilize the premises exterior deck with a tent for St. Patrick's Day festivities; March 10, 2018 through March 19, 2018; and

WHEREAS, the Police Committee and Fire Official Lou Giordino on February 19, 2018 and agreed to the request for *March 10 – 18, 2018* with the following conditions:

1. There will be a daily fire inspection and a fire permit issued by the Kenilworth Fire Official daily beginning on March 10th 2018 and concluding on March 18th 2018.
2. The Kenilworth Construction Official will issue a building permit for the tent on the deck. The tent will be inspected for installation and for method it is secured to the deck and/or posts. No propane heaters will be allowed to heat the tent on the deck. This inspection shall take place on March 10th 2018 prior to the tent / deck being occupied by patrons.
3. Weather - Any inclement weather deemed to be a possible hazard by the Kenilworth Fire Department or Kenilworth Police Department will be just cause for the deck/tent to be closed to patrons. Including but not limited to: high winds, snow, extreme cold temperatures, and any unforeseen weather event or condition.
4. Two Kenilworth Firefighters in uniform with radios will be hired by the Blackthorn at the rate of \$40.00 per hour to monitor occupancy on the deck (145 patrons) and in the main bar/restaurant on March 10th and 11th and March 16th, 17th, and 18th. Hours to be determined will be based on occupancy and scheduled events with a Kenilworth Fire Official. One Firefighter will be at the main entrance area and the other near the bathrooms near the entranceway to the deck from the main building.
5. Spot checks may be performed by the Kenilworth Police and Fire Departments regarding any and all safety issues or concerns.
6. Music on the deck will be allowed until 10 P.M. with the exception of Saturday March 10th, Friday March 16th and Saturday March 17th 2018 where music can be played until midnight. Music shall be played at a reasonable level as determined and enforced by the Kenilworth Police Department.
7. There shall be absolutely no smoking on the deck while enclosed by the tent.
8. Illuminated Exit signs shall be placed above all exits.

RESOLUTION NO. 12

WHEREAS, Police Lieutenant Wayne Fennes has notified the Borough of Kenilworth of his intention to retire effective March 1, 2018, and;

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

WHEREAS, Police Lieutenant Wayne Fennes is entitled to Terminal Leave per his contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth that the Chief Financial Officer is instructed to calculate and certify the final calculation of time due.

RESOLUTION NO. 13

WHEREAS, sealed bids were received on February 22, 2018 for “**Police Off-Duty Detail Management System Services**” and

WHEREAS, the Qualified Purchasing Agent, Police Chief and the Assistant Finance Officer have reviewed the proposals received, and

WHEREAS, they have determined and recommended that **Extra Duty Solutions**, will provide high quality and cost effective services to the citizens of Kenilworth Borough that, in the Borough’s judgment, have demonstrated the capability and willingness to provide high quality services in the manner described in the Request For Proposals, and

NOW, THEREFORE, BE IT RESOLVED that **Extra Duty Solutions, of 281 Naugatuck Avenue #5, Milford CT, 06460** be awarded the “**Police Off-Duty Detail Management System Services**” at no cost to the Borough and

BE IT FURTHER RESOLVED: that the award is conditioned on a properly executed agreement signed by the Mayor on behalf of the Borough and Extra Duty Solutions, and 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:

Not Applicable

Joseph DeIorio, Treasurer

RESOLUTION NO. 14

WHEREAS, a Detective Sergeant position became available due to departmental promotions; and

WHEREAS, the Police Commissioner and Police Chief have deemed it necessary to fill this position; and

WHEREAS, Sergeant Michael Scanielo is qualified to fill said position; and

WHEREAS, the Police Chief recommends the assignment of Detective Michael Scanielo to Detective Sergeant.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council, that Detective Michael Scanielo be assigned Detective Sergeant.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

BE IT FURTHER RESOLVED that the assignment and \$1,500.00 shall be effective as of March 1, 2018.

Mayor Deluca read the following resolution confirming promotions within the Kenilworth Police Department.

