

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 11, 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 had a moment of silence for the death of the 15 members of the Humbolt Bronco Junior Hockey Team based in Saskatoon. The team's bus collided with a semi-truck on route to game 3 of the semifinals.

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 Councilwoman Karlovitch, seconded by Councilwoman Ceceri and carried that the minutes of the Regular Council Meeting, Work Session and Executive Session of March 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)

March Department Reports: Clerk's Office, Court, Finance Dept., Fire Dept., Planning & Zoning, Police Dept. and Public Works Dept.

It was moved by Councilman Ladauti, seconded by Councilman Clementi 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 Historical Society is hosting an afternoon tea with America's First Ladies on Saturday, April 28th, call 908-709-0434 for reservations. Various Kenilworth and Roselle Park employees are participating in the Tri Boro 5K Event to support the USO on May 5th at Hernshaw Field, Roselle Park. It is not too late to register and for more information go to www.usony.org/nj5k . Kenilworth PBA, Local 135 is hosting their annual Silver Card Wine Tasting on Friday, May 4th at 7PM at the VFW. This year's honorees are Officer Ryan Kernan, Detective Ed Paster of the Kenilworth Police Department, tickets are \$35.00. Kenilworth is going to have a Farmers Market this year and it will be every from 11AM to 5PM every Tuesday starting on June 19th and ending on November 15th 5PM and will be located across the street from the VFW, 33 South 21st Street, Kenilworth. The Mayor thanked Darlene Candarella for getting this all together and hopefully it will bring people to town. The Mayor gave kudos to 3 postal workers who were honored for walking over a million miles in 33 years. The honorees were Pat Crown, Joe Crown and Billy Cooper. The US Postal Service is going to have a Stamp Out Hunger national food drive on May 12th. They are asking residents to leave non-perishable foods by mailbox and the local carrier will pick them up. They have been doing this for the last 14 years and last year they collected over 75.3 lbs. of food from local communities across the country.

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The Mayor said a letter will be coming to explain the recent issues with RVSA, Councilwoman Karlovitch will be explaining in the Finance Report. It is a significant hit on the town, we were not prepared for this.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch reported the Finance Committee has completed its meetings with Departments regarding their municipal budget requests. Our initial budget increase started at \$174.00 based on an average assessed home of \$180,948.00. There is a significant increase of 28.46% from Rahway Valley Sewerage Authority following a 24.23% increase the prior year, combined increase of 59% in two years. After budget expense reductions, the amount was reduced \$69.31 for the average residential property taxpayer. Without the RVSA increase, the municipal portion of the property tax would have been an average of \$24.70 or a 1% increase. After tonight's introduction, the public hearing on the municipal budget and final adoption is scheduled for May 9, 2018 at 7:30 PM. We encourage the public to attend, additionally a copy of the introduced budget will be made available on line on the Borough's web site www.kenilworthborough.com. There continues to be a high volume of the New Jersey State Property Tax Reimbursement requests, also known as Senior Tax Freeze forms processed. Since March 1, 2018 the Finance Department has processed 166 forms. Just a reminder, the Senior Property Tax Freeze Program does not freeze your taxes, it is a reimbursement program from the State that residents apply for and once submitted, the State determines your base year of your property taxes and they will then 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. Today is National Pet Day, an unofficial holiday that encourages us to pay our pet some special attention. National Pet Day is a great day to do something for a pet you love or to help one of the many abandoned pets in animal shelters around the world. Pets are an important part of our lives and do so much for us on a daily basis and bring so much joy into our homes.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported today was bulk pickup for the north side of town..... he drove a lot of streets and it appears everything was picked up and the guys did a great job. The south side of town will be picked up next week on April 18th. Residents need to know that they do not pick-up electronic waste, TV, computers and things like that, you would need to bring those items to the DPW. Now that the weather is getting nice, the DPW is going to be sending out blacktop crews to fill potholes. Brush pick-up started this month and that continues through September and will be twice a month, the dates are in the Information Guide.

PUBLIC SAFETY

Councilman Clementi said he is in receipt of Chief Zimmerman's March report, there were 2,479 calls for service and 274 911 calls and 311 traffic summonses issued. The LEAD Program which is THE law Enforcement Against Drugs Program, formerly the DARE Program, graduations will be held on Tuesday, April 24, 2018, St. Theresa's School at 8:30AM and Harding School at 2PM and Mayor and Council are invited and encouraged to attend. The Kenilworth Police Department will be conducting training at the David Brearley High School from 5PM to 9PM on April 18th. This past week our Borough Engineer, Borough Clerk and Chief Zimmerman met with the Union County Traffic Engineering to discuss a traffic

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signal at South Michigan Avenue and Quinton Avenue for pedestrian traffic to and from Dimario Park. After discussion and review of the data collected from traffic studies at that location, the Union County traffic engineers were in favor of installing a pedestrian crossing signal. The cost of the signal will be approximately \$100,000.00 to complete and will be funded entirely by Union County Traffic Engineering and final approval from the County Manager and Board of Chosen Freeholders. This traffic signal is currently operating in front of Lord & Taylor on North Avenue in Westfield. Additionally Kenilworth would need to make Quinton Avenue a no left turn onto South Michigan Avenue by ordinance for the Hawk signal to be installed. The Kenilworth Police Department assisted the Kenilworth Little League and Recreation Department with their parade down Monroe Avenue this past Saturday, April 7th. Two Kenilworth Police Officers, Sgt. Michael Scanielo and Patrolman Ryan Kernan received the 2018 Valor Award which is very prestigious and very hard to achieve. They are having a luncheon for them at Shakamackson Country Club in Scotch Plains on Friday May 11, 2018 from 11:30 AM to 2PM. Councilman Clementi congratulated both officers. On Saturday, April 28, 2018 the Police Department will be participating in the Drug Enforcement Administration of Operation Take Back 2018, between the hours of 10AM and 2PM anyone can drop off prescriptions, over the counter medications and any drugs to the Kenilworth Police Department's main desk for destruction.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke said a family member had an accident last week on Michigan Avenue and he thanked the police department, the fire department and EMS who were on the scene immediately. The high level of professionalism that our first responders display is second to none and he said he is honored to be part of this town. He received and reviewed the Construction Report and Zoning Report for last month. He recently met with the Zoning Officer in regards to foreclosed property fines that we have straightened out. Tomorrow he has a meeting with the Planning Board Chairman, the Zoning Officer and members of his committee to try to adjust the change of use ordinance to make change of use requests a little more business friendly. The Planning and Zoning Board will be meeting tomorrow and there is one application and one resolution on the agenda.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported the Fire Department had 181 calls and the rescue squad had 75 calls in the month of March. Fifteen members completed their 8 hours of bailout training and tonight is the appointment of Timothy Howarth as a Probationary EMT this evening. The first recreation softball game will be April 17th. Summer Camp registration is now open on the web site and flyers will be sent to schools and a posting will be on Facebook.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti reported the budget for the school is due by the end of the month, they are just about complete and are waiting for a couple of more entries on the GL. One set is done and will be presented to the public and he thinks that is in April. The school will have a new schedule in September and that will make it easier on the parents and students getting to school when it is still dark. The Library still does not have a director and they are exploring shared services.

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CONSENT AGENDA

Mayor Deluca congratulated Timothy Howarth as our newest EMT and welcomed him aboard.

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.

Councilwoman Ceceri 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.

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

BE IT HEREBY RESOLVED that the appropriations below are amended to the forgoing amounts attached and a certified copy of this resolution be transmitted to the Municipal Finance Officer for his records.

RESOLUTION NO. 3

Whereas, the Borough of Kenilworth is desirous procure the professional services from Arbor Consulting Group for the purposes of identifying and inventorying Borough Trees;

Whereas, on December 18, 2017, Arbor Consulting group met and presented a written proposal for this service to Borough Officials and;

Whereas, the Borough was in agreement that this service was needed, and;

WHEREAS, the purchasing agent has determined and certified in writing that the value of said services will exceed \$17,500.00; and

WHEREAS, the **Arbor Consulting Group, 1121 Springfield Road, Union NJ 07083** is a Firm that specializes in **Tree Inventory and Maintenance Software**, and has submitted a proposal indicating they will provide the professional services as indicated on attached proposal; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40 A: 11 – 1, et seq.) requires that the Resolution authorizing the award of contract for Professional Services without competitive bidding and the contract itself must be available for public inspection.

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

1. That the Mayor and Clerk are hereby reaffirmed, authorized and directed to execute a Non-Fair and Open Agreement pursuant to N.J.S.A. 19:44A – 20.5 with **Arbor Consulting Group, 1121 Springfield Road, Union NJ 07083** for Professional Services for Tree Maintenance and Inventory Software for the Borough of Kenilworth in an amount not to exceed **\$22,000.00**, for specified services.

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2. That this Professional Services Agreement is awarded without competitive bidding in accordance with NJSA 40 A: 11 – 5 (1)(a) of the Local Public Contracts Law because said services to be rendered or performed require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction distinguished from general academic instruction or apprenticeship and training.
3. That a notice of this action shall be printed once in accordance with law.

AND BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized award such agreement through the issuance of a purchase to said vendor in compliance with the law.

CERTIFICATION OF FUNDS

7-01-26-776-122

Joseph Delorio, CMFO

RESOLUTION NO. 4

WHEREAS, the safety and security of the citizens of the Borough of Kenilworth and surrounding areas are vitally important; and

WHEREAS, a large percentage of our citizens regularly drive or ride in motor vehicles on our roadways; and

WHEREAS, the use of seat belts in passenger vehicles saved an estimated 14,668 lives in 2016; and

WHEREAS, regular seat belt use is the single most effective way to reduce fatalities in motor vehicle crashes;

WHEREAS, the use of seat belts is supported by the laws of the State of New Jersey;

WHEREAS, May 14 through June 3, 2018, has been selected as the national *Click It or Ticket* mobilization enforcement period;

WHEREAS, across the country law enforcement officers will actively be participating in the mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes; and

WHEREAS, increased enforcement of seat belt laws coupled with publicity has proven to be an effective method to increase seat belt use rates and decrease fatal crashes;

NOW, THEREFORE, BE IT RESOLVED, that May 14 through June 3, 2018, is *Click It or Ticket* Mobilization in the Borough of Kenilworth, County of Union, State of New Jersey, and urge all citizens to always wear seat belts when driving or riding on our roadways.

RESOLUTION NO. 5

BE IT RESOLVED, that **Timothy J. Howarth** be appointed as Probationary Fire Fighter/EMT on the Kenilworth Fire Department.

BE IT FURTHER RESOLVED that this appointment is contingent upon successful completion of medical release, criminal and background checks.

RESOLUTION NO. 6

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WHEREAS, a position opened up in the sanitation department and the opportunity was posted and the Public Works Superintendent recommended, Patrik DeOliveira for the sanitation position as a laborer at forty-eight (48) per week effective March 26, 2018; and

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

It is acknowledged and agreed to that:

- Patrik DeOliveira was transferred to the Sanitation Department effective March 26, 2018, at his current rate of \$16.98 per hour
- Sanitation Department employees work Monday through Saturday; a forty-eight hour a week schedule

RESOLUTION NO. 7

BE IT RESOLVED, that the following individuals be appointed temporary part-time seasonal employees at the Department of Public Works at \$12.00 per hour paid through the Clean Communities Grant, effective April 16, 2018:

Frank Di Fabio
243 N. 13th St.
Kenilworth, NJ 07033

Vincent Senica
102B South 23rd St.
Kenilworth, NJ 07033

, and

BE IT FURTHER RESOLVED, that these appointments are contingent upon successful completion of criminal and background checks.

RESOLUTION NO. 8

BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that the following individuals be engaged as Kenilworth Recreation 2018 Softball Umpires at a rate of \$50 (fifty dollars) per game:

KENILWORTH REC - 2018 SPRING SOFTBALL - UMPIRE LIST

John Primavera 37 South 17th Street Kenilworth, NJ 07033	Anthony Primavera 37 South 17th St Kenilworth, NJ 07033	Joe Primavera 37 South 17th Street Kenilworth, NJ 07033	Mike Palmadessa 18 Commonwealth Road Kenilworth, NJ 07033
Agelo Maltese 1141 Erhardt Street Union, NJ 07083	Nick DiPetrillo 1246 Wildwood Terrace Union, NJ 07083	Jerry Kirshenbaum 10 Bryan Lane Fanwood, NJ 07203	Greg Czajkowski 34 East Munsell Avenue Linden, NJ 07036
Lew Satulsky 1120 Sylvan Lane Mountainside, NJ 07092	Chris Parkhill 221 Faitoute Avenue Kenilworth, NJ 07033	Joe Iscaro 29 North 12th Street Kenilworth, NJ 07033	

