

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR 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, Mark David, Linda Karlovitch, Jerry Laudati and Robert Schielke.

MINUTES

It was moved by Councilwoman Karlovitch, seconded by Councilwoman Ceceri and carried that the minutes of the Regular Council Meeting, Work Session and Executive Session of August 22, 2018 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

Councilman Laudati abstained from approving the minutes of August 22, 2018.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- UC Freeholders – POW/MIA Remembrance Day Invitation – Sept. 14 @ 11:15am
- Kenilworth Silver Card Assoc. – 2018 Awards Dinner
- Block Party Request – Pembroke Drive

- ***Department reports for July 2018*** 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 Schielke, 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 said Kenilworth's Farmers Market was closed on Tuesday but we are getting better every week and by next year we will have everything in order. It is still running through mid-November from 11AM to 5PM and the thought is to change the times to a little later. The UC Board of Chosen Freeholders is hosting the Annual Fall Festival on Sunday, September 30th at the Trailside Nature and Science Center, contact the UC Parks and Recreation Reservation for more information at 908-527-4900 or 908-654-9805. A free yoga women's wellness event will be held in celebration of 2018 International Day of Peace on Friday evening, September 21st from 6PM to 9PM at the Warineco Sports Center in Warineco Park. The Town Wide Garage Sale is October 6th and 7th, registration is \$12 and please bring exact change or a check made out to the Kenilworth Historical Society. Registration is until September 28th if you want to be included in the map. The week after that will be bulk pick-up for the north side and the week after north side will be bulk pick-up for the south side. The Mayor said we had our 17th 9/11 ceremony and he thanked the Chief for a solemn, respectful event.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD
ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch reported property tax bills are slated to be mailed by the end of the month and payments are due by November 1st. The New Jersey State Property Tax Reimbursement program applications need to be filed to the State by October 31st. The new fiscal year for the senior citizen handyman program started September 1st and we are reminding all senior citizens, whether or not you are a prior participant, to stop by the Tax and Finance office, Library or Senior Center and fill out an application for the Senior Citizen Handyman Program. The program is sponsored by a CDBG grant and we encourage all Kenilworth Seniors to participate. The 2019 budget preparation has begun, department notices have been sent out reminding them to review their budget and encumber funds necessary until year end. There 2018 department budget detail will be used as part of our review for the 2019 budget.

DEPARTMENT OF PUBLIC WORKS

Councilman David had nothing to report this month.

PUBLIC SAFETY

Councilman Clementi reported there were 1,792 calls for service for the month of August and 237 911 calls. The Kenilworth carnival was held from Monday, August 13th thru Saturday August 18th without incident. On September 6, 2018, the Kenilworth Police Department responded to 2 simultaneous overdoses at different locations due to fentanyl laced heroin in which Narcon was deployed and lives were saved. Motor vehicle burglaries have been occurring in town for unlocked motor vehicles, the first occurred sometime overnight during the late evening on Sunday, September 2nd into the early morning of Monday, September 3rd which was Labor Day on 12th Street just off the Boulevard. The other 3 occurred sometime overnight during the late evening on Friday, September 7th into the early morning of Saturday September 8th on the 100 block and 300 block of North 21st Street and on North 7th Street between the Boulevard and Washington Avenue. The Kenilworth police are asking everyone to be alert and vigilant and report any suspicious activity. The Kenilworth Police Department and Fire Department are having a softball game called "Bringing Back the Bash" as an end of summer bash on September 29, 2018 at 1:00 at DiMario Park and a summer bash will follow at 3PM at the Kenilworth PBA Hall, 36 Lafayette Avenue, Kenilworth. Purchase of the \$25 PBA event tee shirt provides you entry to the summer bash which will include a complimentary barbeque and beer. The bash will also have a doubles corn hole tournament with other fun games and prizes. To purchase tee shirts contact Travis Dilts at t.dilts48@aol.com or call 908-868-2652.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke said he received and handled 2 zoning calls to a favorable outcome. The Planning Board will meet tomorrow and there are no applications but there are 2 resolutions on the agenda. He received and reviewed the Zoning and Construction Reports for last month. He stated that tonight will be the final reading of an Ordinance on the small business zoning changes to ease the burden on small businesses moving onto the Boulevard for minor site plan review. Councilman Schielke said at tonight's work shop he asked for and received Councils approval to start looking into the FEMA National Flood

