

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

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 Ceceri and carried that the minutes of the Regular Council Meeting, Work Session and Executive Session of February 28, 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)
- NJ – Dept. of Transportation Notice of Municipal Aid Award – Roadway Improvements \$470,000.00
- UC – 2018 Infrastructure Grant Announcement
- Rutgers NJ Poison Prevention Week
- NJ MRA – Invitation to meet

It was moved by Councilman Clementi, seconded by Councilman Ladauti and carried that the above communications be received and filed and any money amounts indicated be spread over the minutes. All in favor.

MAYORS REPORT

Mayor Deluca reported the DiMario Park's grand re-opening is this Sunday at 1pm at DiMario Park on Michigan Avenue. The Historical Society is hosting the annual Soups On Tasting Event at the Kenilworth Senior Citizen Building, Tuesday, March 20th from 6pm to 8pm. Tickets are \$12 for tickets or more information call 709-0434. The VFW is hosting Spring Fest with Bernie's Orchestra and traditional Bavarian Folk dancers on Saturday, March 24, doors open at 6pm. Price of admission includes food, soda, beer, wine, dessert, coffee or tea throughout the evening. For information and tickets contact 908-265-1602. Mayor Deluca said we have weathered 2 bad storms this month and the Fire Department, Police Department and the DPW all did an outstanding job.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch reported the Finance Committee held budget meetings with the Police Department, Public Works, Board of Health, the Library Board and the Engineer to discuss Capital Projects and Roads, they also met with the Clerk's Office and Finance Office on capital items relating to those departments. The Fire Department and Fire Prevention and Recreation meetings are forthcoming. Next week we will be meeting with the Borough's Auditor to discuss tax rate and any changes to our

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budget. Introduction of the municipal budget will be Wednesday, March 28, 2018, the CFO will keep us updated as a new information arises. Budget Books have been distributed to the Mayor and Council members that are not on the Finance Committee. If you have any questions, feel free to ask me or the Chief Financial Officer.

DEPARTMENT OF PUBLIC WORKS

Councilman David had nothing to report.

PUBLIC SAFETY

Councilman Clementi reported that Chief Zimmerman has kept him updated on last week's Nor'easter and as Mayor Deluca indicated, the Police Department, the Fire Department and the DPW all worked together well to assist the residents by taking down trees and wires. The Mayor, Chief Zimmerman and the High School Superintendent will meet on March 27, 2018 to discuss the School Resource Officers upcoming contract.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke he received and reviewed the Construction and Zoning Reports and all are in order. The Planning Board met on March 8, 2018 and heard one application. The Planning and Zoning committee met with the Borough attorney and Zoning Officer and will recommend update our foreclosure and registration fees as per the State Statute maximum. Councilman Schielke said it is his pleasure to introduce an ordinance No. 2018-03 providing five parking spot for combat wounded veterans.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported the Fire Department had 52 calls for the month of February and the Rescue Squad had 63 calls for a total of 115 calls. The official playground unveiling will be at Dimario Park on Sunday, March 18, 2018 at 1:00PM, there will be refreshments served. The Easter Egg Hunt will be on March 24th and the rain date will be March 25th. Summer camp registrations are on the web site.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti the schools are currently working on their budget. He reported the Library is still searching for a new Director, he has a meeting with the Board tomorrow and hopefully they will have some new names and resumes. Councilman David suggested maybe using a shared service with another town for this position and we will look into that tomorrow night. Councilman Ladauti said Robin Koerner is Acting Director and is doing a great job.

CONSENT AGENDA

Resolutions No. 1 thru 6 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 Clementi moved that all items under the Consent Agenda be approved, seconded by Councilman David. All in favor.

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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

RESOLUTION NO. 3

WHEREAS, the Union County Board of Chosen Freeholders has announced the Union County Infrastructure and Municipal Aid Grant Program for 2018; and,

WHEREAS, this grant is designed to stimulate the development of local projects of economic, social, transport and governmental importance to local municipalities; and

WHEREAS, the Borough of Kenilworth agrees to conform the with the terms and conditions of this important matching grant opportunity; and

WHEREAS, the Mayor and Council of the Borough of Kenilworth County of Union State of New Jersey do hereby authorize the following grant applications, prioritized in the order listed below:

<u>Project</u>	<u>Match Request amount</u>
1. Borough Hall Safety and Security Improvements	\$75,000.00
2. Recreation Building HVAC Rehabilitation – Phase 2	\$65,000.00
3. Repair & Replacement of Borough Sidewalks	\$37,500.00

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4. Public Works Facility HVAC Rehabilitation \$18,000.00

NOW THEREFORE, BE IT RESOLVED THAT, the Mayor and Clerk are authorized to submit this grant on behalf of the Borough of Kenilworth; and

BE IT FURTHER RESOLVED, that the Mayor and Council find this project to be in the public interest by serving a much needed public purpose and therefore worthy of funding by the Union County Infrastructure and Municipal Aid grant program for 2018; and

RESOLUTION NO. 4

WHEREAS, Robert Fernandez has notified the Borough of Kenilworth of his intention to retire from the Sanitation Department effective March 1, 2018; and

WHEREAS, the Department of Public Works Superintendent has certified that Robert Fernandez is entitled to Terminal Leave pay as per his contract, as follows;

<u>Type</u>	<u># of days</u>	<u>Rate</u>	<u>Total</u>
Terminal Leave	58 = 29 Years x 2	\$219.92/day	\$12,755.36
Unused Sick Days	43	\$219.92/day	\$ 9,456.56
	101 days		\$22,211.92

WHEREAS, Robert Fernandez has requested to receive this payment in one installment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth that the Finance Department is authorized to make payment as indicated above based on a final calculation upon his retirement.

RESOLUTION NO. 5

WHEREAS, Police Lieutenant Wayne Fennes has notified the Borough of Kenilworth of his intention to retire effective March 1, 2017; and

WHEREAS, Lieutenant Fennes is entitled to Terminal Leave pay as per his contract, as follows;

<u>Type</u>	<u># of days</u>	<u>Rate</u>	<u>Total</u>
Terminal Leave 25.58 Years x 2 =	51	\$567.00	\$28,917.00
2018 Holidays <i>prorated 1.1 per month (2 months)</i>	2.2	\$567.00	\$1,247.40
2018 Vacation Days	25	\$567.00	\$14,175.00
2019 Vacation Days	25	\$567.00	\$14,175.00
	103.2		\$58,514.40

WHEREAS, the Kenilworth Police Chief has certified that number of days and amounts due are correct; and

WHEREAS, the Borough’s Labor Attorney, has reviewed the conditions above and has certified that the amounts due are consistent with the local PBA contract; and

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WHEREAS, Lieutenant Fennes has requested to receive this payment in two equal installments with the first payment being due April 1, 2018 and the second and final payment being due by January 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth that the Payroll Department is authorized to make payments as indicated above based on a final calculation upon his retirement.

RESOLUTION NO. 6

WHEREAS, the Borough of Kenilworth has employed Derick DeFuria and Joseph Kania within the Department of Public Works, and

WHEREAS both individuals serve in the capacity of Foreman in said department, and

WHEREAS, both individuals took on the position of Foreman at the behest of the Borough, and,

WHEREAS, in the position of Foreman both men retained the quality of benefits provided to employees of the Department's collective bargaining unit with the knowledge and approval of the Borough, and

WHEREAS, upon advice of Labor Counsel, the pattern and practice of providing equivalent benefits to these two foremen has established a contractual right.

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

It is acknowledged and agreed to that Derick DeFuria and Joseph Kania continue to retain all rights also provided to employees of the Department of Public Works covered by a negotiated contract.

Proposed Ordinance No. 2018-03 was read for a first reading as follows: (Copy attached)

ORDINANCE 2018-03

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 190 VEHICLES AND TRAFFIC, ADDING ARTICLE IVC COMBAT WOUNDED PARKING SECTION 25.4. TO THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Mayor Deluca said this creates parking spaces for combat wounded veterans. He said we have pictures of them and if anyone would like to see what they are going to look like, they are going to be purple. This shows that we care about our veterans.

RESOLUTION NO. 7

Introduced by Schielke, adoption moved by same
Seconded by Ceceri. Upon roll call all in favor.

BE IT HEREBY RESOLVED that the ordinance #2018-03, entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 190 VEHICLES AND TRAFFIC, ADDING ARTICLE IVC COMBAT WOUNDED PARKING SECTION 25.4. TO THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

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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 28, 2018 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 Deluca read the following proclamation.

PROCLAMATION – Poison Prevention Week

WHEREAS, Congress designated the third full week in March to be National Poison Prevention Week (NPPW) in 1961 and since then this week has helped to raise national awareness of the dangers of potentially poisonous medicines, household chemicals, and other substances; and

WHEREAS, poison centers across the country will focus the public's attention on identifying poisoning hazards at home as well as learning ways to prevent poisoning emergencies; and

WHEREAS, unintentional poisoning is the leading cause of unintentional injury death in New Jersey; and

WHEREAS, drug overdose deaths including prescription pain medicine and heroin remain at epidemic proportions for both New Jersey and the United States. According to the Centers for Disease Control and Prevention (CDC), the majority of drug overdose deaths (more than six out of ten) involve an opioid; and

WHEREAS, a poison is defined as anything that is taken in the wrong amount, in the wrong way or by the wrong person; and

WHEREAS, every poisoning is preventable! From the youngest to the oldest, all people and even pets are at risk; and

WHEREAS, although the majority of reported poison exposures involve children five (5) years old and younger; the majority of poisoning deaths occur in adults aged 20 to 59; and

WHEREAS, the New Jersey Poison Information and Education System (NJPIES), a division of the Department of Emergency Medicine of the New Jersey Medical School of Rutgers, The State University of New Jersey, provides expert advice, drug information, and poison prevention education to NJ residents through the 800-222-1222 Poison Help Hotline; and

WHEREAS, all services are free, confidential, multilingual and available 24 hours a day, 7 days a week, 365 days a year even during bouts of Mother Nature; and

WHEREAS, the public can contact a poison expert by calling (1-800-222-1222), chatting (www.njpies.org), or texting (8002221222@njpies.org); and

WHEREAS, consumers must be aware that e-cigarette devices, hookah pipes and liquid nicotine may contain very high doses of nicotine in enticing colors, aromas, and flavors – increasing the likelihood that

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small children and pets will focus their attention on them. These products pose serious risk of poisoning; and

WHEREAS, poison experts urge residents to use our services as a resource for poison and drug information instead of consulting the internet for information that may not be accurate; and

WHEREAS, we encourage all residents to program the Poison Help Line 800-222-1222 into home, office, and cell phones because a rapid response can make a difference in preventing serious injury and saving lives; and

WHEREAS, the use of poison centers services saves residents both time and money. Most cases are managed in the convenience of the caller's home, requiring no hospital visit; and

WHEREAS, NJPIES is also involved with the state's efforts in homeland defense, counter-terrorism, emergency preparedness and response, bio surveillance, and surveillance for clusters of poisonings and their sources (products, food and beverages, chemicals in the workplace and at home, environmental toxins, drugs and medicine, and animal and insect bites and stings);

NOW, THEREFORE, I, Mayor Anthony DeLuca, of the Borough of Kenilworth, do hereby proclaim the week of March 18-24, 2018 as National Poison Prevention Week in New Jersey and encourage all citizens to pledge their commitment to ensuring the safety of themselves, their families, and their community.

MEETING OPEN TO THE PUBLIC

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

Walter Sosnosky, 36 South 17th Street – Mr. Sosnosky said in the election of 2014 you locked in a Democratic sweep, you finally defeated the evil empire. He said saw a bright future with the a new Mayor and Council. He was so enthusiastic about the victory he wrote an article for the press called "Reversal of Fortunes". He said the lack of actions by this Mayor and Council is turning out to be a misfortune for the people of Kenilworth. He was sure that this administration would be transparent in the governing of this Borough but that turned out not to be the case. Here are the facts.....during the fall clean-up he advised Mayor Deluca that there was an unknown male using a Kenilworth Fire Department vehicle to pick up scraps, in fact this occurred in my driveway. The subject was removing metal piping and you, the Mayor, never got back to me on who the person was and how they got use of a tax payers vehicle. Since April of 2017 he has been complaining to the Mayor about the increase of nocturnal animals such as possums, raccoons and skunks using the storm/water drains to travel about the Borough causing damage and biting our citizens and possibly having rabies. Although there is an available and quick solution, you constantly put me off, never coming up with a remark that would show some progress in this condition. You have been patronizing and condescending to my constant concern about this problem. Are you an agist and thinking this white haired man is senile and won't remember or suffers from dementia? He said he cannot believe the police promotions.... it is like a popularity contest. The Mayor and Council have not heard his concerns and when he sent e-mails to council he received no response and when he questioned them in person they responded.....I don't read them, I don't care and I can't be bothered. He has tried to get some reactions from the Council. His sole purpose in attending the work sessions is for the betterment of the Borough.

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

GENERAL COMMENTS

Mayor Deluca said to Mr. Sosnosky that we can continue the discussion if you want in chambers if you want to discuss anything further. Mr. Sosnosky said he will wait until the next meeting.

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk