

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

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 Councilman David and carried that the minutes of the Regular Council Meeting, Work Session and Executive Session of March 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)
- NJ Div. of ABC – Brewery License Application
- UC – Level the Playing Field Grant Award Notice \$25,470.00
- Kenilworth Little League – Opening Day Parade, Sat. April 7th

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

Easter Egg Hunt is this Saturday at DiMario Park. The Union County Office for People with Special needs is hosting a community egg hunt for children with special needs on March 31 from 1 – 2:30 at Unami Park in Garwood. Kids Trout Derby is scheduled for Saturday, April 14<sup>th</sup> at Echo Lake Park at the Lower Lake in Mountainside.

Mayor advised residents to take caution now that it is day light saving time and to stay as visible as you can by wearing bright clothing or reflectors.

The Mayor said there are many wires down in town and the role of the Fire Department and Police Department is to remove the hazard, they do not climb the poles to remove the wire. The utilities are responsible for removing the wires. If a resident wants the wires removed it is their responsibility to contact the utility company and have them remove the wires. He said there are multiple wires because the utility companies are in no hurry to take down the unused wires. The Mayor said the Borough is trying to be proactive and take care of some of the older trees that either need to go or be pruned. He said removing trees are expensive.

Kenilworth made the front page of the Local Source and he is not happy about that. RVSA is our sewerage company and they control the waste water that goes out to be cleaned in a waste water facility. He said for some reason we are responsible for 28% of that total budget which comes to a significant number for us which is about \$200,000.00 which is a big hit as far as taxation. He and the Council are not happy about that and we do not agree with that and we are asking the RVSA to look into it. He does not believe that Kenilworth flushes their toilets more than some of the larger towns. There are 11 towns in the RVSA and we are one of them and are paying 28% of the total budget. He said our commissioner,

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Bob Beiner voted against their budget...10 to 1, Kenilworth being the one who voted against it. He said the \$200,000.00 hit was significant in trying to deal with our taxes. He said we are going to keep our conversation with the RVSA going to figure out what went wrong.

Mayor Deluca gave his condolences to the McHale family on the passing of Mrs. McHale who passed away on Monday.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch reported the Finance Committee has completed meetings with departments regarding their municipal budget requests. Upon discussion with our auditors, they suggested that we postpone the introduction of the Municipal Budget to the next regularly scheduled meeting of April 11<sup>th</sup>. Extra Duty Systems have begun the process of converting our outside duty process to their system. They have communicated with the Police Chief and the Finance Department and are looking to launch the new system by April 23<sup>rd</sup>. There has been a high volume of New Jersey State Property Tax reimbursement requests, also known as the senior tax freeze, forms processed. Since March 1st the Finance Department has processed 119 forms. A reminder to residents, under the Borough's new process when a property tax reimbursement form is submitted to the Finance Office, our part-time Tax Collector will review the information before it is signed and certified by her. Residents have the option for the Finance Office to call them when the form is ready for pick-up or have it mailed back to their home. The usual turn-around time is 1 to 2 days. Additionally the office has received a limited number of PTR books for individuals who would like to apply for the Senior Tax Freeze Program and have not done so in the past. The senior property tax freeze program does not freeze your taxes, it is a reimbursement program from the State that residents can apply for and when submitted the State determines your property tax and will send you a check to reimburse you for any future year increases as long as you continue to meet the eligibility requirements. Application forms are due to the State by October 31' 2018.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported that on March 21, 2018 we had 6 inches of snow and most residents followed the snow ordinance as far as parking and the streets were plowed pretty good. The DPW did a great job on the roads. There were several tickets issued that night. The DPW have cleaned all 555 storm drains and they have made notes of the ones that need to be repaired. They are sending out the blacktop crew, weather permitting, to take care of the potholes. The Borough received a Clean Communities Grant and that grant will fund the hiring of two part-time workers starting in the Spring and those two workers will be used primarily to clean the Borough parks and properties.

PUBLIC SAFETY

Councilman Clementi reported the Borough of Kenilworth was notified by Swift Reach 911 during this past week's nor'easter that the Borough's snow ordinance would be in effect and enforced. This notification was sent out on Wednesday evening at 7:30 by Chief Zimmerman. The police issued 91 Borough snow ordinance violations. The Kenilworth Police Department participated in yesterday's Harding School Safety Day. Officers were assigned to the school and spoke with students during gym classes and also had lunch with them in the cafeteria. An evaluation and fire drill were also successfully

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conducted during Safety Day. The Mayor, the Borough Clerk and Chief Zimmerman met with Superintendent Tramolini and Business Administrator Vincent Gonnella regarding school safety. One of the issues discussed and tentatively agreed upon was the renewal of the School Resource Officer Program and contract for 3 years between the Borough and the Board of Education. The LEAD Program which is the Law Enforcement Against Drugs, will have their graduation on Tuesday, April 24, 2018 at St. Theresa's at 8:30 AM and Harding School at 2PM. The Kenilworth Police Department will be conducting training at the David Brearley Middle and High School from 5PM to 7:30PM on April 18<sup>th</sup>. Councilman Clementi said he is in receipt of the Kenilworth Court Report for the month of March.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke had nothing to report.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported the grand opening for DiMario Park was held on Sunday, March 18<sup>th</sup> and they had a nice ceremony. She cautioned residents to be careful when driving in front of the park because it is a busy street. The Easter Egg Hunt is scheduled for Saturday at DiMario. Summer camp registration is now open on the web site. As far as fire she said the first responders had 109 calls that were mostly trees down and she said they did a great job.

Mayor Deluca said the Kenilworth Volunteer Fire Department and Rescue Squad works in tandem with our police department.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti reported all the Health Department bills were paid on time and they are working towards arranging the Health Fair in September. The schools lost 4 days with the snow and they will have a ½ day makeup on April 6<sup>th</sup>. 11 students were nominated to the National Honor Society. The school puts out a report once a week with all their events that are going on in the school. He said the Library had to go with the minimum wage that was increased from 8.00 to 8.60 for their part time employees. The Library is working on maintenance of their stairs. Friends of the Library have a fund raiser and are selling tee shirts for \$10.00.

CONSENT AGENDA

Resolutions No. 1 thru 9 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 David moved that all items under the Consent Agenda be approved, seconded by Councilman Ladauti. All in favor.

RESOLUTION NO. 1

BE IT HEREBY RESOLVED: That all bills be paid when properly audited and funds are available.

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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
Fire Prevention	3,000
Legal O/E	5,000
Sewers O/E	4,000
RSVA	200,000
<b>Total</b>	<b>212,000</b>

RESOLUTION NO. 3

**BE IT HEREBY RESOLVED:**

**WHEREAS**, it shall become necessary to expend for some of the purposes specified in the budget appropriation of the respective sums appropriated, and

**WHEREAS**, there is an excess in one or more appropriations over and above the amount deemed necessary to fulfill the purpose of such appropriation, and

**WHEREAS**, N.J.S. 40A:4-58 provides for the transfer of such amounts deemed in excess to appropriation for the amount of which are deemed to be insufficient to fulfill purposes of such appropriation, and

**WHEREAS**, the transfers about to be authorized do not affect any appropriations to which transfers are prohibited under statute,

**NOW, THEREFORE BE IT RESOLVED** that the attached transfers be approved and the Chief Financial Officer is hereby authorized to make the transfers in the 2017 Municipal Budget.

FROM:	
Utilities	\$ 10,000
Police S/W	\$ 42,000
<b>TOTAL</b>	<b>\$ 52,000</b>
TO:	
Engineering – Other Expense	\$ 10,000
Solid Waste	\$ 5,000
Fire Hydrant Service	\$ 10,000
Street Lighting	\$ 7,000
Shade Tree	\$ 10,000
Police O/E	\$ 10,000

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TOTAL:	\$ 52,000
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RESOLUTION NO. 4

**Whereas**, Communications Construction Group has requested there balance due for their escrow monies to refunded to them for police outside duty, and;

**Whereas**, the Finance Department has confirmed that the amount due is correct, and;

**Now, Therefore, Be It Resolved** the Mayor and Council of the Borough of Kenilworth authorizes the Chief Financial Officer to draw payment in the amount of \$175.00 to:

Communications Construction Group  
1060 Andrew Dr. STE 130  
West Chester, PA 07033

RESOLUTION NO. 5

**Whereas**, the following property was issued a demolition permit, and fees were received by the Building Department;

**Whereas**, the homeowner has cancelled the permit;

**Now, Therefore, Be It Resolved** that the Treasurer be and is hereby authorized to draw a warrant to refund the following to:

Amount of \$146.40 be refunded to the homeowner:

Mr. Raffaele Pugliese  
17 North 21<sup>st</sup> Street  
Kenilworth, NJ 07033

For Demolition Permit #18-000061  
41 North 21<sup>st</sup> Street  
Kenilworth, NJ 07033 Block 82, Lot 14

RESOLUTION NO. 6

**WHEREAS**, the Borough of Kenilworth has commenced with a monthly evening court session; and

**WHEREAS**, *Rule 1:33 Administrative Responsibility et seq.* and *Rule 1:34 Supporting Personnel of the Courts et seq.* of the Rules Governing the Courts of the State of New Jersey regulate the operations of the municipal court

**BE IT HEREBY RESOLVED**, that the following rules set forth in this resolution constitute special provisions applicable to evening court personnel and evening court security:

- Administrative Court Personnel Full Time – Court Administrator/Dep. Court Administrator/Violations Clerk – be compensated at a minimum of four (4) hours

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- Court Personnel Part Time - be compensated at a minimum of four (4) hours at the approved hourly rate
- Court Security - be compensated at a minimum of four (4) hours at the approved hourly rate

**BE IT FURTHER RESOLVED**, that this resolution is effective as of February 1, 2018.

**RESOLUTION NO. 7**

**WHEREAS**, the Borough of Kenilworth had employed Robert Fernandez within the Department of Public Works as a laborer effective January 12, 1988, and

**WHEREAS**, a position opened up in the sanitation department and the opportunity was posted and, Robert Fernandez was accepted to the sanitation position as a laborer at forty-eight (48) per week effective July 4, 2016; and

**WHEREAS**, Robert Fernandez has retired effective March 1, 2018; and

**WHEREAS**, the NJ State Public Employee Retirement System (PERS) is requesting clarification on Robert Fernandez's role change.

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

It is acknowledged and agreed to that:

- Robert Fernandez was transferred to the Sanitation Department effective July 4, 2016
- Sanitation Department employees work Monday through Saturday; a forty-eight hour a week schedule
- Mr. Fernandez retired effective March 1, 2018

**RESOLUTION NO. 8**

**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.

**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: Parks Repairs & Improvements

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

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

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**Payment #2**

TOTAL ORIGINAL CONTRACT PRICE	\$90,400.00
Change Order Amount	\$0.00
Total Completed and stored to date:	\$57,664.00
Less 10% Retainage to date	\$5,766.04
Less previous payments	<u>\$21,787.20</u>
<b>Amount Due</b>	<b><u>\$30,110.40</u></b>

*Balance to Finish Including Retainage* *\$38,502.40*

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

**CERTIFICATION OF FUNDS  
APPROPRIATION:**

\_\_\_\_\_  
JOE DEIORIO, TREASURER

RESOLUTION NO. 9

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

**WHEREAS**, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that the Mayor and Council pass a resolution authorizing the award of contracts.

**NOW THEREFORE BE IT RESOLVED**, as follows:

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

**CERTIFICATION OF FUNDS  
APPROPRIATION:  
#8-01-27-785-093**

\_\_\_\_\_  
Joseph DeIorio, Treasurer

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Proposed Ordinance No. 2018-03 was read for a second reading as follows: Copy can be found in 3/14/18 minutes.

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 is a modest gesture to our combat veterans who were wounded in battle. We want them to know that we care about them. He commended the Veterans Committee for working on this project. This will allow for a parking spot for a veteran who is combat wounded, the commanders will oversee the distribution and identify the members which will allow someone who is wounded to park. There will be 5 designated parking spaces throughout the Borough for the combat wounded.

RESOLUTION NO. 10

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**

Was introduced and approved on first reading, at the regular meeting of the Borough Council on March 14, 2018 approved for final passage at the regular meeting of the Borough Council of March 28, 2018 after all persons interested were given an opportunity to be heard concerning said ordinance.

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its final adoption.

Motion was made by Ladauti, seconded by Karlovitch to open the hearing on Ordinance No. 2018-03. All in favor.

Mr. Robert Jeans, 343 Boulevard, Kenilworth, Commander of VFW 2230 – On behalf of the Veteran Center and the veterans of town, he thanked the Mayor and Council for taking the initiative in the last couple of years, one with the naming of the streets of our 13 KIA/MIA veterans and then following up this year with the wounded veterans parking. He applauded the Mayor and Council and thanked them again.

Motion was made by Ladauti, seconded by David to close the hearing on Ordinance No. 2018-03. All in favor.

Mayor Deluca unveiled the parking sign for the combat wounded.

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Proposed Ordinance No. 2018-04 was read for a first reading as follows: (Copy attached)

Mayor Deluca said this amendment to the article increases the fee schedule for registered properties being foreclosed and shall be consistent with the maximum fee schedule permitted under State Law which is being utilized by municipalities.

**ORDINANCE NO. 2018-04**  
**An Ordinance Amending Article V of Chapter 150**  
**Entitled "Property Maintenance"**

**MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH**

RESOLUTION NO. 11

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

**BE IT HEREBY RESOLVED** that the ordinance #2018-04, entitled:

**An Ordinance Amending Article V of Chapter 150**  
**Entitled "Property Maintenance"**

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 April 25, 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.

Proposed Ordinance No. 2018-05 was read for a first reading as follows: (Copy attached)

Ordinance No. 2018-05

**AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 190 VEHICLES AND TRAFFIC BY SPECIFYING TWO ADDITIONAL AREAS IN SCHEDULE I OF ARTICLE VII AS NO PARKING ZONES AND ADDING 190-3.2 ENTITLED "RESTRICTED PARKING FOR FIRST RESPONDERS" TO THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY**

RESOLUTION NO. 12

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

**BE IT HEREBY RESOLVED** that the ordinance #2018-05, entitled:

**An Ordinance  
Creating Parking for Emergency First Responders**

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 April 25, 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.

**PROCLAMATION – Child Abuse Prevention Month – April 2018**

Mayor Deluca read the following proclamation on Child Abuse Prevention.

**Whereas**, children are vital to our state’s future success, prosperity and quality of life as well as being our most vulnerable assets; and

**Whereas**, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development; and

**Whereas**, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

**Whereas**, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

**Whereas**, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

**Therefore**, I do hereby proclaim April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

**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 March, 2018.

Mayor Deluca presented the Proclamation to the Girl Scouts.

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ON WEDNESDAY EVENING, MARCH 28, 2018. MAYOR ANTHONY DELUCA PRESIDED.

MEETING OPEN TO THE PUBLIC

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

No one wished to speak.

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

GENERAL COMMENTS

None

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta  
Deputy Borough Clerk