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

Insurance Program Community Rating System. This will be a long term process, probably a one year process, but at the end of it all residents who have to purchase flood insurance in Kenilworth should see at least a 10% savings on their premiums if not more. He will take that project on and see what we can get done.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri received the Fire Departments Report from Chief Krueger and there were 54 calls for the Fire Department, 66 calls for Rescue Squad for a total of 120 calls for the month of August. The Recreation has 2 upcoming events, the Spooktacular will be on Saturday, October 27th and Boo on the Boulevard on Wednesday, October 31st.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Laudati reported the Kenilworth Schools have an interim Superintendent who will be taking over until a replacement is found and a new kindergarten class was built. The Michael Vitale Health Fair is September 22, 2018 from 9AM to 12PM at St. Theresa's where you can get vaccinations, blood screening and blood tests which are free from Kenilworth.

CONSENT AGENDA

Resolutions No. 1 thru 10 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 RESOLVED, by the Mayor and Council of the Borough of Kenilworth of Union County, New Jersey upon recommendation of the Borough Engineer that Payment #3 for the Contract listed below be and is hereby approved.

TITLE OF JOB: New Emergency Generators
CONTRACTOR: Advanced Control Systems
ENGINEER: Harbor Consultants, Inc.
320 North Avenue, East
Cranford, NJ 07016

Payment #2

TOTAL ORIGINAL CONTRACT PRICE	\$189,500.00
Change Order Amount	0.00
Total Completed and stored to date:	\$ 185,742.00
Less 5% Retainage	\$ 9,287.10

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

Less Previous Payments	\$ <u>125,162.50</u>
Payment #3 - Amount Due this period	\$ <u>51,292.40</u>
<i>Balance to finish including retainage</i>	<i>\$13,045.10</i>

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:
 G02-70-080-016

 JOE DEIORIO, TREASURER

RESOLUTION NO. 3

WHEREAS, three (3) sealed quotes were received on August 16, 2018 for a **Vehicle Wash Facility** and Messercola Excavating, Inc., 549 E 3rd St, Plainfield, NJ 07060, having submitted the lowest responsible quote of \$23,500.00 (twenty three thousand five hundred dollars) as follows:

BIDDER NAME	BID AMOUNT
Messercola Excavating, Inc.	\$23,500.00
Drill Construction Co., Inc	\$33,000.00
K&D contractors, LLC	\$42,000.00

NOW, THEREFORE, BE IT RESOLVED that the engineer’s recommendation of award to Messercola Excavating be awarded a contract for a Vehicle Wash Facility at their quote of \$23,500.00 (twenty three thousand five hundred dollars).

BE IT FURTHER RESOLVED: That pursuant to N.J.A.C. 5:34-5.1 et seq. Local Public Contracts Law, the required Certificate of Availability of Funds has been obtained from the Chief Finance Officer of the Borough of Kenilworth

CERTIFICATION OF FUNDS
 APPROPRIATION:

 J. Delorio, Treasurer

RESOLUTION NO. 4

WHEREAS, it has been determined that the real estate assessment for the years 2017 has been over assessed on 10 Market Street, Kenilworth, NJ, due to a State Tax Court Judgment, and;

WHEREAS, this resulted in the overpayment of taxes for the calendar year 2017 in the amount of \$22,166.95 and;

WHEREAS, delinquent 2018 taxes exists in the amount of \$9,779.13 and the auditor recommends that no interest be charged to the delinquency and the overpayment to be refunded be reduced down by the delinquency,

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

WHEREAS, Valerie Hofer, Attorney representing the owner has requested that the overpayment be refunded to her 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>
179	6	Valerie Hofer, Esq. and Levine, J Lonerio, N Smidt CKC 120 Lebbie Lane Fairless Hills, PA 19030	\$ 12,387.82
			TOTAL \$ 12,387.82
8-01-37-480-101			\$12,387.82

RESOLUTION NO. 5

Whereas, the Borough of Kenilworth Fire Department is desirous to purchase Scott Carbon Warp Cylinder & Valve Complete with brackets and;

Whereas, the funds are available through the adopted 2018 Capital Budget and related ordinance, 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 Qualified Purchasing Agent and Municipal Clerk to award a contract to:

NJ Fire Equipment
119-131 Rt. 22 East
Green Brook, NJ 08812
State Contract #A80961

in the amount of \$28,272.00 for purchase of Scott Carbon Warp Cylinder & Valve Complete with brackets

Charge: C-04-55-189-106
Certification of Funds
Joseph Delorio, Treasurer

RESOLUTION NO. 6

BE IT HEREBY RESOLVED that **MICHAEL MORAN**, 25 Brasser Lane, Kenilworth, NJ 07033 appointed as an Alternate Crossing Guard, at a rate of \$17.69, effective September 12, 2018.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

RESOLUTION NO. 7

WHEREAS, the Mayor and Council of the Borough of Kenilworth, County of Union is aware that Friday, September 14, 2018 has been declared as "POW/MIA Remembrance Day"; and

WHEREAS, all Americans everywhere owe a special debt of gratitude and a responsibility for remembering and honoring those who have given so much to make all of us free and secure in this, our national homeland, and a recognition day is a fitting testament and remembrance to all of us for the sacrifices of our POW/MIA's; and

WHEREAS, in honor of this special day, a ceremony will be held in front of the Union County Courthouse, Broad Street, Elizabeth, New Jersey at 11:15 AM;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union that it hereby declares Friday, September 14, 2018 as

"POW/MIA REMEMBRANCE DAY"

in the Borough of Kenilworth and urges all citizens of the Borough of Kenilworth to make special effort to give thanks and to remember the sacrifices rendered to us by all these noble sons and daughters of America.

RESOLUTION NO. 8

WHEREAS, the New Jersey Board of Public Utilities approves vendors that provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may .

impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, N.J.S.A. 48:3-19 requires telecommunications vendors to obtain the consent of the municipality seeking the joint use of any existing utility poles within the municipality right of way; and

WHEREAS, for the foreseeable future it is in the best interest of the municipality and its residents to generally consent to the installation of telecommunications equipment and fiber provided each vendor is granted as an equal opportunity to use the Borough's right-of-way in a non-exclusive right-of-way, provided that the additional vendor does not interfere with preexisting vendors; and

NOW, THEREFORE, BE IT RESOLVED the Borough of Kenilworth after approval as to form of the document by the Borough Attorney authorizes the Mayor and Clerk to enter into agreement(s) that grant to BPU approved vendors of telecommunications services the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution as drafted by the Borough attorney.

RESOLUTION NO. 9

BE IT HEREBY RESOLVED:

WHEREAS, a fee has been collected for a calendar raffle in the amount of \$300.00 and;

WHEREAS, the fees were overpaid by \$100.00;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to draw a warrant in the amount of \$100.00 payable to the order of:

St. Theresa's Church
540 Washington Avenue
Kenilworth, NJ 07033

RESOLUTION NO. 10

A RESOLUTION TO AUTHORIZE MAYOR TO EXECUTE QUITCLAIM DEED FOR 640 FAIRFIELD AVENUE, BLOCK 162, LOT 4

PURPOSE OF THE RESOLUTION: To authorize the Mayor to execute a Quitclaim Deed of conveyance of Block 162, Lot 4 commonly known as 640 Fairfield Avenue.

WHEREAS, in November of 1963, the Borough of Kenilworth passed an Ordinance vacating Faitoute Avenue between a line drawn from the southerly side of Bloomingdale Avenue to the southerly side of Vernon Avenue and the Garden State Parkway; and

WHEREAS, upon the vacation of the property, the vacated property is divided equally between the adjacent property owners; and

WHEREAS, at the time of the vacation, one (1) of the two (2) owners was the State of New Jersey who never took title to the property; and

WHEREAS, tax records from the Kenilworth tax assessor indicated that the entire property that was vacated is being taxed to the adjacent private property owner; and

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH ON THIS 12th DAY OF September 2018 AS FOLLOWS:

1. The above recitals are incorporated herein as if repeated as part of the resolution; and
2. The Mayor is authorized to execute in the name of the Borough of Kenilworth a Quitclaim Deed and any related documents transferring the entire portion of the vacated property to Jose M. Lata Yupa, the current owner of the adjacent property.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

Proposed Ordinance No. 2018-12 was read for a second reading as follows: (Copy appears in the August 22, 2018)

ORDINANCE NO. 2018-12

**ORDINANCE ESTABLISHING BOROUGH OF KENILWORTH CODE, ARTICLE 1, CHAPTER 39-14 –
AUXILIARY POLICE AND SPECIAL LAW ENFORCEMENT OFFICERS**

Mayor Deluca said this ordinance is to establish the special law enforcement officers that your children will probably see in the school. This is to augment our existing SRO officer to have additional officers in the school.

Motion was made by David, seconded by Laudati to open the hearing on Ordinance 2018-12. All in favor.

No one wished to speak.

Motion was made by David, seconded by Laudati to close the hearing on Ordinance 2018-12. All in favor.

RESOLUTION NO. 11

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

BE IT HEREBY RESOLVED that the ordinance #2018-12, entitled:

ORDINANCE NO. 2018-12

**ORDINANCE ESTABLISHING BOROUGH OF KENILWORTH CODE, ARTICLE 1, CHAPTER 39-14 –
AUXILIARY POLICE AND SPECIAL LAW ENFORCEMENT OFFICERS**

Was introduced and approved on first reading, at the regular meeting of the Borough Council on August 22, 2018 approved for final passage at the regular meeting of the Borough Council of September 12, 2018 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. 2018-13 was read for a second reading as follows: (Copy appears in the August 22, 2018)

ORDINANCE NO. 2018-13

AN ORDINANCE AMENDING ORDINANCE NO. 2016-4 PROVIDING FOR COMPENSATION FOR BOROUGH EMPLOYEES OF THE BOROUGH OF KENILWORTH

Mayor Deluca said this ordinance is for the previous ordinance for the needs in which to compensate the special law enforcement officers.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

Motion was made by Clementi, seconded by Ceceri to open the hearing on Ordinance 2018-13. All in favor.

No one wished to speak.

Motion was made by David, seconded by Clementi to close the hearing on Ordinance 2018-13. All in favor.

RESOLUTION NO. 12

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

BE IT HEREBY RESOLVED that the ordinance #2018-13, entitled:

**ORDINANCE NO. 2018-13
AN ORDINANCE AMENDING ORDINANCE NO. 2016-4 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 August 22, 2018 approved for final passage at the regular meeting of the Borough Council of September 12, 2018 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. 2018-14 was read for a second reading as follows: (Copy appears in the August 22, 2018)

**ORDINANCE NO. 2018-14
AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH
OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF
SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN;
ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN
CHANGES IN PREVIOUSLY ADOPTED ORDINANCES**

Mayor Deluca said this ordinance adopts the codification of the Borough code. This was a big project and it revises and recodifies, recompiles and updates all the ordinances comprised in 1979 code to modernize the Borough of Kenilworth code. Whatever was rendered inconsistent with current law and Borough practices, eliminated obsolete references and provided a more user friendly format to aid the Borough staff and residents and other individuals who wish to use the Borough of Kenilworth code. The Mayor thanked the Borough Clerk for taking on this huge project.

Motion was made by Ceceri, seconded by Schielke to open the hearing on Ordinance 2018-14. All in favor.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

No one wished to speak.

Motion was made by Schielke, seconded by Karlovitch to close the hearing on Ordinance 2018-14. All in favor.

RESOLUTION NO. 13

Introduced by Schielke, adoption moved by same.
Seconded by Ceceri. Upon roll call all in favor.

BE IT HEREBY RESOLVED that the ordinance #2018-14, entitled:

ORDINANCE NO. 2018-14

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Was introduced and approved on first reading, at the regular meeting of the Borough Council on August 22, 2018 approved for final passage at the regular meeting of the Borough Council of September 12, 2018 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. 2018-15 was read for a second reading as follows: (Copy appears in the August 22, 2018)

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 225 LAND USE ORDINANCE BY EXEMPTING SMALL COMMERCIAL ESTABLISHMENTS IN THE BOULEVARD DOWNTOWN ZONE FROM THE SITE PLAN APPROVAL PROCESS WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Mayor Deluca said the purpose of this is to promote small business and we want to reduce the regulatory burden on them. Exempting small business from the site plan approval process is what this ordinance is about.

Motion was made by Schielke, seconded by Karlovitch to open the hearing on Ordinance 2018-15. All in favor.

No one wished to speak.

Motion was made by Clementi, seconded by Schielke to close the hearing on Ordinance 2018-15. All in favor.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

RESOLUTION NO. 14

Introduced by Schielke, adoption moved by same.
Seconded by Laudati. Upon roll call all in favor.

BE IT HEREBY RESOLVED that the ordinance #2018-15, entitled:

ORDINANCE NO. 2018-15
AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 225 LAND USE ORDINANCE BY EXEMPTING SMALL COMMERCIAL ESTABLISHMENTS IN THE BOULEVARD DOWNTOWN ZONE FROM THE SITE PLAN APPROVAL PROCESS WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Was introduced and approved on first reading, at the regular meeting of the Borough Council on August 22, 2018 approved for final passage at the regular meeting of the Borough Council of September 12, 2018 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. 2018-16 was read for a first reading as follows: (Copy attached)

AN ORDINANCE AMENDING CHAPTER 190 VEHICLES AND TRAFFIC, ARTICLE VII SCHEDULES, SECTION 190-48 SCHEDULE XVI: LEFT TURN PROHIBITIONS OF THE BOROUGH CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Mayor Deluca said we are going to be putting in a Hawk signal. This will be a left turn prohibition going from Quinton Avenue making a left onto South Michigan Avenue. It is going to be a pedestrian signal that we have wanted for a while to have traffic slow down on Quinton Avenue.

RESOLUTION NO. 15

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

BE IT HEREBY RESOLVED that the ordinance #2018-16, entitled:

ORDINANCE NO. 2018-16
AN ORDINANCE AMENDING CHAPTER 190 VEHICLES AND TRAFFIC, ARTICLE VII SCHEDULES, SECTION 190-48 SCHEDULE XVI: LEFT TURN PROHIBITIONS OF THE BOROUGH CODE OF 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 October 10, 2018 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

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

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 and presented same to Bobby Jeans, Commander of VFW Post.

PROCLAMATION – POW MIA RECOGNITION DAY

The men and women of our Armed Forces face unthinkable conditions and bear the painful cost of war. Theirs is a debt we can never fully repay, though we will continue striving to remain worthy of their sacrifice.

Of the men and women who served our country in World War II, Korea, Vietnam and later conflicts, there are currently over 82,000 whose fates and whereabouts remain unknown. Some of these are prisoners of war (POWs) who were taken captive by enemy forces and never returned to us. Others are “missing in action” (MIA), a term defined under the Missing Persons Act (10 U.S.C. § 1510) as applying to any member of the armed forces on active duty who “becomes involuntarily absent as a result of a hostile action” and “whose status is undetermined or who is unaccounted for.” The observance of POW/MIA Recognition Day began in 1979 to raise awareness of the large number of Americans who were still missing after the end of hostilities in Southeast Asia.

Today, we honor our missing warriors for their service and sacrifice, and rededicate ourselves to the cause of finding them. While we applaud the ongoing efforts of the Defense Prisoner of War/Missing Personnel Office, which has closed 136 POW and MIA cases since the start of this year, the numbers of unaccounted-for personnel, including 1,251 from the Vietnam era, are still far too high. On this day, by displaying the POW/MIA flag at our homes, businesses and government buildings, we send to these men and women and their families a clear message embodied in the words on the flag: “You Are Not Forgotten.”

NOW THEREFORE I, Anthony DeLuca, do hereby proclaim September 15, 2018, as “POW/MIA Recognition Day.”

MEETING OPEN TO THE PUBLIC

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

Police Chief John Zimmerman thanked the Mayor and Council and the Board of Education for the time they took for the interviews to find the right people to fill a position which is going to be amazing for the students and their safety. Tomorrow will be the first day that our Class III’s will be in our schools. He looks forward to this new venture after the ordinance was passed tonight.

Mr. Joseph Grimaldi, 34 North 14th Street – Mr. Grimaldi asked why can’t the Fireman’s Carnival and the Health Fair be held at the school instead of St. Theresa’s? He said the schools would be a better venue.

Mayor Deluca said that Father Joe offered the Fire Department to have their carnival there many many years ago. He said you can’t do Games of Chance or have a Beer Tent on public property. Councilman

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

Laudati said St. Theresa's has many rooms available to the Health Department to run the blood testing labs, vaccinations and eye tests and that is why they use St. Theresa's. He said public schools do not want the public walking around their school for safety reasons. Mr. Grimaldi said the public schools belong to the town and it's not on a school day. Mr. Laudati said they have their rooms locked up and they don't want outsiders running through their rooms. He said even during election day they keep their rooms locked up tight so people can't walk through. Mr. Grimaldi said he understands about the Games of Chance and the beer tank but he feels that right now St. Theresa's is going through a little bit of a transition, they are starting to get used to the new priest and transitioning from the old administration to the new administration even though it has been a year or so.....he thought it would be easier on those other building rather than at St. Theresa's.

Richard Price, 290 South Michigan Ave. - Mr. Price said his issue is with the nightclub across the street from his house.....people just don't want to go home when it closes.....they hang around for hours.....waking us up 2 or 3 in the morning and they are very loud. He said he doesn't know what to do about it, the police are doing what they have to do.....he sees the police coming around but the people just don't want to go home. He said he has called and the police responded and they tell them to leave but before that he has a hard time deciding when he should call.....he doesn't want to call and say there are people in front of his house because "so what" if there are people in front of his house but he doesn't know how long they will stay there.....they curse and try to get with the girls. He said they control the 3 or 4 block radius of where they park and they walk through the neighborhood after the bar closes and they are very loud. He said he lives by the store and he guesses that they think because the stores are closed that nobody lives there and they just hang out for hours and they are very loud. He said he counted 22 people hanging outside the club just hanging outside the club.

Mayor Deluca said the process had gone a little further and there are things that are in process right now....we are having a hearing so they can answer to some of those things. We were going to have it tonight but we need to do it the proper legal way. He said the hearing is going to be scheduled for the next meeting and we are going to all be in favor of thiscorrect council? The council all agreed on the hearing. The Mayor said council is all in agreement of this hearing and they are going to get notified. He said he needs all the residents to come and express their concerns. He said it is important for the residents to let everyone know what is going on because we have taken it a further step. He said this is not over, we have given them a year and residents have been very patient in trying to work with the owner. A lot of you guys have talked to the owner and tried to come up with something and it doesn't appear that things are improving. This hearing is hopefully going to apply some teeth to what we are trying to get them to do which is to comply. Mr. Price said the police are doing a good job but there is only so much they can do. The Mayor said this is a notice of a hearing and we will have a prosecutor and people there that are going to impose something, fines or levies or something. Councilman David suggested that when we have our hearing that somehow the neighbors are notified of the hearing....we need more than 2 people to show up to voice their concerns. He said as a retired police officer from here...the problem with noise is every time a police officer responds the noise it has stopped already so when we get out of the car and don't hear the noise, the noise is bothering you but nobody ever wants to come up and sign complaints which is the biggest issue, the residents have to sign the complaints. He said if they are bother you then you have to call but then once the police officer comes they get namesyou have to come up and sign complaints because we don't hear the noise so we can't sign the complaint....he said residents don't ever want to do that. He said we need more than 2 people here with evidence for the hearing.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD
ON WEDNESDAY EVENING, SEPTEMBER 12, 2018. MAYOR DELUCA PRESIDED.

The Borough Clerk said as an expression of how seriously the Council is taking this in that they have a hearing scheduled for the next Council meeting she said she will take a roll call vote:

Roll Call: Councilwoman Ceceri vote yes, Councilman Clementi voted yes, Councilman David voted yes, Councilwoman Karlovitch voted yes, Councilman Laudati voted yes and Councilman Schielke voted yes.

Chief Zimmerman asked for Mr. Prices name and address.

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

GENERAL BUSINESS

None.

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk