

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, JUNE 12, 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, Larry Clementi, Mark David, Linda Karlovitch, Gerry Laudati and Robert Schielke.

MINUTES

It was moved by Councilman Laudati, seconded by Councilwoman Ceceri and carried that the minutes of the Work Session of May 8<sup>th</sup> and 22, 2019 and the Regular Council Meeting of May 22, 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)
- NJ Food Council – Re: Reusable Bags
- KVFD – Annual Carnival Notice, August 12 – 17, 2019
- ***Department reports for May 2019*** were received from: The Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)

It was moved by Councilman Laudati, 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 reminded everyone there will be fireworks on June 30<sup>th</sup> at dusk and the rain date is July 7<sup>th</sup>.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch reported that residents should expect their estimated property tax bills to reach their mailbox within the next two weeks. The receipt of the estimated bill will only include the 3<sup>rd</sup> quarter bill. After the final certification of the property tax is levied by the State, a certified bill will be mailed sometime mid fall for the 4<sup>th</sup> quarter 2019 and the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2020. Tonight the Borough has scheduled a second reading of the 2019 Capital Ordinance and after adoption funds are legally available 20 days after publication which in our case will be July 10<sup>th</sup>. After July 10<sup>th</sup> purchase orders can be processed.

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DEPARTMENT OF PUBLIC WORKS

Councilman David had no report.

PUBLIC SAFETY

Councilman Clementi reported that the Police Department there were 2077 calls for service and 238 9-11 calls. On May 27<sup>th</sup> Chief Zimmerman participated in the Kenilworth Veterans Center Memorial Day Service. St. Theresa's Padre procession was held on Saturday, June 1<sup>st</sup> and had approximately 400 participants and the Kenilworth Police Department assisted with traffic control and safety for the procession. Chief Zimmerman spoke with Union Townships Deputy Chief of Police regarding South Springfield Avenues road conditions alongside of Walmart which was patched by Union Township Department of Public Works during the past two weeks. Kenilworth Boulevard will be surfaced by the Union County Engineering and Roads Department sometime between June and November, 2019, specific dates are unavailable at this time. An email was received from the Borough Engineer advising he was in agreement with Traffic Lt. Paul Campanelli's recommendations concerning the Boulevard and North 18<sup>th</sup> Street and adding a Pedestrian Crosswalk at the Little League Field on 14<sup>th</sup> Street. Chief Zimmerman thanked the Kenilworth Fire Department and Rescue Squad for their efforts and assistance with a pool party held at the Cranford Swim Club on June 5<sup>th</sup>. Unfortunately the school nurse was unable to attend the event and the Rescue Squad stepped up and provided an ambulance for the event. Special thanks to Fireman/EMT Charlie who volunteered to remain at the pool for the entire event and provide first aid for a few minor incidents that occurred.

Motion was made by Councilman Clementi, seconded by Councilwoman Ceceri to approve the crosswalk at North 14<sup>th</sup> Street in conformance with the recommendations. All in favor.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke reported he received the Zoning and Construction Reports for the previous month and reviewed them. He has been corresponding with a resident regarding a zoning issue they have and he will meet with them and the planner tomorrow afternoon. The Planning Board meets tomorrow night and there are 2 applications pending. Finally today an issue came up in regards to a warehouse operation back in the Mark Road area, the Zoning subcommittee met and we will provide the owner with a 48 hour notice to correct the violation before we consider further action.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported she received the May report from the Fire Department and the Fire Department responded to 42 calls and the Rescue Squad responded to 73 calls. The Summer Carnival will be August 12<sup>th</sup> thru August 17<sup>th</sup> at St. Theresa's. The Recreation Summer Camp starts June 24, register on line via community pass. Kenilworth Swim Night will be 2 nights at the Cranford Pool, Wednesday July 10<sup>th</sup> and Wednesday July 24<sup>th</sup> from 8-10PM for all residents.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Laudati said regarding the Health Department, he worked with Councilwoman Ceceri on rodent problems in the town and also vaccinations and a Legionnaires disease reported. We have not received any reports on where they are but he will speak with the Health Department and they will have

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some answers for us. He asked if the kids were vaccinated going into the summer camp and he brought that up because you can hear all over the news about measles not being addressed properly by the towns. Education wise he will meet with the Superintendent and also he will try to get the Business Administrator together after graduation and he will get a report from them and give the report to the Council. He said he has not met with the Library people because they postponed their meeting until June 25<sup>th</sup>. He said he met with the Seniors and they have money from the Errington Foundation which will provide bus trips to Point Pleasant and some summer theater and many more exciting programs they have running. He said seniors should get in touch by reading the newsletter to see what is going on. The Senior Club and the building looked immaculate on Wednesday when he was there and he was also happy with the lunch service. He would like for more seniors to join the club and asked that they contact Mrs. Drogan and Ms. Sosnosky.

CONSENT AGENDA

Resolutions No. 1 thru 12 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 Laudati. 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**, the Mayor and Council of the Borough of Kenilworth, are desirous of granting annual salary increases to the unrepresented employees; and

**WHEREAS**, after due deliberation with the Personnel Supervisor, the Personnel/Finance Committee has determined that it is appropriate for the Council to approve these increases.

**THEREFORE BE IT RESOLVED**, that the attached list of non-contractual Borough Employees receive a salary increase of 3% retroactive to January 1, 2019, as attached and,

**BE IT FURTHER RESOLVED**, that as of September 1, 2018, the following full time employees listed with an asterisk "\*" are eligible to receive a \$1,000.00 per annum, prorata, deduction from their predetermined annual health care premium contribution and in accordance with New Jersey State Statute, Chapter 2, P.L. 2010 which sets minimum contribution of 1.5% of salary towards the health benefits costs.

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RESOLUTION NO. 3

**WHEREAS**, the Borough of Kenilworth has been awarded funding from Union County 2019 Infrastructure Grant for Phase II Security Improvements; and

**WHEREAS**, the Borough Engineer is in receipt of quotes for “Health Department Office Renovations” and is recommending award to **Drill Construction**, 80 Main St., #570, West Orange, NJ 07052, having submitted the lowest responsible quote as follows:

**Total Quote**                      **\$13,455.00**

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

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

1. The Borough of Kenilworth hereby authorizes the Mayor and Clerk to enter into an agreement with **Drill Construction**, 80 Main St., #570, West Orange, NJ 07052, for their quote for the Kenilworth “Health Department Office Renovations”, for a sum of **13,455.00**
2. The Mayor, Borough Clerk and the Borough Attorney are hereby authorized to negotiate and finalize terms of the agreement and execute all necessary documents to effectuate the purposes herein above expressed.

CERTIFICATION OF FUNDS

APPROPRIATION:  
Union County 2019 Infrastructure  
& Municipal Aid Grant

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JOSEPH DEIORIO, TREASURER

RESOLUTION NO. 4

**WHEREAS**, the Borough of Kenilworth has been awarded funding from Union County 2017 Level the Playing Field Grant for ADA Improvements; and

**WHEREAS**, the Borough Engineer is in receipt of quotes for “ADA Improvements to Recreation Building and Bathroom Renovations” and is recommending award to **Drill Construction**, 80 Main St., #570, West Orange, NJ 07052, having submitted the lowest responsible quote as follows:

Base Bid \$19,900, Alternate #1 \$2,500, Alternate #2 \$2,500      **Total Bid**                      **\$24,900.00**

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

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

1. The Borough of Kenilworth hereby authorizes the Mayor and Clerk to enter into an agreement with **Drill Construction**, 80 Main St., #570, West Orange, NJ 07052, for their quote for the Kenilworth “ADA Improvements to Recreation Building and Bathroom Renovations”, for a sum of **\$24,900.00**

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2. The Mayor, Borough Clerk and the Borough Attorney are hereby authorized to negotiate and finalize terms of the agreement and execute all necessary documents to effectuate the purposes herein above expressed.

CERTIFICATION OF FUNDS

APPROPRIATION:

Union County 2017 Level the Playingfield

JOSEPH DEIORIO, TREASURER

RESOLUTION NO. 5

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

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

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

1. The Borough of Kenilworth hereby authorizes the Kenilworth Board of Health President and Secretary to enter into an agreement with the City of Elizabeth, Department of Health and Human Services for Sexually Transmitted Disease Services pursuant to their contract (attached), for a sum of \$160.00 per patient for a term beginning January 1, 2019 through December 31, 2019.
2. The Mayor, Borough Clerk and the Borough Attorney are hereby authorized to negotiate and finalize terms of the agreement and execute all necessary documents to effectuate the purposes herein above expressed.

RESOLUTION NO. 6

**WHEREAS**, there is a need to hire a part -time licensed Fire Sub-Code Inspector; and

**WHEREAS**, the Construction Code Official Jerry Eger has recommended the appointment of the following to fill this position:

**ANTHONY ALFANO, 38 Caldwell Rd., Edison, NJ 08817**

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Kenilworth that Anthony Alfano be appointed as part-time Fire Sub-Code Inspector at a salary of \$13,776 per annum, effective immediately.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be provided to the NJ Department of Community Affairs.

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RESOLUTION NO. 7

**Whereas**, the Borough of Kenilworth Fire Department is desirous to purchase Self Contained Breathing Apparatus, Scott Air Paks and;

**Whereas**, the funds are available through the 2017 capital budget, and;

**Whereas**, all contracts over \$17,500 is required to be approved by resolution in compliance with the Local Public Contracts Law and State of New Jersey Pay to Play Laws;

**Now, Therefore, Be It Resolved** the Borough of Kenilworth authorizes the award and purchase of a purchase Self Contained Breathing Apparatus, Scott Air Paks and the return of old SCBAs through the New Jersey State Contract #80967 T07090 for the total amount of \$32,256.00 to:

New Jersey Fire Equipment Co.  
119-131 Route 22 East  
Green Brook NJ 78812

**And be it further resolved** that the Chief Financial Officer is hereby authorized award such agreement through the issuance of a purchase order to said vendor in compliance with the New Jersey Local Public Contracts Law.

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C-04-55-175-107  
Certification of Funds

RESOLUTION NO. 8

**BE IT HEREBY RESOLVED** that **MICHAEL MORAN**, 25 Brassier Lane, Kenilworth, NJ be appointed as Permanent Crossing Guards, at a rate of \$18.04, effective June 17, 2019.

**BE IT FURTHER RESOLVED** that **ELIO BERARDINELLI**, 550 Passaic Avenue, Kenilworth, NJ and **MARIANNE EHMANN**, 8 Red Oak Lane, Kenilworth, NJ 07033 be appointed an Alternate Crossing Guards, at a rate of \$18.04, effective September 2, 2019.

RESOLUTION NO.9

**Whereas**, the following property was scheduled for a smoke detector inspection, and fees were received; and

**Whereas**, the sale on the property was withdrawn and the homeowner has cancelled the inspection.

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

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Amount of \$100.00 be refunded to the homeowner:  
Ms. Diana Mazza Curtis  
53 Garrison Ave., Jersey City, NJ 07306

For smoke detector inspection:  
41 North 21<sup>st</sup> Street  
Kenilworth, NJ 07033

RESOLUTION NO.10

**WHEREAS**, the Borough of Kenilworth, County of Union, State of New Jersey is a member of the Somerset County Cooperative Pricing System, #2-SOCCP ; and

**WHEREAS**, the Borough of Kenilworth, is desirous of utilizing the services of:

**Rich Tree Service, Inc.,**  
325 Bergen St. S. Plainfield, NJ 07080  
908-755-6008

**M&A Tree Service**  
150 West End Ave., #16, Somerville, NJ 08876  
908-789-0752

in accordance with the attached contract #CC-0081-19; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Borough Clerk are hereby authorized take the steps necessary to effectuate the commencement of the Tree Removal and Trimming Services effective immediately.

RESOLUTION NO.11

**WHEREAS**, 2019-2020 applications for renewal of liquor licenses have been submitted electronically to the Division of Alcoholic Beverages; and

**WHEREAS**, the appropriate municipal fees have been received; and

**WHEREAS**, the Health Department has inspected the premises and finds them to be in satisfactory condition; and

**WHEREAS**, no objection to any of these renewals has been filed with the Clerk's office; and

**WHEREAS**, the Alcoholic Beverage Retail Licensee Clearance Certificates for Renewal have been issued.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Kenilworth that the renewal of the Alcoholic Beverage Licenses for the following are hereby approved:

2008-31-015-001	American Legion Post No. 470 Kenilworth, t/a American Legion Kenilworth 470
2008-31-016-001	Columbian Club of Kenilworth, t/a Columbian Club
2008-33-001-004	CJMK, Inc., t/a La Griglia
2008-33-002-008	M&A Restaurant t/a LaCampagnola
2008-33-003-009	BBKS House of Music LLC t/a 10 <sup>th</sup> Street Live
2008-33-010-006	Kenilworth Veterans Center Club, Inc.
2008-33-011-001	Lucky G, Inc. t/a Buffys
2008-36-004-008	Kenilworth Hospitality, LLC t/a The Kenilworth

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2008-44-009-004	Lehar Liquor Corp.
2008-44-012-006	R & S Beverage LLC
2008-33-013-011	Butternut Café, LLC

RESOLUTION NO.12

**WHEREAS** New Jersey Governor Phil Murphy has declared New Jersey a sanctuary state, providing safe haven for illegal immigrants who are in violation of federal law; and

**WHEREAS** the Attorney General of the State of New Jersey issued Directive 2018-6 restricting the manner in which the law enforcement agencies of the State cooperate and comply with requests from agencies of the United States; and

**WHEREAS** Kenilworth Borough residents are concerned that such action would by extension make Kenilworth a sanctuary community; and

**WHEREAS** Kenilworth taxpayers are concerned about New Jersey's high taxes and unfunded State and Federal mandates that could be imposed on the Borough by the State and Federal governments related to immigration; and

**WHEREAS** New Jersey cannot ban Immigration and Customs Enforcement officials from operating in the State; and

**WHEREAS** declaration of New Jersey as a "Sanctuary State" could result in the Federal government declaring New Jersey ineligible for federal grant dollars, even further reducing the return of Federal tax monies; and

**WHEREAS** New Jersey Law Enforcement Directive 2005-1 and Directive 2007-3 had already provided guidance and prohibited local law enforcement from making decisions, enforcing, or selectively enforcing our laws based solely upon a person's race or ethnicity.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Kenilworth, County of Union, New Jersey hereby opposes the declaration of New Jersey as a Sanctuary State and calls upon the Congress of the United States and the President to enact Comprehensive Compassionate Immigration Reform to welcome all people who wish to emigrate legally from all countries and to provide a path toward citizenship for all those illegal immigrants who have been otherwise law abiding residents in the United States; and

**BE IT FURTHER RESOLVED** that in the overall interest of the residents of Kenilworth, the Governing Body does hereby denounce and oppose efforts by Governor Murphy and the State Legislature to make New Jersey a Sanctuary State for illegal immigrants and any unfunded state mandates that may be imposed on the Borough as a result of Governor Murphy's plan; and

**BE IT FURTHER RESOLVED** that the Governing Body opposes all efforts to create sanctuary cities or towns in New Jersey as proposed by Governor Murphy; and

**BE IT FURTHER RESOLVED** that the Governing Body decrees that the Borough of Kenilworth will not be designated a Sanctuary Borough and will not budget money for unfunded State or Federal mandates related thereto; and

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**BE IT FURTHER RESOLVED** that a copy of this Resolution, certified by the Borough Clerk to be a true copy, be forwarded to Governor Phil Murphy, Senator Nicholas Scutari, Assemblyman James Kennedy, Assemblywoman Linda Carter, United States Senators Corey Booker and Robert Menendez, Congressman Tom Malinowski and President Donald J. Trump.

Proposed Ordinance No. 2019-05 was read for a second reading as follows: Copy can be found in 5/22/19 minutes.

**ORDINANCE NO. 2019-05  
AN ORDINANCE AMENDING ORDINANCE NO. 2017-02 PROVIDING FOR COMPENSATION  
FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH**

Mayor Deluca said the purpose of this ordinance is to designate officers, job titles and authorize the compensation range to pay Borough Personnel.

Motion made by Laudati, seconded by Karlovitch to open the hearing on Ordinance No. 2019-05. All in favor.

No one wished to speak.

Motion was made by Laudati, seconded by Ceceri to close the hearing on Ordinance No. 2019-05. All in favor.

RESOLUTION NO. 13

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

**BE IT HEREBY RESOLVED** that the ordinance #2019-05 entitled:

**ORDINANCE NO. 2019-05  
AN ORDINANCE AMENDING ORDINANCE NO. 2017-02 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 May 22, 2019 approved for final passage at the regular meeting of the Borough Council of June 12, 2019 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. 2019-06 was read for a second reading as follows: Copy can be found in 5/22/19 minutes.

ORDINANCE NO. 2019-06

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**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW FIRE ENGINE (PARTIAL FUNDING) AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,525,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

Mayor Deluca said the purpose of this ordinance is to provide the financing for the Capital Budget Plan.

Motion made by Karlovitch, seconded by Clementi to open the hearing on Ordinance No. 2019-06. All in favor.

No one wished to speak.

Motion was made by Laudati, seconded by Karlovitch to close the hearing on Ordinance No. 2019-06. All in favor.

RESOLUTION NO.14

Introduced by Karlovitch, adoption moved by same.

Seconded by Clementi. Upon roll call all in favor.

**BE IT HEREBY RESOLVED** that the ordinance #2019-06 entitled:

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW FIRE ENGINE (PARTIAL FUNDING) AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,525,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

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 June 12, 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.

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Proposed Ordinance No. 2019-07 was read for a first reading as follows: (Copy attached)

ORDINANCE NO. 2019-07

**AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 120 LAND USE PART 2 "SUBDIVISION AND SITE PLAN REVIEW", ARTICLE 9 "ADMINISTRATIVE PROCEDURES", SECTION C "EXEMPTIONS" AND PART 3 "ZONING", ARTICLE 23.3 "R-5A HIGH DENSITY ONE- AND TWO-FAMILY RESIDENTIAL ZONE DISTRICT", SECTION F BULK AND LOT REGULATIONS WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY**

Ordinance 2019-07 was introduced by Councilman David. No one seconded and the Borough Attorney stated the matter dies at this meeting.

MEETING OPEN TO THE PUBLIC

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

Walter Sosnosky, 36 South 17<sup>th</sup> Street – Mr. Sosnosky said there is an employee who is getting 2 salaries, 2 separate checks. He said he asked the clerk what are the hours of this employee and she said to me she has no hours. He put in an OPRA request to find out her hours. On the copy the reply from the Councilwomen and Councilman Laudati was hours are flexible depending on needs and is overseen by the Health, Education & Human Services Committee. Councilwoman Ceceri and Councilman Laudati stated they never saw the document. He said he made another request for crimes committed in the Borough between June 1<sup>st</sup> and June 8<sup>th</sup> and he still has not received that. He picked up the OPRA report and received a bill for a nickel for the copy of the report that wasn't made. He was informed by the Borough Clerk that they should charge a nickel a page. He gave \$6.00 of nickels for his past OPRA requests. He needs to know her hours as a taxpayer, it can't be whenever she's there. If the job she has is on a call out basis then there should be a per diem, you take care of a client and then you get paid and if you are sitting home you should not get paid. He wants to know what are her hours specifically and what are her duties. The Borough Clerk said just for a point of clarification, her response to you that day was she has no set hours and that the response that you received on your OPRA request came from the Borough Attorney, not from the Council people. She said you asked where the answer came from and she told him that she asked the Borough Attorney for direction because she wanted to make sure it was phrased properly so that there was no misunderstanding. The response was that the direct supervision came under the Health, Education and Welfare Department. The Clerk said she did not provide you with the names at that time only because from year to year that changes depending on who is sitting on Counsel but if he recalls, she did provide him with those 3 names when he came back to the office. She said the answers did not come from Councilman Laudati or Councilwoman Ceceri. She said earlier in your questions you said I got the information from them, she did not get the information from them, she told you that she got the information from the Borough Attorney. Mr. Sosnosky said no one signed this, anyone could have wrote this. He said he thinks this is payback because he ran as a separate candidate. He wants to know what her hourly pay and she has to account for every hour she works. Mr. Capece said he has been flexible with the time but he is well over the limit at this time. Mr. Sosnosky said he

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wants the answers and the second report he put in for that he never got back from the Police Department, its over 8 days.

Gladys Caniero, 425 North 15<sup>th</sup> Street – She said she has been in Kenilworth 54 years and this is the worst that she has seen the streets, they are horrible and full of holes. She asked where are her taxes going because every year they raise taxes, right now she pays \$11555. She asked if you have an answer for me? She said the streets are Michigan Avenue, Sheridan Avenue and there is a big hole in Vitale. Mayor Deluca said we will let the DPW know and they will gladly go out there. She said she knows that is a County road, the closed the one that is coming from Rt. 22 but they did a lousy job, they just patched it up. The Mayor said that is not Kenilworth, it is Union and she said she knows its Union. She what about the ones in Kenilworth, if you look around they look horrible. The Mayor said if you identify the names of the streets he will gladly have the DPW cold patch the roads. She said she always helps out, she went to every cocktail that you had and bus trips and she had picnics at her house and she gets nothing, not that she is asking for herself, she is asking for the Town because she does not want the town to look bad and that's the way it looks. As of today she is no more a Democrat she is a Republican.

Paulette Drogan – Ms. Drogan said she is the female they are talking about. She said she gets 3 separate checks but they are 3 totally different jobs, one is Social Services Welfare, which she has been doing for 29 years and 98% of what she does is not even welfare, it's social services. She said she runs the Salvation Army Kettle and the Community Fund. She said there are very few people in this Borough that would say that she does not earn and work so many hours. The second job is Municipal Alliance, she has to write the grants, coordinate all the paperwork so there is no set hours but the job has to be done. She puts many hours into that going to meetings and schools, she gets involved with a lot more than she probably should. The 3<sup>rd</sup> job, the newest one is Municipal Senior Program Director which she started in Garwood when they got some money and the Mayor at the time said we want that in our town. She wrote the grants, got the funding, got the job. It was not a set amount of hours, the job was however long it takes. She said she is in this Borough or doing Borough work certainly more hours then she is paid for however she is not asking for anything, she just wants everyone to know she gives 150% and she challenges anyone to say that she does not. It is because, she believes, he is getting prodding from his spouse who does not like me and does everything she can to make trouble. Be that as it may, we are trying to work together for the seniors. She said what really upsets her is that he really just wanted to grandstand and pick on the Mayor and Council. At the senior meeting this past Wednesday with all of the seniors, she said to them, that she believes that she is the one they are talking about on Facebook and that she will be very happy to discuss her jobs and her salary and anything else that goes on but Mr. Sosnosky never spoke to me at all about it because he just wants to come here and be the windbag that he has been. She is sorry she should not have said that but it's the truth. Mr. Capece asked that she refrain from personal attacks. Mrs. Drogan said she is here for the seniors and she wishes that Mr. Sosnosky would also be here for the seniors. She said never question her 29 years of service or that she does not give a lot to this town and she does it because she loves it, not for the payroll.

Mr. Thomas Vitale – Mr. Vitale said he is not a stranger to Municipal Law, he has some experience and he knows the job that the Mayor and each Council Member does and they should all be commended you put a lot of work into it and it is a thankless job. He said you had a first reading on a motion today to reduce the square footage size of 2 family lots from 7500 to 5000 sq. ft.. That was moved by Councilman David and it did not receive a 2<sup>nd</sup>. His question is how did the lot size go to 7500, it was always 5,000 sq. ft.? He said that ordinance predated the Municipal Planning Act which was adopted in 1954 and was subsequently the Municipal Land Use Law in 1974. He said that ordinance 50 x 100 ft. and 5,000 sq. ft. lot size had to be on the books for at least 75 years.....his question is when was that

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changed? Mayor Deluca said in 2015 it came across the table and it never went to the Planning Board. Mr. Vitale asked if eventually it went to the Planning Board because it was adopted? Mayor Deluca said there was a lot of confusion about that. His personal opinion on the matter is that it should not be in there, 7500 is ridiculous, we build on 5,000 sq. ft. lots, it makes it impossible for builders to build. He asked doesn't that make it impossible for everybody else that owns 2 family houses on a 50 x 100 lot impossible to do anything.....or make it nonconforming? He said when it got changed he thought it should go back to the way it was, if someone wants to do a discussion on it about building size and different zoning to add something to the zoning height restrictions then that's all negotiable but when you change the actual lot size, which he does not think there is one 7500 sq. ft. lot in Kenilworth. Mr. Vitale said this is the Municipal map, its old and the zones might change but the structure does not change and this map is predicated upon the maps that were drawn up by old man Higgins back in 1898 and they finished in 1898 and he finished the maps in 1904 and then the town was adopted in 1907. He said Kenilworth was the first planned municipality in the State of New Jersey, it was completely drawn out on a map with trolley lines, sewers, sidewalks, lots, roads and everything was drawn out before it was incorporated as a Borough. He said blocks are all 200 ft. wide and 800 ft. long, all the lots are 50 x 100. If you have a whole block of 2 family homes that are on 50 x 100 ft. lots and now you change the ordinance to require 7500 sq. ft., not 75 ft. frontage but 7500 sq. ft., how does anyone of those property owners acquire the additional 2500 sq. ft. to create a conforming lot? Mayor Deluca said it was impossible. Mr. Capece said we are well over the 3 minute allotted time. The Mayor asked Mr. Vitale if he wanted to make a quick point? Mr. Vitale said he is reading from the current ordinance of 7500 sq. ft. ordinance and it says the purpose of the district is to preserve the quality of life and individuality of the existing detached one family homes and attach two family homes and to discourage sub division. He said he is not an expert in municipal land use law and if someone can point out to him in the preamble to the statute in Section 2 which sets out the purpose of the act, he is not sure that anywhere in that statute it allows a town to discourage subdivisions. He said you have to reconsider this ordinance. Mr. Capece said we are discussing an ordinance that is not before the Governing Body. Mr. Vitale said this is for the good of the public, he can discuss any topic he wants.

Mr. Schielke said he is not for or against this ordinance, he is reserving his thought process because the Planning Board is going through a Master Plan revision right now. The document that he read that said 7500 sq. ft. was in the 2011 Master Plan, he does not know when it was adopted because he was not on the Board back then. The Planning Board is spending a lot of time and we are reviewing the Master Plan a year in advance and then the zoning will be updated as well. He is going to go with the recommendation of the volunteers on the Planning Board that put a lot of time and effort in this and that process should be done toward the end of this year or early next year and that is when everything will be revised.

Joseph Rizzo, Jr. 212 North 21<sup>st</sup> Street asked if he could give his 3 minutes to Mr. Vitale because he thinks he had a lot of good points. Mr. Capece said there is nothing in the ordinance that says you can give your time to someone else. Mr. Rizzo said there is a lot of confusion about where this ordinance came from .....and he asked what year was it done and the Mayor said he remembers reading it in 2015 and thinking it made everything nonconforming because everything we have in existence.... and the change is not a minor change, it didn't make sense. Mr. Rizzo said where is the betterment of the town?. Councilman David said you would have to ask the prior administration because that's who passed it. The Mayor said he wanted it changed two years ago and he does not know why it did not happen. Mr. Rizzo asked who wrote the ordinance and put it up for a vote and the Mayor said he can't remember. Mr. Rizzo asked how was the town going to advance and how is it going to be for the betterment of the town. Mayor Deluca said it confuses him but he is not for it. Mr. Rizzo said he

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hopefully everyone will think about it before they vote on it. Councilman David said unfortunately there is no vote.

Richard Holler asked how is it going with the drain ditch and the Mayor said the engineer was looking at it after the rain and he is going out again after it rains. He said the flow looks good but they have to get behind your house in the corner, we did not get back there yet. He said we should get a back hoe and do some work. He walked the front but did not walk the back and that is where the next plan of attack is. Mr. Holler said we had a week with no rain but we get poeing back there and also the ditch is deteriorating, its asphalt. Mr. Holler said we will all be suffering with the mosquitos. The Mayor said we have to keep that channel flowing. Mr. Holler said the people who own the property should get the County to spray. The Mayor said the County is going to spray. Mr. Holler said it did not seem like to much has been taken care of because it's over a year that he approached the Mayor on this and the other day the engineer asked for the phone number of the property manager because he misplaced it. Mr. Holler said it tells him that nothing is being done. The Mayor said we are doing what we can and Mr. Holler said he doesn't think so. The Mayor asked Mr. Holler how many other prior Mayors have even bothered to even talk to you about this? The ditch has been there for 30 years. Mr. Holler said the other problem is the noise from the guys coming in the middle of the night picking up dumpsters. He put in a complaint and he has not heard anything yet. He said there are two dumpsters by the playground corner where the water settles and that is only a few feet from his property line and that should not be there.

Bob Beiner, 36 South 24<sup>th</sup> Street – Mr. Beiner said at times there seems to be a lot of airplane noise over Kenilworth. There is not much we can do but he wanted everyone to know that there is a phone number to call. The Port Authority has a complaint phone number which is 1-800-225-1071. He urged people to call that number, it's for the 3 major airports, they will ask you your name and address, etc. He said Cranford has a lot with airplane noise. He asked to have the number put on the web site.

Councilwoman Ceceri said the flight patterns seem to change every season.

Bob Herbert, 14 North 12<sup>th</sup> Street – This ordinance regarding change of tenancy and change of use, the way our ordinance reads now if a new business comes in town now, if it is permitted or not permitted or if it's a change in use everything requires a minor site plan review. In his opinion that is not very business friendly to have that. He doesn't know if that needs to be a separate ordinance but we have had a couple of appeals to the Board about that. He said on South 23<sup>rd</sup> Street and Newark Avenue they had a piece of property that was 30 ft. wide and a builder came into the town, went through the process of a variance and the Board denied him but he appealed the Boards decision to the court and the court recommended to revisit the Board because he cited some State Law case and said because the owner did not have any adjoining properties to purchase and he was meeting all the other bulk requirements except for the lot size of 5,000 sq. ft. the court ordered our Board to pass it and they had to by law. His point is to take into consideration for 2021 when you are going to consider changing it back to 5000 sq. ft. if any applicant comes to the Board and they meet all the bulk requirements except for the 7500 sq. ft., they will spend all this time and money and the Board legally cannot deny them under State Case Law. He just wanted everyone to know this in case you were not aware.

Walter Sosnosky. Mr. Sosnosky every time he came up here he was on a tight leash, 3 minutes. Sosnosky asked if he is going to get a definite answer about her hours and her pay? Councilman Clementi said you got your answer already, she came up and explained. Mr. Sosnosky said that does not make it correct. Councilman Clementi said she is the Department Head and those are her hours. Mr.

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Sosnosky said who pays for her and he answered himself by saying the taxpayers. He said he has a right to know and if it has to go to the court he will. He said he has been very professional and does not call anyone names and he never used her name at all on his face book page, he talked about the circumstance. He said for her to come up and slander his wife's name and call me what she called me is quite unprofessional for a person who is well educated in her field to stoop to name calling and slandering his wife's name, this has nothing to do with her. He said if he does not get the information he needs he will go through the court system.

Paulette Drogan – Mrs. Drogan said when she was hired she was hired by salary not by hours so she has to put in a lot more .....it was a salaried position, that was what was agreed upon and she worked with other Boroughs and it's the same thing, salary, not hourly. She apologized and said she should not have called him a name.

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

GENERAL BUSINESS

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta  
Deputy Borough Clerk