

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, APRIL 24, 2019. 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: Kaye Ceceri, Mark David, Linda Karlovitch, Gerry Ladauti. Larry Clementi and Robert Schielke were absent.

MINUTES

It was moved by Councilwoman David, seconded by Councilwoman Karlovich and carried that the minutes of the Executive Session, Regular Council Meeting, Work Session of April 10, 2019 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- National Association of Letter Carriers Food Drive – May 11th

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 Union County Board of Elections is rolling out new voting machines. Kenilworth will be using these new machines for the June primary. Demonstrations on the machines will be held at the UC Court house in Elizabeth on Tuesdays from 11AM to 3PM and at the Coleen Frazier building in Westfield from 9AM to 1PM. Tomorrow evening there is a fund raiser at the VFW starting at 6PM benefiting the Kenilworth family that lost their home and their beloved pets in a devastating house fire on March 22, 2019. The cost is \$25 per person and you can pay at the door. Refreshments are being donated by Ava's Kitchen and Bar and Peerless Beverage Company and 100% of the proceeds will be donated directly to the Pentz family.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch reported the Finance Department has updated its technology to improve security and longevity for the administrative staff at Borough Hall. We have replaced our outdated and out of warranty technology network equipment. A new dell rackmount server was installed in the CFO's office and an additional backup network storage drive, network switches and an uninterrupted power supply were also included. The Borough will be signing an agreement with Dell to back up via Microsoft government cloud instead of using a tape backup. To date 226 senior citizens are applying for the New Jersey Senior Citizen tax freeze reimbursement program. The public hearing and adoption of the Municipal Budget is scheduled for May 8<sup>th</sup> at 8PM.

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DEPARTMENT OF PUBLIC WORKS

Councilman David reported that May 5<sup>th</sup> is the first Saturday of May so the DPW yard will be open from 8AM to 12 noon. Residents will be able to bring electronic items, motor oil and recycling items and put them into the dumpsters that we have. You will need to see the DPW attendants to help you and you must be a resident. This was done last month and they had a good turnout. The DPW guys are out cutting grass in all the parks and filling potholes. This past week the bulky waste was completed, Rahway did another great job of picking up all the bulk waste throughout town. He said he is getting complaints about TV's still being left at the curb, no electronics were picked up during bulky waste pick-up but you can bring your electronics to the DPW.

PUBLIC SAFETY

Councilman Clementi was absent. Councilwoman Karlovitch said the Kenilworth Little League Parade was held on April 13<sup>th</sup> and the Kenilworth Recreation Softball participated along with the First Aid Squad and Fire Department. On April 13<sup>th</sup> at approximately 9PM Officers Valerie Smith and Travis Dilts were dispatched to the main entrance of Merck concerning a heated argument between six people. It was determined that the argument was due to an accident that occurred on the Garden State Parkway. Apparently one drive fled the scene of the accident and all parties wound up in Kenilworth. The New Jersey State Police were requested to respond and handle the accident. The accident was eventually determined by the Kenilworth officers on the scene to be a driving while intoxicated investigation and the driver was eventually arrested for DWI and a passenger was found to be in possession of 60-70 folds of heroin and glass bottles of crack cocaine. Nicholas Pepe from Bloomfield and Tony Fasinderio from Old Bridge were arrested and charged by the State Police.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke was absent. Laura Reinertsen said the ordinance that we are passing tonight, part of the ordinance is in regards to the water table and once we pass this ordinance it will help us greatly with our FEMA rating which will also help our residents with their flood insurance.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri said the Recreation Department will try for the 3<sup>rd</sup> time to have their Easter Egg Hunt on Thursday, April 25<sup>th</sup> at 7PM at DiMario Park. It was previously rained out on April 13<sup>th</sup> and April 20<sup>th</sup>. On Saturday, April 13<sup>th</sup> there was a boardwalk fire in Ocean Grove and Kenilworth Fire Department provided mutual aid. Our fire fighters were there for about 8 hours.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti said on education he found out that they are using trained dogs to go into the classroom to help students that are having difficulty reading to read to the dogs and the dogs are reacting and really helping the students to get a grasp of reading. He is going to follow up on a lot of those within the school system that are really helping our kids. He wants Paulette Drogon to send him her calendar each month which he is not receiving so he does not know what is scheduled. On Health Tuberculosis Agreement the dollar amount for 2019 is the same cost as 2017. They are removing a portion of Holy Redeemers contract for CHC Westfield where they price by the child not by the day so you get that one day and you are paying a lot of money and the child only cost you \$15 so the town is

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saving money. Melissa will be taking on Mary’s duties temporarily until a full time person is hired. Rabies Clinic needs to be better advertised, this year they only had 60 dogs and 8 cats. The Street Fair is May 19<sup>th</sup>. He mentioned in the Health Department of a Mayors trophy for the cars because he knows that’s his baby, Lori told him you already had one. The Library Gallery on the Boulevard exhibit. Union County Board of Elections demo 4/15/19 and 5/6/19 between 3&7:30 PM at the Library. The HVAC passed the electrical inspection. He had questions about the parking signs but he does not know where we are with that situation. IT maintenance plan at the Library is using Ocean Computer shi.com cy enterprises technology visionaries. Book circulation adults is 564, kids 787, computer use 2775, library cards issued was 5.

CONSENT AGENDA

Resolutions No. 1 thru 6 are listed on Consent Agenda and will be enacted by one motion in the form listed below. All items will be recorded individually in full in the minutes.

Councilwoman Karlovitch moved that all items under the Consent Agenda be approved, seconded by Councilwoman Ceceri. 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 1, 2019 for the 2019 Temporary Budget; and

**WHEREAS**, the Resolution #3 was approved for an amendment to the 2019 Temporary Budget on January 23, 2019; and Resolution #2 on February 13, 2019, Resolution 2 on February 27, Resolution 2 on March 13, 2019, Resolution 2 on March 27, 2019 and Resolution 2 on April 10, 2019; and

**WHEREAS**, the total temporary budget attached does not in amount exceed 26.25% of the total appropriations in the 2018 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
9-01-20-701-010	Clerk S/W	\$ 20,000.00
9-01-20-710-010	Assessor – S/W	\$ 3,000.00
9-01-22-721-005	Zoning – S/W	\$ 2,000.00
9-01-23-733-020	Insurance Health Waiver	\$ 2,000.00
9-01-25-745-010	Police Department– S/W	\$ 200,000.00
9-01-25-746-010	Traffic Police – S/W	\$ 20,000.00

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9-01-27-795-010	Recreation –S/W	\$ 2,000.00
9-01-29-800-000	Maint. Free Library	\$ 75,000.00
9-01-20-715-040	Engineering - COAH	\$ 30,000.00
	<b>Total this amendment</b>	<b>\$ 354,000.00</b>
<b>Total Appropriations for the 2019 Temporary Budget</b>		<b>\$6,168,251.07</b>

RESOLUTION NO. 3

**WHEREAS,** Donna Zucker, hired on February 29, 2016, has notified the Borough of Kenilworth of her intention to resign effective immediately, April 9, 2019; and

**WHEREAS,** Donna Zucker, left a letter of resignation and her set of keys with the Borough Clerk before leaving during her lunch time and did not return; and

**WHEREAS,** Donna Zucker, was compensated in full for the week of April 8, 2019; her time due will be utilized to remunerate the Borough for the time she was paid for that she did not work; and

**WHEREAS,** Donna Zucker is entitled to:

Type	# of days	Daily Rate (7 hour day)	Total
<b>Vacation Days (1/1/2019 - 4/15/19 Pro-rated)</b>			
10 days /12 months X 3.5 months	3	\$180.07	\$540.21
<b>Sick Days (1/1/2019 - 4/15/19 Pro-rated)</b>			
5 days/12 months X 3.5 months	1.5	\$180.07	\$270.11
<b>Personal Days (Not Pro-rated)</b>			
	2	\$180.07	\$360.14
<i>Sub-total</i>			<i>\$1,170.46</i>
<b>Less time owed to Borough</b>			<b>-\$630.25</b>
<b>Total Due</b>			<b>\$540.21</b>

**WHEREAS,** the Kenilworth Personnel Policy allows unused sick days to be from a preceding year to be carried over into a succeeding year to be utilized exclusively as vacation days or they are subject to forfeit.

**NOW THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Kenilworth that the Payroll Department is authorized to make the payment, as indicated.

RESOLUTION NO. 4

**WHEREAS,** the Mayor and Council continue to be committed to preserving and promoting the history of Kenilworth which is highlighted by the 19<sup>th</sup> century Oswald Nitschke home and the stewardship of the Kenilworth Historical Society; and

**WHEREAS,** the Mayor and Council authorize and support the annual Town Wide Garage Sale, Oct. 5-6, 2019, organized and promoted by the Kenilworth Historical Society waiving any borough fees.

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Council of the Borough Kenilworth commend the Kenilworth Historical Society the preservation of the history of the Borough of Kenilworth.

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RESOLUTION NO. 5

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

**WHEREAS**, the following individuals have received State certification as a Court Administrator;

<b>Mary Jo Banchansky</b> 81 Wavecest Ave. Winfield, NJ 07036	<b>Lorraine Powell</b> 601 Brookside Pl Cranford, NJ 07016	<b>JoAnne Szelingiewicz</b> 60 Windsor Place Kenilworth, NJ 07033	<b>Ann Tucker</b> 4 Cascade Court Brick, NJ 08724
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**WHEREAS**, under the advisement and recommendation of the municipal auditor and chief financial officer, the above mentioned individuals will be employees of the borough; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Kenilworth that it does hereby appoint the above mentioned, as employees of the borough 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. 6

**WHEREAS**, the Borough employs bus drivers to transport Kenilworth's active and mobile senior citizens to the senior center, health/fitness classes, shopping trips, and social events; and

**WHEREAS**, the bus drivers salaries are funded in part through the Union County Community Development Revenue Sharing Committee.

**WHEREAS**, the bus driver rate has remained unchanged since 2012.

**BE IT HEREBY RESOLVED**, the following hourly rates for Senior Bus Drivers are effective as of January 1, 2019.

Lead Bus Driver	\$20.00
Regular Bus Driver	\$19.00

**BE IT FURTHER RESOLVED**, that Donald Corrigan be designated as "Lead Bus Driver", effective January 1, 2019.

Proposed Ordinance No. 2019-03 was read for a first reading as follows: (Copy attached)

ORDINANCE NO. 2019-03

**AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 120 LAND USE PART 3 "ZONING", ARTICLE 22 "GENERAL REGULATIONS, EXCEPTIONS AND MODIFICATIONS", ADDING ITEM 16 "BUILDING REQUIREMENTS" AND ITEM 17 "SECURING THE**

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**CONSTRUCTION/RENOVATION SITE” WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY**

Mayor Deluca said the reason for this ordinance is we need to amend Chapter 120 of the Land Use Ordinance. We looked at floor levels in basements and Kenilworth traditionally has a high water table which means it floods. We realized that there are some houses that they probably dug a deeper basement than they should have. We decided that if we establish the floor levels it will reduce flooding and reduce them having to sump their water out all the time. All new buildings will have this ordinance and hopefully we can get rid of this seasonal high water table and we won't have as much water pumping out into the street. We also want to establish perimeter security fencing on all new construction sites.

RESOLUTION NO. 7

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

**BE IT HEREBY RESOLVED** that the ordinance #2019-03 entitled:

**AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 120 LAND USE PART 3 “ZONING”, ARTICLE 22 “GENERAL REGULATIONS, EXCEPTIONS AND MODIFICATIONS”, ADDING ITEM 16 “BUILDING REQUIREMENTS” AND ITEM 17 “SECURING THE CONSTRUCTION/RENOVATION SITE” WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY**

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 22, 2019 at 8:00PM or as soon as thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Mayor Deluca read the following proclamation.

PROCLAMATION – Building Safety Month May, 2019

**Whereas**, our Borough is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and;

**Whereas**, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

**Whereas**, these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built

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environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play, and;

**Whereas**, our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation; these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; and;

**Whereas**, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; which, according a FEMA commissioned study by the National Institute Building Science, provide \$11 in future mitigation benefits for every dollar invested ; and

**Whereas**, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to keep America great, and;

**Whereas**, “No Code. No Confidence.” the theme for Building Safety Month 2019, encourages all Americans to raise awareness of the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2019 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses, and Whereas, “No Code. No Confidence.” the theme for Building Safety Month 2019, encourages all Americans to raise awareness of the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2019 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses, and

**Whereas**, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

**Now, Therefore**, I, Anthony DeLuca, Mayor, of the Borough of Kenilworth, State of New Jersey, do hereby proclaim the month of May 2019 as Building Safety Month. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

MEETING OPEN TO THE PUBLIC

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

Walter Sosnosky, 36 South 17<sup>th</sup> Street – Mr. Sosnosky said at the last meeting he had a proposal for a walking police officer on the Boulevard and he now has 118 people who also want it. He asked why the Council did not speak on that proposal. Councilwoman Ceceri said they had a discussion on that.

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He asked the Mayor for his opinion and the Mayor said he would like to speak to the Chief about it. Mr. Sosnosky and the Mayor debated the pros and cons of having a police officer walk the Boulevard. Mr. Capece stated the 3 minutes are up and he advised everyone of something that has not come up in this discussion which is in New Jersey there is the Chiefs Bill of Rights which states that the Chief, not the Governing Body, makes the determination as to the deployment of officers in the Borough. The reason he makes that point is that if every member of the Governing Body said "Wow that's a great idea" the fact is that the department is run not by the Governing Body. Mr. Sosnosky said when they promoted 2 officers to a higher rank, they did not consult with the Chief of Police, they did that without his knowledge. Mr. Capece said appointment of positions is not covered under the Chiefs Bill of Rights however the central element of that is that the Chief runs the department. He said Walter's idea could be great or terrible and the Governing Body is entertaining your debate but the fact is the Governing Body doesn't make that decision. Councilman David said he has been a police officer for 32 years and walked the beat as a Police Officer. He addressed the promotional procedure and said the Chief was involved, we had meeting with the candidates and interviewed each candidate for positions for promotions then we decided who we wanted to make promoted. The Chief gave us his recommendation and we voted on what we wanted to do. Mr. Sosnosky said no that did not happen because he was at the meeting and Councilman David said he was not at the interviews. Mr. Sosnosky said the Chief stood up at a Council Meeting and asked the Council to please let him know when these things happen. Mr. Sosnosky said he doesn't get paid for this he is trying to help people that live here and they are requesting something and your answer is.....it's up to this man here. Mr. Capece said it's not their answer, it's what the statute says.....the Mayor may totally disagree with this or agree, the fact is the Government made the determination that the day to day operation of a Municipal Police Department rests with the Chief and that is to stop political interference. Mr. Sosnosky said he would like a copy of that and Mr. Capece said he will do his best.

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

GENERAL BUSINESS

Councilman Ladauti said he appreciates the Council being patient while he was sick for the past 6 weeks.

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta  
Deputy Borough Clerk