RESOLUTION NO. 15

Introduced by Clementi, adoption moved by same

Seconded by David. Roll Call: Ceceri abstained, Clementi voted yes, David voted yes, Karlovitch voted yes, Ladauti voted yes and Schielke voted yes.

WHEREAS, the need exists within the police department for promotions to the positions of Captain, Lieutenant and Sergeant; and

WHEREAS, opportunity was given to all qualified candidates to participate in the promotion process conducted in accordance with Chapter 39 Section 9 et. seq. regarding Appointment and Promotion of Officers within the Police Department

WHEREAS, testing and interviews have been completed and the Public Safety Committee have made their recommendations to the Borough Council.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, in the State of New Jersey, that it hereby confirms the promotions of the following police officers:

Lieutenant Frederick Soos, Jr. will be promoted to Captain
Sergeant James Grady will be promoted to Lieutenant
Patrolman Robert Cox will be promoted to Sergeant

BE IT FURTHER RESOLVED that the salaries shall be pursuant to the current collective bargaining agreement with an effective date of March 1, 2018.

Oath of Office was administered to Patrolman Robert Cox, Lt. Frederick Soos, Jr. and Sgt. James Grady.

Mayor Deluca congratulated all three officers and said our Police Department stands second to none and we are lucky to have our officers out there 24/7.

Mayor Deluca called Officer Valerie Smith, Councilwoman Ceceri and Councilwoman Karlovitch to the front of the room and read the following Proclamation for Women's History Month

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

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

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

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 28th day of February, 2018.

Mayor Deluca read the resolution in appreciation of our Councilwoman and our Policewoman who are out there doing what they have to do for our Borough and we appreciate them. The Mayor also recognized Deputy Borough Clerk Kathleen Moschitta and Borough Clerk Laura Reinertsen.

Proposed Ordinance No. 2018-02 was read for a second reading as follows: Copy can be found in 1/24/18 minutes.

ORDINANCE 2018-02

AN ORDINANCE REGULATING THE SALE OF CATS AND OR DOGS IN THE BOROUGH OF KENILWORTH

Motion was made by Councilman Schielke, seconded by Councilman Clementi to table Ordinance 2018-02 for further investigation. All in favor.

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.

Jeff Morton – Owner and president of Shake a Paw pet stores in Union and Green Brook, New Jersey. Mr. Morton has a rescue/animal shelter, 501C3. He is a member of the pet industry advisory council and a member of their legislative committee which oversees government regulations throughout the United States. He thanked the Council for being open and receptive to all sides of an issue, whenever we are

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

talking about animals and breeders and the care of animals and puppy mills it is a very emotional subject and things can get very heated. It is refreshing to know that this Council keeps an open mind because there are two sides to every story. He said he started his business in 1992 and he never imagined that 26 years later he would have to defend his business against activists who will say most anything to accomplish their goals. He thanked the Council again and said he looks forward to working with the Borough of Kenilworth and he invited everyone to come to his shop which is less than 1 mile away and He appreciated the opportunity to be heard.

Larry Cohen – Fanwood, New Jersey, volunteer for the Human Society of the United States. He said when he came to the Council a month ago it was to ask them to join a philosophical movement, taken up by the State of California and large cities across the County and 118 towns in New Jersey, most of who did not have a pet store in them. The movement was to say the values and morals of our town do not align with the business model of a pet store, which it has been proven time and time again that the sources animals come from large scale breeders that are referred to as puppy mills. They will tell you that it is illegal to buy from a puppy mill, a breeder can have a USDA license, be governed by the animal welfare act which allows things like keeping dogs in cages 24 hours 7 days a week, it allows breeders to kill dogs, it allows dogs to have no contact with other animals or people and that can be a legal entity. He provided the Council with evidence that showed that 19 of 29 pet stores in this State were sourcing their animals from breeders that had severe violations of the Animal Welfare Act. If Mr. Gapas had done his job as Health Officer he might have told you about the 7 pet stores that have been closed in New Jersey over the last 2 ½ years for health code and animal cruelty violations. Towns had to deal with outbreaks of parvo, distemper, malnutrition and neglect and dead dogs in freezers. One town had to spend \$90,000.00 of taxpayer money in legal fees to get rid of their store. He asked if that would be good for Kenilworth? He said your ordinance in no way would discourage a pet store from coming into town, there are dozens of pet stores in this area that make tons of money and help tons of people through service and supply, 24 of the largest 25 pet chains in the nation do not sell dogs and cats, what we were asking you to do is the same thing you do when you tell lawnmowers that they can't start cutting before 8 AM or gas stations that can't open after 10 PM, you have ordinances that are detrimental to businesses but you do it because it is for the welfare of your citizens and that is what this ordinance would do as well.

