

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, SEPTEMBER 13, 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, Linda Karlovitch and Gerry Ladauti.

MINUTES

It was moved by Councilman Ladauti, seconded by Councilwoman Ceceri and carried that the minutes of the Regular Council Meeting and Executive Meeting of August 23, 2017. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- State of New Jersey: DOT TAP Grant – Request denied
- Kenilworth Senior Citizen – Handyman Program
- **AUGUST Dept. Reports:** Clerk's Office, Court, Finance, Fire, Planning & Zoning, Police & Public Works

It was moved by Councilman Ladauti, seconded by Councilman Corvelli 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 the Union County Family Pride picnic celebrating marriage equality is Saturday, September 16, 2017 from noon to 5:00 PM at Rahway Park. There will be live music, arts and crafts, face painting and bounce houses for the children. The County is hosting POW/MIA Remembrance Day on Friday, September 15, 2017 at 11:15AM in front of the Court House on Broad Street. In the event of rain the ceremony will be held in the rotunda. New Jersey Veterans network is hosting the first annual camping trip on September 16<sup>th</sup> and 17<sup>th</sup> for all veterans and their families at the Watchung Boy Scout Campground, space is limited, call 973-332-1556 to register. The America Legion is hosting their annual picnic on Saturday, September 16<sup>th</sup> from 1PM to 6PM. Tickets can be purchased at 238 North 14<sup>th</sup> Street, the \$20 ticket includes a tee shirt, draft beer, soda, food fun and music. The Kenilworth Historical Society invites you to celebrate the music of the 60's, dinner and show is Friday September 22<sup>nd</sup> from 6-11 at the Kenilworth VFW. For tickets or to book a table call 908-709-0434 or 908-709-0391.

Mayor Deluca said there have been some questions floating around regarding how information gets on the TV Channels. He said the Borough controls TV Channel 45 for Fios customers and TV Channel 35 for Comcast customers. He said if any school organization would like information added to our channel they can e-mail Lisa Wood at [lwood@kenilworthnj.org](mailto:lwood@kenilworthnj.org). The file must be in a landscape format to upload it to the TV network. Any questions regarding Channel 45 or 35 you may contact Lisa or Joe Deiorio at 908-276-5800. The Board of Education controls Comcast Channel 36 and if you need to do something

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with that channel or you have any issues with that channel you would need to contact the Board of Education at 908-276-5936.

Mayor Deluca said there were a lot of bad storms and we should be prepared in the event that we are in the path of a storm. He said people can go on the FEMA website to show you how to be prepared for a storm.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch read the September 13, 2017 Finance Report. The Borough of Kenilworth annual Tax Sale is October 17<sup>th</sup> with 6 properties who all have outstanding balances as of December 31, 2016. Publication of these properties will take place the week of the 25<sup>th</sup> in the Local Source newspaper. As far as the Procurement Card Program, the State of New Jersey prohibits municipalities from the use of credit cards for its purchases, however the State does allow for the use of procurement cards also known as P cards. P Cards are not credit cards, they control and limit municipalities to certain types and amounts of spending. State regulations require that the program also include strict oversight and certified training for users. Our current CFO has contacted Bank of America and scheduled the first roll out of training for the Public Works, Clerk and Finance Department on September 26<sup>th</sup>. The CFO met with Toni Giordano regarding the installation of new program equipment for DiMario Park. On September 21<sup>st</sup> a presentation will be made to the Mayor and Council during the Executive Session regarding DiMario Park Improvements.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported that sometime next week Superintendent Ryan said we will be getting a new 25 yard Sanitation Truck. The County is holding a paper shredding event on September 14<sup>th</sup> at Linden Recycling Center, 2 Donaldson Place, Linden from 9-1PM. There is also an e-waste event on Saturday, September 16<sup>th</sup> at Nokia, 600 Mountain Avenue, New Providence from 9AM to 1PM and there is a limit of 6 items per person.

PUBLIC SAFETY

Councilman Corvelli reported that they have come to an agreement with the Chief on his contract and he appreciated you waiting as long as you did but we hashed it out and have come to an agreement.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Clementi said he is in receipt of the Zoning Officers, Robert Herbert's report for August. He completed many tasks for the month including inspection on approved zoning permits, investigated illegal housing units, investigated work done without zoning or building approval, plan reviews and meets with the public. He had 16 violation notices send, 22 zoning permits received, 10 summons issued and 15 complaints received so he has had a very busy month as usual. The Councilman said he is also in receipt of the Construction Officer, Jerry Eger's report for the month of August and the total receipt for that Department was \$42,310.00, the bulk of it being building fees. The Planning Board will meet tomorrow night at 7PM.

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DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported that on Monday September 11<sup>th</sup>, the Police and Fire Departments all gathered outside Borough Hall in honor of the people who died on 9/11. She said it was a solemn ceremony but it showed that people are not forgetting. There were many great speeches made. There was a collection for Hurricane Harvey which ended on Friday and a lot of the things that were sent to Harvey are being sent to Florida because Harvey was overflowing with stuff. For the Recreation Department, Soccer practice has started, today the girls rec soccer won against Linden 2 to 1. The Homework Club is up and swinging and they are working on the Spooktacular which will be on Saturday, October 28<sup>th</sup>.

Mayor Deluca said he is proud of all the young kids out there doing sports and they have his full support.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti said there were three major changes made as far as the education of our children, there is a new curriculum instruction person, there is a new Principal and Assistant Principal. They have all set their goals for this year and those goals are on their website. On September 26<sup>th</sup> the Library is having Lapsit at 10:30 AM and at 3PM there are movies for the children. On September 27<sup>th</sup> they will have toddler time at 7:30 AM and on September 28 they have Yarning which is a program supported by Friends of the Library and they make yarn products. On 9/28/17 they have story time at 6:00 and at 9/29 there is lego time. The Health Fair is September 23, 2017. Tomorrow night is the Directors Meeting where we will talk about all the positions people are going to have at the Health Fair.

CONSENT AGENDA

Resolutions No. 1 thru 8 are listed on Consent Agenda and will be enacted by one motion in the form listed below. All items will be recorded individually in full in the minutes.

Councilwoman 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

**WHEREAS**, the Borough of Kenilworth, New Jersey, desires to amend the 2017 Capital Budget of said municipality by inserting therein:

**Municipal Equipment**

**NOW, THEREFORE, BE IT RESOLVED**, that the Members of the Borough Council of the Borough of Kenilworth of the County of Union as follows:

**Section 1.** The 2017 Capital Budget of the Borough of Kenilworth is hereby amended by the addition of a schedule to read as follows:

**AMENDMENT**  
 CAPITAL BUDGET OF THE  
 BOROUGH OF KENILWORTH  
 COUNTY OF UNION, NEW JERSEY

PROJECT SCHEDULE FOR 2017  
 METHOD OF FINANCING

<u>CAPITAL PROJECT</u>	<u>ESTIMATED COST</u>	<u>IMPROVEMENT FUND</u>	<u>GENERAL BONDS</u>
Curbing	\$32,000.00	\$ 1,600.00	\$30,400.00

**Section 2.** The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2017 Capital Budget.

**RESOLUTION NO. 3**

**WHEREAS** N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

**WHEREAS**, the Director may also approve the insertion of any item of appropriation for an equal amount,

**WHEREAS**, the Borough of Kenilworth wishes to amend its 2017 Budget to include an amount as revenue,

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Kenilworth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2017 in the sum of ..... \$18,255 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:  
 Governor’s Council on Alcoholism and Drug Abuse

**BE IT FURTHER RESOLVED** that a like sum of ..... \$18,255 be and the same is hereby appropriated under the caption of:

General Appropriations  
 (A) Operations - Excluded from CAPS  
 Public and Private Programs Offset by Revenue  
 Governor’s Council on Alcoholism and Drug Abuse

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RESOLUTION NO. 4

**WHEREAS** N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget and,

**WHEREAS**, the Director may also approve the insertion of any item of appropriation for an equal amount,

**WHEREAS**, the Borough of Kenilworth wishes to amend its 2017 Budget to include an amount as revenue,

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Kenilworth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2017 in the sum of ..... \$50,000.00

which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:  
2016 Kid’s Recreation Grant (Union County)

**BE IT FURTHER RESOLVED** that a like sum of ..... \$50,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations  
(A) Operations - Excluded from CAPS  
Public and Private Programs Offset by Revenue  
2016 Kid’s Recreation Grant (Union County)

RESOLUTION NO. 5

**WHEREAS**, sealed bids were solicited for **Parks Repairs and Improvements** and the borough engineer has reviewed the submitted bids; and

**WHEREAS**, the borough engineer recommends the award to the lowest responsible bidder, K&D Contractors, submitted, as follows:

Base Bid	Alt. #1	Alt #2	Alt. #3
\$61,300.00	21,400.00	\$7,700.00	\$8,500.00
Total	\$82,700.00	\$90,400.00	\$98,900.00

**NOW, THEREFORE, BE IT RESOLVED** that **K&D Contractors, 351 Monroe Ave., Kenilworth, NJ 07033** be awarded the Parks Repairs and Improvements at their bid of **\$90,400.00, for the Base Bid, Alt. #1, and Alt. #2 for Parks Repairs and Improvements Project.**

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**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**

2015 Union County Recreation Grant		\$29,878.00
2015-04 Ord. C-04-55-154-103		\$20,460.00
2016-02 Ord. C-04-55-102-105		\$10,000.00
2017-05 Ord. C-04-55-175-104		\$30,062.00

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Joseph DeIorio, Treasurer

**RESOLUTION NO. 6**

**WHEREAS,** the Public Safety Committee has negotiated in good faith with Police Chief John Zimmerman over terms and conditions of employment for the period covering July 2, 2016 through July 2, 2020; and

**BE IT HEREBY RESOLVED,** by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey that the Mayor, Public Safety Chairman and Borough Clerk are authorized and directed to execute the contract, which conforms in substance, between the Borough of Kenilworth and Kenilworth Police Chief John Zimmerman.

**BE IT FURTHER RESOLVED,** by the Borough Council that any relevant contribution changes authorized by this agreement are effective the following pay period of the passage of this resolution.

**RESOLUTION NO. 7**

**WHEREAS,** the Borough of Kenilworth is in need of administrative services to the municipal court office, and;

**WHEREAS,** Susan Eide, 2280 Sunrise Court, Scotch Plains, NJ, has received State certification as a Court Administrator; and

**WHEREAS,** Debra Weiss, 52 Seafoam Avenue, Winfield, NJ, has received State certification as a Court Administrator; and

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Kenilworth that it does hereby appoint Susan Eide and Debra Weiss, at the rate of \$20/hour for the purposes of per diem court assistant on an as needed based and court days, subject to the availability of funds.

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RESOLUTION NO. 8

GARDEN STATE MUNICIPAL JOINT INSURANCE FUND JOINT TRUST AGREEMENT AND RESOLUTION TO REJOIN

**WHEREAS**, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund as permitted by the Chapter 372 Laws of 1983 (40A:10-36); and

**WHEREAS**, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

**WHEREAS**, the Governing Body of the Borough of Kenilworth, has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens; and

**WHEREAS**, the Governing Body of the Borough of Kenilworth has previously executed a resolution to join the Garden State Municipal Joint Insurance Fund subject to the acceptance of its assessment;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Kenilworth (hereinafter referred to as the "Municipality") does hereby resolve and agree to renew its membership in the Fund for a period not to exceed three (3) years beginning January 1, 2015 to December 31, 2017 for the purpose of establishing the following types of coverage;

- Workers' Compensation and Employer's Liability;
- General Liability including law enforcement and public officials liability;
- Motor vehicle liability
- Property damage (buildings, contents, equipment and motor vehicle);

**BE IT FURTHER RESOLVED**, that the Municipality has never defaulted on claims and has not been canceled for nonpayment of insurance premiums for a period of at least two years prior to the adoption of this Resolution; and

**BE IT FURTHER RESOLVED**, that the Mayor and the Municipal Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective upon approval by the New Jersey Department of Insurance and the Department of Community Affairs.

Proposed Ordinance No. 2017-04 was read for a first reading as follows: (Copy attached)

ORDINANCE NO. 2017-04

**AN ORDINANCE TO REDUCE THE REQUIREMENTS IMPOSED UPON AN APPLICANT TAKING AN APPEAL FROM AN ACTION OF THE ZONING OFFICER WITHIN THE BOROUGH OF KENILWORTH BY AMENDING ARTICLES FOUR (4), FIVE (5) AND SIX (6) OF CHAPTER 225 OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH**

Mayor Deluca said this ordinance says if the homeowner wants to challenge the Zoning Officers determination it becomes a time factor and is costly and it is our intent to reduce the cost and time for rudimentary review of the Zoning Officers determination.

RESOLUTION NO. 9

Introduced by Clementi adoption moved by same  
Seconded by Ceceri. All in favor.

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**BE IT HEREBY RESOLVED** that the ordinance #2017-04, entitled:

**AN ORDINANCE TO REDUCE THE REQUIREMENTS IMPOSED UPON AN APPLICANT TAKING AN APPEAL FROM AN ACTION OF THE ZONING OFFICER WITHIN THE BOROUGH OF KENILWORTH BY AMENDING ARTICLES FOUR (4), FIVE (5) AND SIX (6) OF CHAPTER 225 OF THE MUNICIPAL CODE 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 October 11, 2017 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.

Proposed Ordinance No. 2017-10 was read for a first reading as follows: (Copy attached)

ORDINANCE NO. 2017-10  
**AN ORDINANCE TO AMEND CHAPTER 150 ARTICLE TWO (2) OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH**

Mayor Deluca said we were having problems with the properties that let their grass grow to exorbitant heights and when the time came for it to be cut the Health Department and the Zoning Officer went out and told them to cut it...it wasn't get cut properly. This ordinance gives a standard for a certain height for grass, weeds or whatever the ground coverage is there. So when the grass gets to 6 inch's they have to mow it.

RESOLUTION NO. 10

Introduced by Clementi adoption moved by same  
Seconded by Ladauti. All in favor.

**BE IT HEREBY RESOLVED** that the ordinance #2017-10, entitled:

**AN ORDINANCE TO AMEND CHAPTER 150 ARTICLE TWO (2) OF THE MUNICIPAL CODE 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 October 11, 2017 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. 2017-11 was read for a first reading as follows: (Copy attached)

Ordinance No. 2017-11  
**AN ORDINANCE TO  
PROHIBITING OBSTRUCTIVE PARKING ON CUL-DE-SACS AND DEAD ENDS**

Mayor Deluca said this ordinance needs further discussion and further clarification so we are going to table this ordinance so that we can make a better determination on how we are going to present it to the public.

Motion was made by Ladauti, seconded by Ceceri to table Ordinance No. 2017-11. All in favor.

MEETING OPEN TO THE PUBLIC

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

Joe Grimaldi, 34 North 14<sup>th</sup> Street – Mr. Grimaldi said he was here to push this conference again, NJ Second Amendment Fire Arms Education Conference (SAFCON) and the web site is [www.njsafecon.net](http://www.njsafecon.net) This will be the 3<sup>rd</sup> year and the State Police will be taking questions from the attendees and there will also be firearms related businesses and non-firearms related businesses. He said a water softener business that attended last year and is also attending this year with a display table, threw some money at the conference and he is backing it financially. The conference will be held in Princeton Marriott at Forestall in Princeton, NJ, doors open at 9:00AM. The hotel is beautiful and it is only \$10 and you will get some knowledge and information and if you have negative ideas about firearms then maybe going to see some of these people and hear them speak maybe you will change your mind and not be so afraid or negatively opposed to firearms. He said if you are pro second amendment then this will be right up your ally. He gave a flyer to Chief Zimmerman and suggested maybe some of his officers can attend as private citizens or maybe they can just go down there and check it out because it is very important to have an open dialogue between law enforcement and the citizens that believe in fire arms.

Mary Michitsch, 725 Monmouth Avenue – Ms. Michitsch said the Library gave Social Concerns about 10 or 15 afghans last year and they all went to homeless people and she said the Yarn Club does a great job. Mary said a lot of the bricks on the sidewalk in front of the library are missing and it is very dangerous.

Mayor Deluca said the Borough is aware that the bricks are very old and are coming up but they are hard to replace because when you do put a new brick in there it's a different color. As the brick pavers get old they do come up. He said we were looking at an infrastructure grant this year in order to change that but unfortunately we did not get the grant and we are going to have to find other ways to try and fix the street scape. He said he is favor of other alternatives then the actual paving stones that are there.

Mary asked about impervious coverage and the Mayor said we have an ordinance for impervious coverage. She said there is a house going up on Michigan Avenue by the post office and they are digging

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a hole. The Mayor said when you dig a hole for footings you have to make the hole wider in order to place the concrete. He said while the hole appears big the basement will probably be less, he thinks our coverage is 80%. Mary said Cranford is 65%. Mary said she has a tree in front of her house and the insurance company has sent her two letters, the driveway is being pushed up and it is right next to the water line. Mayor Deluca referred the matter to Councilman David. He said the budget is tight and we do have an application process.

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

GENERAL COMMENTS

Mayor Deluca said Happy Birthday to Councilwoman Karlovitch and welcomed her aboard.

ADJOURNMENT

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

8:45 P.M.

Respectfully submitted

Kathleen Moschitta  
Deputy Borough Clerk