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Proposed Ordinance No. 2018-06 was read for a first reading as follows: (Copy attached)

ORDINANCE NO. 2018-06
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Mayor Deluca said we do this every year, if we spend less than the State permits us to spend, the Ordinance allows us to bank the difference for 3 years for a rainy day. For example, the RVSA increase, if we were unable to offset the increase we would be able to utilize the Cap Bank, fortunately for us it was addressed in our proposed municipal budget, thanks to the CFO and the Finance Committee who did an outstanding job.

RESOLUTION NO. 9

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

BE IT HEREBY RESOLVED that the ordinance #2018-06 entitled:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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 May 9, 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.

INTRODUCTION OF 2018 PROPOSED BUDGET

Mayor Deluca said this is the introduction of the 2018 Proposed Budget, the public hearing and second reading will be in May 9, 2018 at 8PM. The municipal budget represents an increase of \$69.31 for the averaged assessed residential home.

RESOLUTION NO. 10

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

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2018.

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BE IT FURTHER RESOLVED that said budget be published in the Local Source in the issue of April 19, 2018.

The Governing body of the Borough of Kenilworth does hereby approve the following as the Budget for the year 2018. The public hearing and second reading will be on May 9, 2018.

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.

Patricia Fugett – A town resident who said the town is having an issue with solicitors. She said in her area in the last 6 months there have been 3 issues where the police had to be called in because of the solicitors. She said the permits are given out too freely and what she means by that is when the officers come they find permits are expired, they do not have proper identification or they find they have not even applied for a permit. The first incident was that she was on her yard and the next thing she knew there were two people inside her garage, inside walking right through the garage and would not leave. She said she finally got them to leave, called the police and they found them around the corner. The second incident, at 8PM at night she had two walking around the neighborhood, they went to her neighbor who is a widow and they were banging on her door, she opened her door and was frightened and when she went to close her door they put their foot in the doorway so she couldn't close the door, she screamed and we went over and called the police and the police got them. The most recent issue occurred with 4 different houses just in the area, they bang on the door, they peek into the window and they went into the back yard of one of the homes banging on the back door, frightening the two women who were alone in the house at the time.....police were called, 4 officers came, the police department has been very accommodating with these issues. The other issue happened at 8 at night when two solicitors came to sell solar panels....who talks to someone about solar panels at 8 o'clock at night in the winter.....you usually bring people outside and explain the angle of the sun and things that are going on, you do not bang on someone's door at 8 at night. You do not walk in someone's back yard. Another woman was sitting on her deck and two men came into her backyard and sat down, she told them to leave and they refused, she screamed and her husband came out. She said permits are being given out too freely. She said we have to do something before something happens. She said there are petitions on line. She asked the Council to look into this.

Mayor Deluca said we do take it seriously, we have an existing ordinance on line and from what he gathers you are telling me it is either not followed or there is something amiss. We are going to refer this to the Chief and he asked Councilman Clementi to sit down with the Chief and talk about the enforcement process. We have a registration process and a comprehensive ordinance regarding solicitation and peddling. He said what you described is trespassing. Councilman David said yes when you tell someone to leave and they don't leave then yes it is trespassing. The Mayor said this is borderline arrest offense. Councilman David said there has always been a lot of solicitors, they come to his house, he said they are looking to tweak the solicitation ordinance we have now, we can't legally keep certain groups of people from soliciting to your house. We can change the times, we are looking into all of this and we are going to pass this on to the police chief. He said he is against solicitation coming into town but he does not know if legally it can be done because everyone has supreme court rights. He said certain groups are protected and you can't stop them, we can do time and we can do hours on the weekends. We are definitely looking into that.....we hear you. He said he knows about the

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facebook petition. He said if someone comes on your property and you tell them to leave and they don't leave, you call the cops and when the police officers come tell them that you told this guy to leave and he wouldn't then they should lock him up. He said part of the issue is that certain people are not getting summonses, it's like they just tell them to get out of here, you are not allowed to do this go away, they have to start fining people so they get the hint and they won't come back.