Dr. Eileen Tucker, 38 Westbrook Road, Westfield – Ms. Tucker said she has been a licensed veterinarian in New Jersey for over 30 years and in the 30 years she has been practicing she has had no violations against her license. She has been examining puppies for Shake A Paw for about 5 years, not all pet stores are created equal. The cages in Shake a Paw are extremely clean, what veterinarians notice is that there is a negative air pressure from each cage to the outside of the building, this is a single most important factor in keeping large groups of animals healthy. Bowls are sterilized in the dishwasher, all linens are washed in a washer and dryer and floors and cages are immaculate. Each section is assigned to a specific employee and they take a personal interest in every pet in their section, they know every detail about each one of these puppies, if they sneeze it is reported, if they don't eat it is reported and documented. They are examined by a veterinarian within a day or two of their arrival and re-checked weekly until they leave the store. There is lots of handling, hugging and exercise at Shake a Paw and if a puppy does get sick there is a state of the art isolation room with medical equipment and negative air pressure. There is also a room for health puppies that may have any kind of issue at all. These rooms are managed by a crazy puppy savant named Cindy who can tell you what happened to any puppy you may have remembered from 3 years ago. Shake a Paw will take a dog back at any age, if you decide you do not want your 9 year old lab that just ate your 4th cell phone, Shake a Paw will take it back, she does

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not know of any other store that does that. In addition approximately ½ of the pets at Shake A Paw are rescues.

Leslie Moran, resident of Randolph in Morris County – She shared her town's experience with a pet store which came to her town in 2013, a boutique style store with a sanitized web site, a beautiful façade. The owner sometimes blurred the distinction between sales and adoption in her advertising which is not uncommon. Her town has a very active no kill regional shelter and therefore they had a lot of well - informed volunteers and there was a great deal of concern. We quickly found that puppies were arriving in Randolph via Morristown Airport from points all over the United States and when inquiries were made, we discovered they were coming from large scale breeders with violations. We were fortunate that this business closed in less than a year due to the owner's ill health and we promptly passed an ordinance. She said she understands there is not an interest at this point in this ordinance but she said it is important to know. It is an inherently inhumane business model and the only way to make money doing this is to source from these large scale breeders, there is no good way to do it.

Joe Grimaldi, 34 North 14th Street – Mr. Grimaldi said he was glad the Mayor had a moment of silence for the tragedy in Florida. He said there were so many breakdowns in law enforcement, in local government and in the school and all the way up to the FBI level regarding the tragedy. All the safety nets and protocol's failed and now they want to attack the guns. If you took away all of the guns this person might have gone in there with a knife or bat and did the same thing.

Chief John Zimmerman – Chief Zimmerman congratulated Captain Fred Soos, Lt. James Grady and Sgt. Robert Cox on their promotions. He also congratulated Wayne Fennes on his retirement effective March 1st after 25 ½ years of dedicated service in the Borough of Kenilworth.

The Chief urged Mayor and Council to please include him as the department head and Chief of the Kenilworth Police Department, in any meetings or decisions effecting the Kenilworth Police Department from here on out in the future. He asked to please include him as the Chief of the Department in any decisions that are being made regarding manpower, tables of organization, he believes he deserves that.

Mayor Deluca welcomed Father Joe and Father Lito.

Father Joe said this is a tight knit town and is just like a family and it is what every community should be like. He said for years the Police, Fire and Rescue Squad have kept the Kenilworth Schools safe and secure by putting in cameras, mirrors on the stairwells and they have walk throughs in the schools as well as resource officers. He said he misses Kenilworth.

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

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GENERAL COMMENTS

None.

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk