

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. 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, Peter Corvelli, Mark David and Gerry Ladauti and Nick Mascaro. Larry Clementi was absent.

MINUTES

It was moved by Councilman Ladauti, seconded by Councilman Mascaro and carried that the minutes of the Regular Council Meeting and Work Session of March 22, 2017 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices
- State of NJ – DOT Property Lease Request – Block 177 Lot 2 and Block 128 Lot 3
- County of Union; Community Development Block Grant Preliminary Award Notifications; Social Services \$12,000, Handyman \$2,000, ADA Curb Ramp Rehabilitation \$20,000.
- KFD – Chiefs Recommendations
- Blackthron Request for consideration Liq. License #2008-33-006-007 Item #2
- Extel Communication – Change Order

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

It was moved by Councilman David, 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

The Kenilworth Historical Society is hosting an afternoon tea on Saturday, April 22<sup>nd</sup> at noon with tea sandwiches, scones and desserts. There will also be a presentation and a gift auction, for more information and tickets call 908-709-0434 or 709-0391. David Brearley Athletic Club is hosting a Designer Pocketbook Bingo on Saturday, April 22<sup>nd</sup> at the VFW. The first game starts promptly at 7:30 PM, doors open at 6:00 PM, for tickets or more information call 908-868-6587. David Brearley Class of 2018 is hosting a "Gravy, not Sauce" Pasta Dinner on Friday, May 5<sup>th</sup> at 5 PM at the VFW, for reservations call 908-447-9421. The Kenilworth Silver Card Association presents Casino Night at the VFW on Saturday, May 6<sup>th</sup> from 5-9 PM. A portion of the proceeds will benefit St. Theresa's Food Pantry, for tickets call 908-419-6363 or get them at the Clerk's Office.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

PRESENTATION

Police Chief Zimmerman said Officer Kaverick and Officer Fuschino were nominated by Sgt. Giacalone for a Citation Bar in recognition for their actions. On February 23, 2017 at 9:50 PM both Patrolman Kaverick and Patrolman Fuschino responded to a medical call on North 23<sup>rd</sup> Street for a resident who was unresponsive and not breathing. They immediately started CPR and connected the defibrillator to the patient. They delivered several shocks delivered by the ADD and continued CPR until the first aid squad and paramedics arrived on scene and took over. The patient was transported to the hospital and on the following day the officers called the hospital to check on the patient's status and were told the patient was in Intensive Care but was still alive. The Chief said they are both going to get the CPR Life saving award to wear with their badge. Chief Zimmerman congratulated each officer and presented each officer with a Certificate. He said he initiated a program with the Police Department with challenge points and Officer Kaverick has already received challenge points because he does an outstanding job, but Officer Fuschino has not and the Chief gave one to Officer Fuschino for going above and beyond.

The Chief said that the Police Department was re-accredited by the New Jersey State Police back on March 9, 2017, this was a 3 year process which began 4 years ago and Sgt. Scaniello was the accreditation manager. He said it takes a lot of work and dedication to be accredited and there are a lot of good benefits to being accredited, financially to the town with insurance but most importantly is doing things as a unit. He said he is extremely proud to be re-accredited and he presented a plaque to the Mayor and the Police Commissioner.

Mayor Deluca said he is proud of our Police Department and Councilman Corvelli congratulated the Police Department.

REPORT OF COMMITTEES

Mayor Deluca reminded everyone that April 18, 2017 is tax day. He said he thinks that the last 2 weeks for recycling have been better than the other weeks and there have been minimal complaints. He said initially the tonnage that we estimated for Jersey Landscape was about 30 to 40 tons and the actual number from the past few pick-ups have been about 40% higher. He said what that tells him is that probably the estimate that we got last year was not an actual number. He said when you hear that something is 40% higher as a businessman or someone that is picking up the garbage, that may have tilted your estimate somewhat and made it harder to do pickups. He said he thinks the south side went well and last week north side went extremely well. He said hopefully it will get better and we will deal with things as they come. Grass and brush are going to be picked up by the DPW starting tomorrow. Mayor Deluca said down in the spaghetti streets down by Columbia and Tulip, Elizabethtown Gas will be doing an upgrade to their pipes and they will probably be coming around to your door in that area. They are going to upgrade their gas pipes to high pressure pipes which will be an increase in service. The Mayor said the Street Fair is going to be May 21<sup>st</sup> this year and will also have a car show. Mayor Deluca wished Borough Clerk, Laura Reinertsen a happy anniversary.

FINANCE DEPARTMENT

Councilman Mascaro gave everyone a heads up that Homestead Rebates have been applied to tax payer's accounts and revised bills were mailed. Curbing assessment bills will go out next week for the last installment of the CRB27 and the second installment of the CRB28 projects for those homeowners

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD  
ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

that had the Belgium blocks and the curbs re-done in front of their houses. Property tax bills are due May 1<sup>st</sup>. Residents are encouraged to attend and participate in the public hearing for the budget on April 26, 2017 at 8:00. The budget document is available for review in the Clerk's office, the public library and on the Borough's web site and the Community access channel. The on-line auction that we have been promoting for some items that we had is completed, we sold all of the items, 5 vehicles, 32 chairs and the mobile command center and we took in almost \$3000 in profits.

DEPARTMENT OF PUBLIC WORKS

Councilman David said the DPW will be filling potholes, weather permitting and they will also begin painting the cross walks and the stop bars. Since the Borough received no bids for grass pick-up, the DPW will be handling that chore as of right now. They will pick-up grass and brush on April 10<sup>th</sup> and 24<sup>th</sup> until we figure out what we are going to do as far as grass pick-up. This will hamper other duties that they perform. General Household cleanup will be April 19<sup>th</sup> for the north side and April 26<sup>th</sup> for the south side.

PUBLIC SAFETY

Councilman Corvelli reiterated congratulations to the Chief and the guys for their re-accreditation as well as Patrolman Kaverick and Fuschino for their good work. He said these days we don't hear too many feel good stories about police and all our guys are out there helping. He said we are very close to contract, he is anticipating another meeting or two.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Clementi was absent. Mayor Deluca said the Planning Board has a meeting tomorrow night.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman said everything with fire is all good. The Little League parade was April 8<sup>th</sup> and it went well. The Easter Egg Hunt was moved from April 8<sup>th</sup> to April 9<sup>th</sup> because the field was muddy and they had a very good turnout. Summer Camp registration is now open and there will be a cup cake contest on April 23<sup>rd</sup>.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Laudati said the budget numbers for the school looks like they are heading down to under 2% and that is good news. The superintendent has been looking at programs for the school and everyone is pretty excited about the course the school is taking, he thinks it will be great for the kids and it's about time it happened. He said he has a meeting with the Board of Health in a couple of weeks. The Library is working well on its own, it has its own budget and is doing well. He said the senior citizens are doing well. He said when you see a fundraiser for any of our organizations, especially the school, he asked everyone to please participate because they are a lot of fun, you can win prizes and it is a good way to meet people in the town.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

CONSENT AGENDA

Resolutions No. 1 thru 16 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 Corvelli moved that all items under the Consent Agenda be approved, seconded by Councilman David. 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

**BE IT HEREBY RESOLVED:**

**WHEREAS**, N.J.S. 40A:4-19 of the Local Budget Act provides that (where any contracts, commitments or payments are to be made prior to the final adoption of the Budget), temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided; and

**WHEREAS**, Resolution #5 was approved on January 2, 2017 for the 2017 Temporary Budget and amended on January 25, 2017 Resolution #2; February 8 Resolution #4; March 8, 2017

**WHEREAS**, the date of the first resolution was within the first thirty days of January 2017; and

**WHEREAS**, the total temporary budget attached does not in amount exceed 26.25% of the total appropriations in the 2016 Budget (exclusive of any appropriations made for Debt Service, Capital Improvement Fund and Public Assistance (Relief));

**NOW THEREFORE BE IT RESOLVED**, that the appropriations below be amended and a certified copy of this resolution be transmitted to the Municipal Finance Officer for his records.