Joseph Grimaldi, 34 North 14th Street – Mr. Grimaldi said our Governor Murphy campaigned on making New Jersey a sanctuary state just like California which is wrong. If he starts doing maneuvers to start implementing sanctuary cities policies what is our Mayor and Council going to do ...are we going to fight against his implementation of the sanctuary cities policies like California? Mayor Deluca said he can give his opinion, he does not believe in sanctuary states, however he governs at the behest of the people, if the people say we don't want it then he will accommodate the people, within legal frameworks of what we can and can't do, I don't think we will be bearing arms and building a stockade. He said again he governs upon what the people say. Mr. Grimaldi said he is not against legal immigration, his grandparents are legal immigrants who came through Ellis Island. He asked why don't we have an Ellis Island for the boarder and why do politicians on both sides of the isle decide if they don't like a law they ignore it and if they like a law they pay attention to it. He said the politicians swear an oath to uphold and defend the constitution and if they don't they should get thrown out.

Carmine Bucco, 338 North 18th Street – Mr. Bucco said he is the one who started the petition and what we miss at times is that there are senior citizens at home during the day and to have these solicitors come during the day.....they should be arrested and unfortunately that is not happening. He said it only takes 10 seconds to break into a house and these senior citizens have no defense. He said he knows there are other towns that do have a no soliciting ordinance. Mayor Deluca said we have a very comprehensive no soliciting ordinance. Mr. Bucco said he looked at that ordinance and it looks like a lot of red tape. Mayor Deluca said he has looked at other no soliciting ordinances and ours is pretty good....but there is always room for improvement. Mr. Bucco said they come to his house and he asks nicely 3 times and after the 3rd time..... Mayor Deluca said the last thing residents want is when you are at home eating dinner and someone is banging at your door it's intrusive, especially if you are an elderly person or home alone and it's 9 at night and someone is banging at your door. Mr. Bucco said you are talking about the budget and he knows there are some business people up here, he is a business man, very frugal in how we spend our money because we never know when there is going to be a rainy day. He saw something on line and maybe these are temporary numbers but you have Recreation salaries and wages in an increase of \$10,000.00, you have Recreation other expenses for another additional \$10,000.00, you have payroll expenses, emergency management and recycling another additional \$20,000.....is that an additional \$20,000 on the \$425,000 already paying these people? Mayor Deluca said he would have to refer to our CFO for a rebuttal to that, he can probably clarify that for you. Mr. Bucco said with safety issues he would feel much better paying extra taxes to the police and fire before he pay taxes to something that not everyone in town uses. Mr. Bucco said the concern is that are we spending money in the right places?? He does not want to look at the budget because people are asking me questions, he does not want to look at the budget and say the Council is not doing their job. There are 3 or 4 businessmen up here and he is sure you guys are looking at this budget.....\$60 to an elderly person is a week's worth of food....to him it's not a big deal because he is young. Mayor Deluca said any amount is a big deal to everyone.....he can assure you that we have one of the best CFO's in the business and a great Finance Committee.....a lot of your questions should be referred to our CFO for you to get the proper answer instead of a canned answer....he does not want to give you the wrong answer.....our CFO is more well versedand while he can find it for you.....it would probably be better to go right to the source and get a proper answer.

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Councilman Clementi said his 3 minutes are upwe kept the last 3 people to 3 minutes and Mr. Bucco should do the same.

Mr. Bucco said I know you guys don't like me and said he has one last question, this has been going on for 5 years.....his driveway gets flooded.....Mayor Deluca said he went there the other day.....he will show you pictures.....he spoke about it with Tony Gallerano.....it involves the way the road crown goes and the fixable solution is going to involve some type of raising and lowering, now if the street gets done it can be fixed easily.....he doesn't know about a slope patch where we add blacktop grading. Mr. Bucco said it's going on 5 years. Mr. Bucco said he gets that the whole street has to get done and asked if there was anything to be done about the County roads.....do we just not pay the County taxes because Springfield Avenue and other roads have potholes all over the place. Councilman Schielke said they were out there today patching holes near the ACME.

Motion was made by Councilman Ladauti, seconded by Councilwoman Ceceri 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 Schielke, seconded by Councilman 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