

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

MINUTES

It was moved by Councilman Ladauti, seconded by Councilwoman Ceceri and carried that the minutes of the Regular Council Meeting, Work Session and Executive Session of June 28, 2017 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- County of Union: Site Plan Application review recommendations for Block 2, Lot 4
- Borough Engineer – Recommendation for Payment Topline Const. – N. 20th Drainage Improvements
- Kenilworth FD Chief – Thank You for Support – Firemen’s Carnival – August 14th – 19th
- Parkway Liquors – ABC Request for hours of sale change
- Resident Letter – Thanking Police Dept. and Chief
- **JUNE Dept. Reports:** Clerk’s Office, Court, Finance, Fire, Planning & Zoning, Police & Public Works

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

MAYORS REPORT

Mayor Deluca reported Union County Summer Arts Festival has begun in Echo Lake Park, July 26 the will feature the Hudson River Rats, the free concerts continue in Oak Ridge, Clark, New Jersey with The Dead Space on August 2nd which is a Grateful Dead experience, August 9<sup>th</sup> is American Rapture, August 16<sup>th</sup> is Black Dog which is a Led Zeppelin tribute band and it ends with A New York State of Mind, a Billy Joel tribute band on August 23rd. These free concerts begin at 7:30 PM, weather permitting.

The Mayor said he hopes everyone is having healthy and happy summer so far and he asked everyone to be careful.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilman Mascaro said our CFO has done a great job corralling the ins and outs of the audit. The Borough received a notice that the additional State Aid for the school is \$240,000.00 and the amount

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

listed on the Department of Education website is \$47,000.00. He said everything is copasetic and the CFO has been making adjustments as needed.

DEPARTMENT OF PUBLIC WORKS

Councilman David reminded residents the County will be accepting household hazardous wastes on Saturday, August 5<sup>th</sup>. This event will take place at the Union County Career and Technical Institute which is located at 1776 Raritan Road, Scotch Plains from 9AM to 2PM. The County will also have 3 paper shredding events over the next 2 months, the first one will be at Rahway Park, Rahway on Thursday, July 20<sup>th</sup>, the second one will be at the old Bristol Meyers Building, 1350 Liberty Avenue, Hillside on Saturday, July 22<sup>nd</sup> and the 3<sup>rd</sup> one will be at Kean University on Saturday, August 12<sup>th</sup>. All three of these events will begin at 9AM. The County website is [www.ucnj.org/recycle](http://www.ucnj.org/recycle). The DPW did a great job setting up the barricades and doing all the cleanup for the Fireworks which was a success.

PUBLIC SAFETY

Councilman Corvelli reported that this Friday the Youth Academy will graduate here and all are welcome. They went through the program from the beginning of the summer and it was well worth it for them. Tuesday, July 31<sup>st</sup> at 6PM is National Night Out at Harding School and all of our equipment will be on display, refreshments will be served. Councilman Corvelli reported the police contract was introduced tonight and has been worked on over the past 3 or 4 months, they gave a little back, we gave a little back and he thinks it is a fair contract. He said we did not give it all away, we kept the residents in mind.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Clementi reported he is in receipt of the June monthly Zoning Report from Robert Herbert and Mr. Herbert was proactive with inspections, he had weekly meetings with the public, zoning permit reviews, returned phone calls and he had inspections from the Zoning Board Applications. He sent 22 violation notices, 19 Zoning permits received, 10 summonses issued, 14 complaints received. He is asking that the Council review the abandoned property ordinance and make a few corrections. Tomorrow evening is the Planning Board Meeti.ng.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported the Recreation Department is in the 3<sup>rd</sup> week of Summer Camp and they have 225 children registered. On July 18<sup>th</sup> they will host Swim Night for Kenilworth residents at the Cranford Pool from 8PM to 10PM with a rain date of July 19<sup>th</sup>. On Sunday, July 2<sup>nd</sup> we had the annual fireworks display with a parade and activities preceding the fireworks. The date for the Carnival is August 14<sup>th</sup> thru August 19<sup>th</sup> at St. Theresa's. We are appointing two probationary EMT's to the Kenilworth Fire Department this evening. Total calls throughout the month for Fire and Rescue was 121, miles travelled was 838 and total man hours were 2330.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti reported the Senior Citizens had their annual picnic at DiMario Park and there was a decent turnout. The Board Health is working on getting prepared for the Health Fair in September. The

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

school went through a successful graduation and they are doing scheduling now. The Library has a lot of fun activities, their web site has everything listed [www.kenilworthlibrary.org](http://www.kenilworthlibrary.org)

CONSENT AGENDA

Resolutions No. 1 thru 9 are listed on Consent Agenda and will be enacted by one motion in the form listed below. All items will be recorded individually in full in the minutes.

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

RESOLUTION NO. 1

**BE IT HEREBY RESOLVED:** That all bills be paid when properly audited and funds are available.

RESOLUTION NO. 2

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

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

**NOW, THEREFORE BE IT RESOLVED**, That the *Mayor and Council of the Borough of Kenilworth*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 3

**WHEREAS**, the auditing firm of Suplee, Clooney & Company, P.A. has completed their audit of the Financial Statements and Supplementary Data of the Borough of Kenilworth for the year ended December 31, 2016; and

**WHEREAS**, they have made recommendations as a result of that audit; and

**WHEREAS**, based on those recommendations, an Annual Audit Corrective Action Plan needs to be developed.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Kenilworth, County of Union, that the 2016 Annual Audit Corrective Action Plan submitted by the Chief Finance Officer is hereby approved; and

**BE IT FURTHER RESOLVED**, that a certified copy of the 2016 Corrective Action Plan be sent to the Division of Local Government Services.

RESOLUTION NO. 4

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Kenilworth of Union County, New Jersey upon recommendation of the Borough Engineer that Payment #1 for the Contract listed below be and is hereby approved.

TITLE OF JOB: North 29<sup>th</sup> Street Drainage Improvements

CONTRACTOR: Top Line Construction, Inc.

ENGINEER: Harbor Consultants, Inc.  
320 North Avenue, East  
Cranford, NJ 07016

**Payment #1**

TOTAL ORIGINAL CONTRACT PRICE	\$8,874.31
Change Order	\$0.00
<b>Payment #1 - Amount Due this period</b>	<b><u>\$8,874.31</u></b>

All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

CERTIFICATION OF FUNDS  
APPROPRIATION: C-04-55-154-109  
JOE DEIORIO, TREASURER

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

**RESOLUTION NO. 5**

**WHEREAS**, it has been determined that the real estate assessment for the years 2013 & 2014 have been over assessed on 350 Market Street, Kenilworth, NJ, due to a State Tax Court Judgment, and;

**WHEREAS**, this resulted in the overpayment of taxes for the calendar year 2013 in the amount of \$4,623.01 and an overpayment of taxes for the calendar year of 2014 in the amount of \$3,293.60, and;

**WHEREAS**, Michael Vespasiano, Attorney representing the owner has requested that the overpayment be refunded to his firm.

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer, after proper notation on the tax account records by the Collector of Taxes, be and is hereby authorized to issue a warrant for a refund as stated below.

<u>Block</u>	<u>Lot</u>	<u>Payable To:</u>	<u>Amount</u>
174	7	Michael A. Vespasiano, Esq. C/o 350 Market Street, LLC 331 Main Street Chatham, NJ 07928	\$ 7,916.61
			TOTAL \$ 7,916.61

7-01-37-480-101 \$7,916.61

**RESOLUTION NO. 6**

**BE IT HEREBY RESOLVED:** That the following list of Retirees be reimbursed for their payments for Medicare coverage from January 1<sup>st</sup> through June 30, 2017 inclusive, in accordance with Chapter 231, P.L. 1970 State of New Jersey.

<u>Retired Employee</u>	<u>Reimbursement Amount</u>
Robert Jeans	\$121.80 x 2 (Jan. – Feb.)
	\$146.20 x 4 (Mar. – June)
	_____
TOTAL	\$828.40
<i>Less Payment #1 Resolution Approved June 28, 2017</i>	<u><i>\$804.00</i></u>
<b><i>Adjustment Due</i></b>	<u><b><i>\$24.40</i></b></u>

**RESOLUTION NO. 7**

**WHEREAS**, Grass Collection and Disposal services were awarded to **Get-A-Can Recycling** – 278 West Railway, Paterson, NJ 07503 973-278-6625 by resolution at a meeting held May 10, 2017; and

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

**WHEREAS**, there was a typographical error on the 2<sup>nd</sup> Renewal Term, the year indicated was 2018 and it should have been 2019; and

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

1. The Borough of Kenilworth hereby amends the contract to:

Get-A-Can Recycling – 278 West Railway, Paterson, NJ 07503	973-278-6625
Initial Term: May 1 through October 31, 2017 (Thursdays)	Amount: \$68,000
1 <sup>st</sup> Renewal Term: April 1, 2018 – October 31, 2018 <i>(Subject to 60 day opt out may be exercised by Borough or Gaeta Recycling)</i>	Amount: \$68,000
2 <sup>nd</sup> Renewal Term: <b>April 1, 2019 – October 31, 2019</b> <i>(Subject to 60 day opt out may be exercised by Borough or Gaeta Recycling)</i>	Amount: \$68,000

**Pending the receipt of all required documentation**

2. The Mayor and the Borough Clerk are hereby authorized to execute all documents to effectuate the purposes herein above expressed.

#### RESOLUTION NO. 8

**BE IT HEREBY RESOLVED**: that **JUSTIN KEATING** and **EMMANUEL FLITSANOV** be appointed as a Probationary EMTs on the Kenilworth Fire Department.

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

#### RESOLUTION NO. 9

**WHEREAS**, an agreement has been reached by and between the Borough of Kenilworth and the New Jersey State Policemen's Benevolent Association, "Kenilworth Local Number 135", for the period from January 1, 2017 through December 31, 2020.

**BE IT HEREBY RESOLVED**, by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey that the Mayor and Borough Clerk are authorized and directed to execute a contract between the Borough of Kenilworth and the New Jersey State Policemen's Benevolent Association, Kenilworth Local Number 135.

Proposed Ordinance No. 2017-06 was read for a second reading as follows: Copy can be found in 6/28/17 minutes.

#### **ORDINANCE NO. 2017-06**

**ORDINANCE TO AMEND RECREATIONAL PROGRAM FEES IN SECTION 91-6, ARTICLE III, ENTITLED "FEES FOR PARTICIPATION IN PROGRAMS"**

Mayor Deluca said the purpose of this amendment is to update the scheduled fees charged by the Borough to offset the costs for participation in recreational programs.

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

Motion was made by Gerry Ladauti, seconded by Nick Mascaro to open the hearing to the public on Ordinance 2017-06.

No one wished to speak

Motion was made by Larry Clementi, seconded by Mark David to close the hearing to the public on Ordinance 2017-06.

RESOLUTION NO. 10

Introduced by Kay Ceceri adoption moved by same.  
Seconded by Larry Clementi. Upon roll call all in favor.

**BE IT HEREBY RESOLVED** that the ordinance #2017-06, entitled:

ORDINANCE NO. 2017-06  
ORDINANCE TO AMEND RECREATIONAL PROGRAM  
FEES IN SECTION 91-6, ARTICLE III, ENTITLED "FEES FOR  
PARTICIPATION IN PROGRAMS"

Was introduced and approved on first reading, at the regular meeting of the Borough Council on June 28, 2017 and approved for final passage at the regular meeting of the Borough Council of July 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. 2017-07 was read for a first reading as follows: (Copy attached)

**AN ORDINANCE PROVIDING FOR COMPENSATION FOR POLICE DEPARTMENT OF THE BOROUGH OF KENILWORTH**

Mayor Deluca said the purpose of this ordinance is to provide for the compensation of the police department.

RESOLUTION NO. 11

Introduced by Pete Corvelli adoption moved by same.  
Seconded by Larry Clementi. Upon roll call all in favor.

**BE IT HEREBY RESOLVED** that the ordinance #2017-07, entitled:

**AN ORDINANCE PROVIDING FOR COMPENSATION FOR POLICE DEPARTMENT OF THE BOROUGH OF KENILWORTH**

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

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 July 26, 2017 at 5:00PM 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.

Proposed Ordinance No. 2017-08 was read for a first reading as follows: (Copy attached)

**AN ORDINANCE PROVIDING FOR COMPENSATION FOR THE DEPARTMENT OF PUBLIC WORKS OF THE BOROUGH OF KENILWORTH**

Mayor Deluca said the purpose of this ordinance is to provide for the compensation of the department of Public Works.

**RESOLUTION NO. 12**

Introduced by Mark David adoption moved by same.

Seconded by Peter Corvelli. Upon roll call all in favor.

**BE IT HEREBY RESOLVED** that the ordinance #2017-08, entitled:

**AN ORDINANCE PROVIDING FOR COMPENSATION FOR THE DEPARTMENT OF PUBLIC WORKS 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 July 26, 2017 at 5:00PM 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 Mascaro seconded by Councilman Ladauti to open the meeting to the public. All in favor.

No one wished to speak.

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



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

GENERAL COMMENTS

Councilman Mascaro reported that tonight will be his last Council Meeting as he will be stepping down as a Councilman, he decided not to run for this upcoming election and it is probably best that he step down and let someone come in and get their feet wet. He thanked everyone on the dais and said he admired how they all are able to balance their personal life with sitting up here to do the best for our town. He said it has been a wonderful learning and rewarding experience. His hope coming up here was to do the best he could for the town. Councilman Mascaro said he is grateful to have been able to work with the Fire and Recreation Department, the DPW and the Finance Departments. He said the Council can count on him if they need anything. He thanked the Chief of Police, Dan Ryan from the DPW, Chief Lou at the Fire Department and Pat and Kristen at the Recreation and all the people on the dais. He said he will come up to some meetings and ask questions to prolong the meetings.

Mayor Deluca said he has the utmost respect for anyone who has the guts to come sit up here and take this on. He appreciates the fact that Nick took this opportunity and for a young man like himself, with a new family, that doesn't come with an instruction book and doesn't come with rules and regulations on how you do things, it is very hard. He said you have balanced it the best you could. The Mayor said he hopes to see Nick in the future because he knows Nick cares about the town. He thanked Nick for his service, patience and all the hours he put in.

Councilman Clementi wished Nick the best of luck and he will be missed up here especially since he served on so many committees and hopefully we will see him back up here sometime in the future.

Councilwoman Ceceri said she seconds what Larry said.

Councilman Corvelli said he knows Nick did not do this for the money ☺ Peter said you make friends here and lose a couple too but he said whatever we disagreed upon, he knows his heart was for the Borough and that he appreciates. He thanked Councilman Mascaro

Gerry Ladauti thanked Nick for helping him through the campaign.

ADJOURNMENT

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

8:30 P.M.

Respectfully submitted

Kathleen Moschitta  
Deputy Borough Clerk