<b>Account</b>	<b>Amount</b>
Legal – Other Expenses	\$ 7,000.00
Finance – Other Expenses	\$ 10,000.00
Sewers – Other Expenses	\$ 4,000.00
Animal Control – Other Expenses	\$ 8,000.00
Recreation – Other Expenses	\$ 7,000.00
Payroll – Other Expenses	\$ 2,000.00
Health Insurance– Other Expenses	\$ 400,000.00
Buildings and Grounds – Other Expenses	\$ 2,000.00
Fire Department – Other Expenses	\$ 5,000.00
Senior Citizens – Other Expenses	\$ 5,000.00
Police Department	\$ 5,000.00
Total this amendment	\$ 455,000.00
<b>Total Appropriations for the 2017 Temporary Budget</b>	<b>\$ 5,436,297.00</b>

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

RESOLUTION NO.3

**WHEREAS**, the Borough of Kenilworth (hereinafter referred to as the “Employer”) by Resolution 13 previously adopted on April 26, 1995 the Deferred Compensation Plan (hereinafter referred to as the “Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

**WHEREAS**, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code (the “Code”) and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the “Acts and Regulations”);

**WHEREAS**, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations;

**WHEREAS**, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

**WHEREAS**, such revised Plan shall supersede the previously adopted Plan;

**NOW, THEREFORE BE IT RESOLVED** that the Employer hereby adopts a revised Plan 82-PD-Lincoln-050812.

**BE IT FURTHER RESOLVED** that The Lincoln National Life Insurance Company and Lincoln Financial Group, it’s agent, has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

**BE IT FURTHER RESOLVED** that the Lincoln National Life Insurance Company and Lincoln Financial Group it’s agent, will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

**BE IT FURTHER RESOLVED** that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, it’s agent, in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, (12-SA-Lincoln-072595) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is authorized to serve as the “Administrator” of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

**BE IT FURTHER RESOLVED** by the Employer that the Clerk forward a certified true copy of this resolution to the Chief Financial Officer; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

RESOLUTION NO. 4

**Whereas**, the Borough of Kenilworth Police Department has been awarded several grants and provided funds to protect the safety of the residents of the community; and,

**Whereas**, in order to accomplish the goals and requirements of said grants and fund programs, the Police Department has recommended the following rates of pay for police officers for the following programs under the terms and conditions of each programs:

U Drive, U Text, U Pay – Distractive Driving Crackdown	\$55/hour
Click it or Ticket Grant	\$55/hour
Driving While Intoxicated (DWI) Fund program	\$50/hour to \$75/hour

**Now, Therefore, Be It Resolved**, the Governing Body of the Borough of Kenilworth authorizes the Chief Financial Officer to issue payments against said programs under the stated payroll rates.

**Be It Further Resolved**, that this resolution supersedes any previous resolutions regarding pay rates for the stated programs.

RESOLUTION NO. 5

**WHEREAS**, the Borough of Kenilworth has awarded a contract to EXTEL COMMUNICATIONS to provide and install new servers, telephones per State Contract T13416-80801 by resolution #9 at the Council meeting of January 25, 2017; and

**WHEREAS**, changes to the original proposal were identified after site audit(s) were complete.

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Kenilworth approves the changes as follows:

<b>ADD:</b>		<b>ADD:</b>	
Additional Telephones and equipment (including Fire Department)	\$4,153.00	Connect Town Hall with outdoor aerial cable to Detective Building	(No Charge)
<u>Original proposed phone count: 38 Phones</u>		Connect Town Hall with outdoor aerial cable to Health Building	(No Charge)
20 – 12 buttons		Lightning protection and termination equipment	(No Charge)
9 – 24 buttons			
9 – 6 buttons		<b>DELETE:</b>	
2 – 60 button consoles		NEC SV9100 phone system for Healthcare Building	CREDIT <u>-\$2,965.00</u>
<u>New Configuration: 56 total phones</u>			
2 – 32 button (for PD dispatch)		<b>Total Balance:</b>	<b>\$1,188.00</b>
4 – 24 button (2 for Boro Hall)			
22 – 12 button (Boro Hall/PD)		<u>Payment Terms: Payment on completion</u>	
28 – 6 button (Rec/Health, DPW, Fire and a few in PD/Town hall)			

<b>CERTIFICATION OF FUNDS</b>	
<b>APPROPRIATION:</b>	
7-01-31-430-000	\$
C-04-55-162-102	\$
C-04-55-154-102	\$

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

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JOSEPH DEIORIO, TREASURER

RESOLUTION NO. 6

**WHEREAS**, the Borough of Kenilworth is in need for payroll services, and;

**WHEREAS**, Casa Payroll Services has provided for these services in the past, and;

**WHEREAS**, the Mayor and Council of the Borough of Kenilworth desires to continue payroll services with Casa Payroll Services for the year 2017; and

**WHEREAS**, on March 23, 2010, the Affordable Care Act was signed into law, and;

**WHEREAS**, employers with fifty (50) or more employees are required to report to the federal government on health coverage they provide as well as ongoing tracking to maintain compliance, and;

**WHEREAS**, CASA Payroll Services, our current payroll service provider, offers tracking and reporting of the required data to comply with the law.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Kenilworth that it does hereby authorize Casa Payroll Services for payroll services and ACA reporting services and HR Administration and compliance under the provisions of Federal and State laws for the year 2017.

RESOLUTION NO. 7

**WHEREAS**, the Borough of Kenilworth is in need for part-time assistance in the municipal court office, and;

**WHEREAS**, Elizabeth Gavigan has provided for these services as a vendor for court days and,

**WHEREAS**, under the advisement and recommendation of the municipal auditor and chief financial officer, Elizabeth Gavigan will be an employee of the borough; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Kenilworth that it does hereby appoint Elizabeth Gavigan 410 Hagel Avenue, Linden NJ 07036 at the rate of \$20/hour for the purposes of part-time court assistance on an as needed based and court days, based on the availability of funds.

RESOLUTION NO. 8

**Purpose of the Resolution:** To reject the sole bidder for grass collection for the years 2017, 2018 and 2019 based upon the unresponsive documents submitted in response to the Borough's solicitation.

**WHEREAS**, the Borough of Kenilworth, solicited by competitive bidding, a vendor to engage in grass collection for a three (3) year period; and

**WHEREAS**, the grass collection and disposal services were bid a second time (April 6, 2017) and no bids were submitted.

**NOW THEREFORE BE IT RESOLVED**, that the Borough reserves the right to solicit and negotiate with

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

vendors for grass collection as the Borough may deem in its best interest.

RESOLUTION NO. 9

**A RESOLUTION TO AUTHORIZE MAYOR TO EXECUTE DEED FOR LOT 28, BLOCK 134**

**PURPOSE OF THE RESOLUTION: To authorize the Mayor to execute a Deed of conveyance of Lot 28, Block 134 to the adjacent property owner of Lot 1, Block 134.**

**WHEREAS**, on January 11, 2017 in resolution number 14, the Mayor and Council of the Borough of Kenilworth authorized the sale of Lot 28, Block 134 to the adjacent property owners; and

**WHEREAS**, on March 18, 2017, notice of the sale of the surplus property was provided to the four (4) adjacent property owners of the unimproved and without structure thereon of the property; and

**WHEREAS**, the only party providing an affirmative response to the offer of sale was Eileen Meade of Lot 1, Block 134 with the required \$150.00 deposit.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH ON THIS 12<sup>th</sup> DAY OF APRIL, 2017 AS FOLLOWS:**

1. Upon receipt of an additional \$600.00 from the owner of Lot 1, Block 134, the Borough Attorney is authorized to prepare a Quitclaim Deed transferring ownership; and
2. The Mayor is authorized to execute in the name of the Borough of Kenilworth said Deed and relay the documents; and
3. The tax assessor shall merge Lot 28 and Lot 1 of Block 134 upon the recording of the Quitclaim Deed.

RESOLUTION NO. 10

**A RESOLUTION TO ADVERTISE AND SELL LOT 18 BLOCK 96 & LOT 12 BLOCK 100**

**PURPOSE OF THE RESOLUTION: To provide for the sale of a parcel of Borough property that is less than the minimum size required for development and without any capital improvement thereon.**

**Whereas**, the borough is the owner of lot 18 block 96, a pie shaped parcel with only a few feet frontage on Locust Drive for which the borough has no practical use for said property which is less than a buildable lot; and

**Whereas**, the borough is the owner of lot 12 block 10, a pie shaped parcel with only a few feet frontage on Locust Drive and Arbor Street for which the borough has no practical use for said property which is less than a buildable lot; and

**Whereas**, the borough will sell said property at an open public auction; and

**Whereas**, the borough attorney has determined that pursuant to N.J.S.A 40a:12-13(a)(5) the sale can be limited to an auction of only the adjacent property owners and thus, avoid the necessity of incurring the cost of publishing notice of the auction to sell the property.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH ON THIS 12TH DAY OF APRIL, 2017 AS FOLLOWS:**



REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

1. This is to ratify that the Borough Attorney's written notice by certified mail on March 25, 2017 for sale the real property known as lot 18, block 96 and lot 12, block 100 by public auction to the adjacent land holders is approved with the minimum bid of \$750.00; and
2. The Deed(s) of Sale shall be a quiet claim deed with the reservation for existing easements of record.

RESOLUTION NO. 11

**WHEREAS**, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License #2008-33-008-007, heretofore issued to **PPANDD, LLC** for premises located at 1 North 21<sup>st</sup> Street, Kenilworth, New Jersey; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Kenilworth does hereby approve, effective April 12, 2017, the transfer of the aforesaid Plenary Retail Consumption License to **KENILWORTH BAR, LLC** and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows:

***"This license, subject to all its terms and conditions, is hereby transferred to KENILWORTH BAR, LLC, 1 North 21<sup>st</sup> Street, Kenilworth, NJ, effective April 12, 2017."***

RESOLUTION NO. 12

**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 12,802 lives in 2014; 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 23 through June 5, 2017, 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

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

**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 23 through June 5, 2017, 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. 13

**BE IT RESOLVED**, that Police Officer **RAYMOND FUSCHINO, JR.**, having completed his one year probationary period and upon the recommendation of Police Chief John Zimmerman, be appointed a permanent police officer in the Kenilworth Police Department.

RESOLUTION NO. 14

**RESOLUTION URGING THE MEMBERS OF THE NEW JERSEY STATE SENATE AND ASSEMBLY TO SUPPORT AN OVERRIDE OF THE VETO OF S992/A2750 WITH RESPECT TO EQUAL PAY FOR WOMEN IN THE WORK PLACE AND TO END EMPLOYMENT DISCRIMINATION**

**WHEREAS**, the State of New Jersey has been progressive on social issues and the bellwether for justice and equality and as New Jersey goes so goes much of our nation; and

**WHEREAS**, the City of Rahway supports Equal Pay for women in the work place and the end of Employment Discrimination on the basis of sex; and

**WHEREAS**, Senate Bill S-S992 sponsored by Senator Loretta Weinberg, Senator Stephen M. Sweeney, Senator Sandra B. Cunningham, Co-Sponsored by Senators Cruz-Pentz, Ruiz, Gill, Greenstein, Lesniak and Pou and Assembly Bill A-2750, sponsored by Assemblywoman Pamela R. Lampitt, an act that would require public contractors to report certain employment information, amending P.L.1945, c.169 and supplementing P.L.1952, c.9 (C.34:11-56.1 et seq.); and

**WHEREAS**, this bill modifies current law, including the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) ("LAD") to strengthen protections against employment discrimination and promote equal pay for women; and

**WHEREAS**, Federal and state laws prohibit wage discrimination on the basis of sex, gender, national origin, and other characteristics, but this legislation, S992/A2750, would have broadened state law to ensure that employers paid workers equal wages for "substantially similar work."

**WHEREAS**, S992/A2750 would have created a permissible seniority or merit based system to set rates of compensation or is based on legitimate, bona fide factors other than sex, such as training, education, experience, or the quantity or quality of production, that each factor is applied reasonably, that one or more of the factors account for the entire wage differential, and that the factor or factors do not perpetuate a sex-based differential in compensation, are job-related and based upon legitimate business necessities; and

**WHEREAS**, the bill seeks to strengthened penalties for violations of the law, including tripling damages and eliminating a two-year cap on back pay;

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

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

1. The Borough of Kenilworth supports Senate Bill S-5992/Assembly Bill A-2750;
2. Strongly urges the members of the New Jersey State Senate and Assembly to show up for the vote and to support an override of Senate Bill S-5992/Assembly Bill A-2750;
3. Urges citizens to contact their legislators and ask them to support the override;
4. Copies of this resolution be distributed to the Governor Chris Christie and Lieutenant Governor Kim Guadagno; the President of the New Jersey Senate; the Speaker of the New Jersey General Assembly; the Legislative Sponsors; Legislators of the 22<sup>nd</sup> District; Senator Nicholas P. Scutari, Assemblyman Jerry Green and Assemblyman James J. Kennedy; Union County Municipalities and the New Jersey State League of Municipalities.

Certified to be a true copy of a resolution  
Adopted by the Municipal Council of the  
City of Rahway at the Regular Meeting held  
on the 12th day of April, 2017

#### RESOLUTION NO. 15

#### **2017 NJDOT MUNICIPAL AID APPLICATION**

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2017 NJDOT Roadway Improvements – “North 23<sup>rd</sup> Street and Various Streets”.

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

**BE IT FURTHER RESOLVED** that Borough Engineer Anthony Gallerano of Harbor Consultants, the Mayor and the Borough Clerk are authorized to submit an electronic grant application identified as MA-2017-Kenilworth Borough-00113 to the New Jersey Department of Transportation on behalf of the Borough of Kenilworth.

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

#### RESOLUTION NO. 16

**BE IT HEREBY RESOLVED:** that the Mayor’s appointment of **RUI PINTO** as Alternate #2, for the unexpired term ending 12/31/17 To the Planning Board; be and the same is hereby confirmed.

Proposed Ordinance No. 2017-02 was read for a second reading as follows: Copy can be found in 3/8/17 minutes.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

**AN ORDINANCE AMENDING ORDINANCE NO. 2016-02 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH**

Mayor Deluca said this Ordinance is exactly what it says, we took the recording secretary that we had on for Planning Board and we made it into a position to free up another position for our Planning Board. It is an added duty to one of our existing employees and it helps us to have a little more comprehensiveness and availability of having a secretary inside the Borough with the ability to plan and have our planning board get on board, sometimes the secretary was not able to answer questions correctly, sometimes maps were not in order. We also added two salaries.

Motion was made by Councilman Ladauti, seconded by Councilman Mascaro to open the hearing on Ordinance 2017-02. All in favor.

No one wished to speak.

Motion was made by Councilman Ladauti, seconded by Councilman David to close the hearing on Ordinance 2017-02. All in favor.

RESOLUTION NO. 17

Introduced by Peter Corvelli, adoption moved by same.  
Seconded by Nick Mascaro. Upon roll call all in favor.

**BE IT HEREBY RESOLVED** that the ordinance #2017-02, entitled:

**AN ORDINANCE AMENDING ORDINANCE NO. 2016-04 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH**

Was introduced and approved on first reading, at the regular meeting of the Borough Council on March 8, 2017 and approved for final passage at the regular meeting of the Borough Council of April 12, 2017 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.

Proposed Ordinance No. 2017-04 was read for a first reading as follows: (Copy attached)

**AN ORDINANCE TO REDUCE THE REQUIREMENTS IMPOSED UPON AN APPLICANT TAKING AN APPEAL FROM AN ACTION OF THE ZONING OFFICER WITHIN THE BOROUGH OF KENILWORTH BY AMENDING ARTICLES FOUR (4), FIVE (5) AND SIX (6) OF CHAPTER 225 OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH**

Mayor Deluca said the Borough Code imposes a significant burden on residents who are seeking to challenge the Zoning Officers determination or interpretation. It is the intent of this Governing Body to

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

reduce the cost and time for review of the Zoning Officers determination and that is what this ordinance is going to do to change it.

RESOLUTION NO. 18

Introduced by Kay Ceceri, adoption moved by same.

Seconded by Gerry Ladauti. All in favor.

**BE IT HEREBY RESOLVED** that the ordinance #2017-04, entitled:

**AN ORDINANCE TO REDUCE THE REQUIREMENTS IMPOSED UPON AN APPLICANT TAKING AN APPEAL FROM AN ACTION OF THE ZONING OFFICER WITHIN THE BOROUGH OF KENILWORTH BY AMENDING ARTICLES FOUR (4), FIVE (5) AND SIX (6) OF CHAPTER 225 OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH**

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 10, 2017 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.

MEETING OPEN TO THE PUBLIC

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

Mr. Pepe, 66 Locust Drive – Mr. Pepe said he recently received a letter from Attorney Fruchter stating that strips of property were for sale. He said he understands what you are doing and he would do the same thing himself but this strip of property is part of a drainage system and you can't sell a drainage system. The Mayor asked if he was talking about all the tracks of land? Mr. Pepe said he is talking about Arbor Street, Locust to Columbia there is a tiny strip of land with a drainage system. He said all the water drains from the spaghetti streets into Arbor, Locust and Columbia, goes to an absorption field and shoots out into the river. He said that can't be privately owned. He said he is not going to purchase his so what it comes down to is that it is just a tiny strip of land where the numbers are not correct. He said the town does not service this drainage system. He said there are pockets of water and he contacts the mosquito commission and they do about 4 or 5 applications, they call him and come at 11:00 night and if this is private land they will not come, they only come here because it's Borough land and if he owned it they can't come there because they won't have access there. He would like to see that piece of property taken off the docket. The Mayor said the proper way to make a determination is to find out where the stake lands because it is his understanding that the stake falls well within and not in the drainage ditch. The Mayor said we should go out there and put stakes down with the surveyor to say where are we and what does that mean. Mr. Fruchter said right now we are putting this in abeyance, it was discussed tonight at the work shop meeting and it will be surveyed to determine the accuracy, there are parts of a drainage system and we will ascertain what that is before we go forward with the sale.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD  
ON WEDNESDAY EVENING, APRIL 12, 2017. MAYOR ANTHONY DELUCA PRESIDED.

Mayor Deluca asked what was the next step and Mr. Fruchter said we will refund the deposits and then he will have a meeting with our engineer. Mayor Deluca said he will come and see Mr. Pepe at that time.

Chief Zimmerman thanked the Mayor and Council for the resolution making Raymond Fuschino a permanent police officer. He said he is a great addition to the police department he said we stole him from the sheriff's department who stole him from the federal police department, he has a lot of experience and he is doing a great job.

Officer Fushino thanked the Chief and the Mayor and Council.

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

GENERAL COMMENTS

Mayor Deluca reminded everyone to drive safely now that the nice weather is here.

The Borough Clerk said we had an incident at Borough Hall when a visitor fell down the stairs and she expressed her appreciation to both Officer Sean Kaverick and Officer Valery Smith as well as to the Kenilworth First Aid Squad, the response was immediate and they had everything under control.

ADJOURNMENT

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

8:50 P.M.

Respectfully submitted

Kathleen Moschitta  
Deputy Borough Clerk