

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 22, 2020. MAYOR LINDA KARLOVITCH PRESIDED. (Virtual Meeting)

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings will conduct all Council meetings remotely and by electronic means without providing a physical meeting place. Additionally, while the Council will continue to meet on their regularly scheduled meeting dates, please note the time for the Work Sessions has been changed to a new commencement time of 6:00pm. The Regular Council Meeting will continue to commence as soon as possible after the Work Session. In accordance with N.J.S.A. 10:4-6 (the "Open Public Meetings Act") and in adherence to the Department of Community Affairs, Division of Local Government Services (DLGS) guidelines, the Work Session and the Regular Council Meeting will be open to the public by electronic means, and as such, members of the public may view the meeting by livestream on **YouTube at Kenilworth TV NJ**. Any member of the public wishing to participate in the meeting, can do so by emailing comments relative to the agenda and/or on any governmental issue that a member of the public feels may be of concern to the residents of the Borough to the Borough Clerk at Boroughclerk@kenilworthnj.org. Agendas will be posted for the public's viewing on the Borough's official website at: www.kenilworthnj.com. All relevant comments received will be read into the record during each Regular Meeting's Public Comment Portion and will be addressed accordingly by the Mayor and/or Council. *All emails must be submitted and received by the Borough Clerk of no later than noon of the corresponding Regular Meeting date and, as is always the case, must include the public member's full name and address and the topic to which comments are being referred for the record.*

Mayor Karlovitch read the requirements of the Open Public Meetings Act.

The Salute to the Flag was led by Mayor Karlovitch.

ROLL CALL

Roll Call at 8:00 P.M. showed the following Council Members present: Kaye Ceceri, Larry Clementi, Mark David, Gerry Laudati, Daniel Lopez and Robert Schielke.

MINUTES

It was moved by Councilman, seconded by Councilman and carried that the minutes of the Regular Council Meetings of March 11, 2020, March 25, 2020 and April 8, 2020 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- UC Dept. of Economic Development – CDBG Participation for FY 2021-2023

- NJSLOM Notices (emailed to all)
- UC Dept. of Economic Development – CDBG Participation for FY 2021-2023

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

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MAYORS REPORT

Mayor Karlovitch said she hopes that you are all well. Five weeks in hopefully we are flattening the curve and that our lives can start to return to normal soon. It is with deep sadness that I report 95,865 Cases in NJ. 10,484 Cases in Union county and 113 In Kenilworth. Please keep our residents whom are battling this virus in your thoughts and especially the families who have lost loved ones, we have had six members of our community who have lost their lives to this terrible virus they are our friends our neighbors and a part of our Kenilworth family. On behalf of myself and the entire governing body we send our deepest sympathy. We hope that knowing how much our community cares provides some comfort to you during this difficult time. Please practice self-care, check in on your family and your neighbors. Small acts of kindness go a long way to brighten someone's day and now more than ever they are needed by so many of us. Call in number, for **Union County Residents Only** for testing site appointments [908-214-7107](tel:908-214-7107). The Tax and Finance Office has been advised that several individuals have either stopped in borough hall or called regarding the extension on our grace period for 2nd quarter taxes. While the state has refused to address this issue in a timely fashion, our office is seeking ways to offer some temporary relief to residents. Please take some time to fill out the census report it is easy and can be done for the first time online at my2020census.com Currently Kenilworth is counted at 64.2 % this count is vital to our community. Census numbers determine how many representatives each state gets in congress and how billions of federal funding gets spent. Schools, roads and other crucial community components will gain or lose money over the next ten years depending on this official population tally. I urge everyone to please count yourself in. As always, I extend tremendous gratitude to our first responders. The heartbeat of our community, the ones that are there every day selflessly serving our community. I would also like to send a special shout out to Kristen and Pat Boyle who worked so hard delivering Easter eggs to every family that requested so that none of our kids had to go without our annual Easter egg hunt. Your presence and love for our community does not go unnoticed, we appreciate you both very much. Thank you for all the smiles and love you so openly give to all the children in our borough. Please do not forget your mask or face covering while shopping in our stores or picking up takeout food. This is required by the governor's office for your safety and for the safety of others. This applies to everyone working in establishments as well. To all the residents of our amazing community Stay well and stay safe, this difficult time shall pass. Brighter and better days are coming soon.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilman Lopez reported the Finance and Tax Office continues to work remotely during this state of emergency. The staff meets once a day through Zoom video conferencing and includes various other departments as needed. We have received several inquiries about whether the Borough of Kenilworth will be extending the grace period for our 2nd Quarter property taxes. Currently, only the state can make such legislative change. At this time no such action has been taken. However, the Tax Collector and CFO have proposed a change to our interest rate on deliquesces reducing it to 0% to June 1st for 2nd quarter tax payments only

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allowing taxpayers additional days to pay without additional interest or penalties. The resolution authorizing it is up for discussion this evening. The Tax and Finance office has been working from off site and the building is closed to the public. Therefore, the Borough cannot accept cash payments at this time. To encourage residents to pay electronically for the 2nd quarter, we are crediting the \$1.05 fee to process an E-Check (electronic check) to the taxpayer's 3rd quarter tax payments. Prior to this change, E-Check option would charge a \$1.05 fee. However, for taxpayers using credit or debit cards, these companies will not waive their fee the 2.5%-3% imposed on taxpayers. Therefore, we recommend that our taxpayers use the E-Check option currently. We also offer the option of paying taxes by check or money order and payment can be left in our drop box accessible 24 hours a day 7 days a week. The County office of Taxation sent us a reminder that their portion of the municipal taxes is still due May 15th. Payments received after will be imposed with interest.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported bulk collection was postponed for the month of April and no new date has been rescheduled, when one is scheduled the date will be posted on the Borough web site, the Public Works page, Recycle Coach App and Tap into Kenilworth and also on Facebook. The DPW will do a Swift 911 call. The DPW is collecting vegetative waste on Wednesdays, it needs to be put at the curb and if it does not get picked up on Wednesday it will be picked up on Thursday. The DPW is still doing emergency sewer services and regular garbage collections.

PUBLIC SAFETY

Councilman Clementi reported he received the monthly report from Chief Zimmerman for the month of April. The Kenilworth Police Department's On-Site Evaluation for Re-Accreditation was held on April 9th and 10th. The Kenilworth Police Department completed the Re-Accreditation led by Sgt. Michael Scanielo and is being recommended by the assessors for re-accreditation by the New Jersey State Association of Chief's of Police at a future date. The Kenilworth Police, Kenilworth Fire Department, and Rescue Squad have been regularly partaking in Drive-byes for residents dealing with both happy and sad occasions during this difficult time. Chief Zimmerman is asking everyone to do their part and please dispose of latex gloves and masks in trash receptacles, especially in the center of town and in the Acme parking lot. He also wishes to pass on the Kenilworth Police Department's sincere gratitude and appreciation for everyone's support in town for all of our first responders! Special Thanks and Appreciation from the Chief and Kenilworth Police Department to everyone that has sent supplies and food to our officers! He said as of today, none of our officers have contracted COVID-19 and that is due to the Chief and the Captains scheduling format. A group of volunteers from Kenilworth are starting up a FLAG for Kenilworth. FLAG stands for Front Line Appreciation Group. They are modeling Cranford Township's FLAG and will be soliciting funds from Kenilworth residents and businesses through social media. Cranford's FLAG raised over 50 Thousand dollars from their residents, which was used to support local businesses to supply First Line Responders and Health Care workers with food, drinks, and supplies. FLAG currently exists in Cranford, Garwood, Summit, Westfield, and Rahway. The Cranford FLAG has provided the KPD with the Garlic Rose for dinner and Bakery Cookies last Friday at Lunch. Councilman Clementi reported that the PBA has a new

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edition to their family, Sean & Kaitlyn Kaverick are new parents to Regan Frances Kaverick who was born on May 30, 2020 weighing 8 lbs.4 oz and 18 inch's. All are health and at home.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke reported he has received the Planning, Zoning and Construction reports for April. The the Building Department is operational and beginning this week with Anna coming in Monday and Tuesday and Ellen on Wednesdays, Thursday and Fridays. He thanked everyone for their efforts. There have been a lot of questions regarding Blackthorn which has been sold to a Crane Manufacturing and Sales company. Last week a fence went up around the property and deck for demolition. Unfortunately, no demo permits were taken out so our building inspector placed a stop order on the property. As of now no applications have been received.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported the Easter Egg Hunt was successful, and 95 families and 180 kids participated, eggs were delivered to their doors. The Easter Bunny drove around on the Fire Truck on Easter for the kids. Summer Camp sign-ups are on hold and we are waiting for our Governor to decide. She said our rescue squad first responders are doing a great job. Chief Krueger said the Rescue Squad is doing a great job and he thanked the EMT's a lot who are staying overnight. The Fire Department is doing drive bys to celebrate kids' birthdays.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Laudati has been investigating senior programs, the senior citizen building remains closed. He spoke to meals on wheels today and our seniors can call 908-486-5100 for home delivery. Paratransit is only for life sustaining medical trips until further notice. Homeless people can call social services or dial 211. The Library- remains closed. Schools will vote on their Budget on the 26th and so far, no reopening date. Health Dept. will review state regulations for permanent cosmetics. Councilman Laudati asked residents to make sure stores comply as several violations were found and addressed.

CONSENT AGENDA

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 Laudati moved that all items under the Consent Agenda be approved, seconded by Councilwoman Ceceri. All in favor.

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RESOLUTION NO. 1

BE IT THEREBY 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 3, 2020 for the 2020 Temporary Budget; and

WHEREAS, the Resolution #2 (Jan. 22, 2020), Resolution #2 (Feb. 12, 2020), Resolution #2 (Feb. 26, 2020), Resolution #2 (March 11, 2020), Resolution #2 (March 25, 2020) and Resolution #2 (April 8, 2020) was approved for an amendment to the 2020 Temporary Budget; and

WHEREAS, the total temporary budget attached does not in amount exceed 26.25% of the total appropriations in the 2019 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#	Account	Amount
TO:		
Board of Health -S/W	0-01-27-785-010	20,000
Solid Waste – S/W	0-01-26-770-010	20,000
Zoning – S/W	0-01-22-721-005	5,000
Assessor – OE	0-01-20-710-020	3,000
Legal – O/E	0-01-20-712-019	20,000
Building Inspector – S/W	0-01-22-726-005	20,000
Plumbing Inspector – S/W	0-01-22-727-010	2,000
Insurance – Health Care W.	0-01-23-734-001	5,000
Electrical Insp. – S/W	0-01-22-728-005	5,000
Fire Subcode – S/W	0-01-222-729-005	3,000
Recycling -O/E	0-01-26-775-010	37,500
Solid Waste– O/E	0-01-31-827-000	20,000
Social Security	0-01-26-770-026	10,000
	Total this amendment	170,500
Total Appropriations for the 2020 Temporary Budget As of 4/22/2020		\$3,973,665

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RESOLUTION NO. 3

Resolution pulled.

RESOLUTION NO. 4

Resolution Establishing the Rate of Interest for Delinquent Taxes

WHEREAS, the State of New Jersey has determined that despite the significant financial hardship caused by COVID-19 to residents including Kenilworth; and

WHEREAS, the State has ruled that no waiver for the payment of taxes due for the 2nd quarter due on May 1, 2020 will be granted, and

WHEREAS, the residents face the significant financial hardship of life these days including financial pressures; and

WHEREAS, the Borough financial advisors feel that there may exist the option of modifying the interest/penalty rate for payment of taxes; and

WHEREAS, a formal determination has not been yet issued by the Department of Community Affairs as to the viability of changing the rate of interest for late payments received after May 11, 2020.

NOW THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Kenilworth in the County of Union that the rate of interest for taxes unpaid after May 11, 2020 for the 2nd quarter of 2020 is fixed at .00001% on the first \$1,500.00 of delinquency and .00001% per annum on any amount of taxes in excess of \$1,500.00 effective until June 1, 2020; and

BE IT FURTHER RESOLVED, that the rate of interest for taxes unpaid shall be calculated from date of the 2nd quarterly payment until the date of actual payment; and

BE IT FURTHER RESOLVED, effective June 2, 2020 the rate of interest for taxes unpaid after May 11, 2020 of the 2nd quarter tax payment is fixed at 8% on the first \$1,500.00 of delinquency and 18% per annum on any amount of taxes in excess of \$1,500.00 effective May 1, 2020; and

BE IT FURTHER RESOLVED, that the reduced tax rate applies to 2nd quarter taxes only and does not apply to taxes that are delinquent from any other quarters from 2020 or any other year; and

BE IT FURTHER RESOLVED, the Governing Body grants the authority to implement or rescind said resolution based on the recommendation Chief Financial Officer, Tax Collector and the Administrator, on the financial position of the borough and opinion from the Department of Community Affairs, with the advice of the Borough Attorney no later than May 1, 2020; and

BE IT FURTHER RESOLVED, this Resolution shall be published in its entirety once in the official newspaper of the Borough of Kenilworth.

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RESOLUTION NO. 5

WHEREAS, the Borough of Kenilworth held a tax sale on December 12, 2018 for delinquent 2017 taxes, and a tax lien was purchased by US Bank Cust for PC7 Firsttrust, for the property located at 651 No, Michigan Ave., Kenilworth, NJ, and

WHEREAS, the closing attorney has satisfied said lien, together with interest and costs by payment of amount due at the Office of the Collector of Taxes, and

WHEREAS, the Lienholder paid to the Collector of Taxes a premium in the amount of \$52,000.00 and since the statutory period of five years has not passed, these funds must also be returned.

Now therefore be it resolved, that the Treasurer be and is hereby authorized to draw a warrant to the named Lienholder as follows, **to be refunded upon receipt of the original Certificate of Sale #18-00001** by the Collector of Taxes:

US Bank Cust for PC7, Firsttrust
Tax Lien Services Group
50 So. 16th St., Suite 2050
Philadelphia, PA 19102

REDEMPTION AMOUNT - \$197,268.26
PREMIUM TRUST ACCOUNT - \$52,000.00
Treasurer's Note: 1099 = \$34,088.28

RESOLUTION NO. 6

WHERE AS, N.J.S.A. 40A:9-146 requires every Municipality to provide for the appointment of a Tax Assessor; and

WHERE AS, the current tenured Tax Assessor will retire his position effective May 1, 2020; and

WHERE AS, it is the desire of the Mayor and Council of Kenilworth to appoint Kevin A. Palumbo to fill the partial term of office starting on May 1, 2020 and for a four-year appointment pursuant to N.J.S.A. 40A 9-146; beginning July 1, 2020 and ending June 30, 2024.

WHERE AS, the assessor will hold public office hours one evening a week for two (2) hours.

NOW THEREFORE BE IT FURTHER RESOLVED, that Kevin Palumbo be appointed part-time Tax Assessor effective May, 1, 2020 at a pro-rated salary of \$27,500.00; and

BE IT FURTHER RESOLVED THAT, certified copies this resolution shall be forwarded to the following:

1. Director, Division of Taxation
2. Administrator, Board of Taxation
3. Clerk of the Municipality
4. Tax Assessor

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RESOLUTION NO. 7

WHEREAS, the employment agreement between DPW Mechanic and Borough of Kenilworth stipulates a six (6) month probationary period; and

WHEREAS, the Public Works Superintendent Joseph Kania is satisfied with the job knowledge, work product, proficiency, professionalism, communication and accountability exhibited by Mechanic Eric Patzwa.

BE IT RESOLVED, upon the recommendation of DPW Superintendent for permanent employment, Eric Patzwa has successfully completed his six (6) month probationary period effective April 27, 2020; and

BE IT FURTHER RESOLVED, that pursuant to the conditions of the appointment resolution of October 9, 2019 Mr. Patzwa's hourly rate is increased to \$35.50 dollars per hour (\$73,840.00 per annum) and be efficacious as of April 27, 2020.

PROCLAMATION – PAUL PARSONS, TAX ASSESSOR

Proclamation

WHEREAS, Paul Parsons began his career with Borough of Kenilworth on July 1, 1997 as Tax Assessor; and

WHEREAS, Paul has rendered distinguished service to the Borough for over 22 years, demonstrating the highest standards of integrity and professionalism, applying his expertise and sound judgment to the policies and laws governing the responsibilities of the Tax Assessor; and

WHEREAS, Paul has been characterized by his and colleagues as hardworking, dedicated, honest, supportive, a wealth of knowledge, always keeping a positive attitude, one who leads by an exemplary example, has a great sense of humor, and has shown the utmost dedication being always available to his colleagues & public while away from the office; and

WHEREAS, the Borough is indebted to Paul for his hard-won negotiations with Schering and subsequently Merck to the benefit of the Kenilworth residents; and

WHEREAS, that the Council of the Borough of Kenilworth, hereby recognizes and honors Tax Assessor Paul Parsons for his service and leadership, and further that the Council offers its congratulations and best wishes to Paul.

NOW, THEREFORE, I, Linda Karlovitch, Mayor of the Borough of Kenilworth, County of Union and State of New Jersey, on behalf of the citizenry, extend my personal best wishes upon his retirement and for continued success in his life's pursuits. May God continue to bless Paul and his family.

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IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of April, in the year of our Lord two thousand twenty.

Mayor Karlovitch congratulated Paul on his retirement and wished him a long and happy retirement and she thanked him for his services.

MEETING OPEN TO THE PUBLIC

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

No one wished to speak.

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

Borough Clerk Laura Reinertsen advised that in accordance with the meeting notice for remote meeting protocol during the COVID-19 Public Health Emergency, no emails were received from the public.

GENERAL BUSINESS

Councilman Clementi congratulated Paul Parson on his retirement and said he has been great for the town.

Mayor Karlovitch concurred and said she was glad to have Councilman David back.

Councilman Laudati thanked Laura for the virtual meeting set-up.

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk