

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, OCTOBER 10, 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 Ceceri, seconded by Councilwoman Karlovitch and carried that the minutes of the Regular Council Meeting, Work Session and Executive Session of September 26, 2018 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

NJSLOM Notices (emailed to all)

Department Reports: Department reports for September 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 David, seconded by Councilman Schielke 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 that the Kenilworth Farmers Market is every Tuesday, 11AM to 5PM at the parking lot across from the VFW. Union County's annual public heritage week, 4 Centuries in a weekend, a journey through union county's history, will take place on Saturday, October 20th and Sunday, October 21st from noon to 5PM. This is sponsored by the UC Board of Chosen Freeholders with the cooperation of staff and volunteers at 35 museums and historic sites including our very own Nitschke House. This year's event will branch out and highlight the rich history of invention and industry in Union County for the first time. Union County is hosting a haunted hayride at a deserted village on October 26 to 28, 2018 from 6:30-10PM. Call 908-654-9805 for tickets and more information, this program is for adults and children ages 6 and up, strollers cannot be accommodated.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch said tax bills were mailed out for property owners who made improvements to their homes, these bills along with 4th Quarter tax bills are due November 1, 2018. The Borough received notification from the Bureau of Justice Assistance that Kenilworth has been awarded \$2,655.00 toward the purchase of bullet proof vests. Acceptance of this award will be done by resolution at our

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next meeting. Based upon the recommendation of the Borough Bond Counsel, auditor and CFO the Borough will be preparing a bond notice for sale for our next meeting. The bond sale does not authorize new money but rather takes previously authorized capital ordinances which have been financed by short term notes and permanently finances them with one long term bond at a fixed rate of interest. The Beautification Committee will be planting flowers this Sunday, October 14, 2018, anyone wishing to us are welcome, we will meet at 11AM at the Recreation Center. "Carve It Out Kenilworth" will take place on October 19, 2018 from 6:30 to 8:30, residents are encouraged to bring a carved pumpkin to the pumpkin patch located on the Library lawn, there will be prizes, donuts & cider, live music and a beer garden and we hope to see everyone there.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported that Bulky Waste pickup started today for the north side of town and will continue until it is all picked up. Next week, October 17th is the bulky waste pickup for the south side of town. Any metal placed at the curb will be collected by the DPW, no electronics are to be placed at the curb, TV monitors, laptops, printers, etc. may be brought to the DPW yard Monday thru Friday, 7AM to 2PM. When you enter the yard you need to go into the office before you can unload your items. There are 2 more brush collections left this year on October 15th and October 29th. Capital Fence Company will replace a section of fence at DiMario Park and also they will redo the fence at 16th Street Park at the end of the month.

PUBLIC SAFETY

Councilman Clementi read the Police Monthly Report for September 2018 and there were 1,916 calls for service ad 201 911 calls. On October 1, 2018 SLEO William Hannon started at Harding School, he is a Class III Resource Officer also on October 1, 2018, dispatcher Samantha Moreland started at the Kenilworth Police Department. Reb ribbon day will be October 20, 2018 at Nomehegan Park, Cranford all day with activities for children. There were 7 thefts and motor vehicle burglaries from September 7 through September 30th, all vehicles entered were left unlocked, 7 occurred on September 27 into September 28 in late evening early morning hours on the south side of town. Safe Routes to School grant was submitted by Borough Engineer Tony Gallerano on September 18th for cross walk blinking pedestrian signs for the center of town and North Michigan Avenue near Route 22.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke said the Planning Board met last month and had 2 resolutions on the agenda and they will meet again tomorrow night they have 2 minor site plans on the agenda. He said he received and forwarded to our Borough Engineer a resident concern regarding the new gas meters and he followed up with the engineers at the work session. He is working with the gas company to get back with the resident. We held a joint meeting with Fire Code Enforcement, Zoning Official, Construction Official and Council Committee members in regards to the annual multi-family fire inspections that are being done...they are doing well but there have been a few zoning/construction violations that the Fire Chief noticed when he did the inspections. Beginning the first of the year he will let property owners know that there will be a recommendation or a referral to the proper department if there is something wrong and they will also be advised right then what is wrong so hopefully they can correct it before construction or zoning have to go out.

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DEPARTMENT OF RECREATION AND FIRE

Councilwoman Cecerri received the September Monthly Report from Fire Chief William Krueger and there were 38 calls for fire and 61 calls for rescue. The Kenilworth Rescue Squad will present music and dancing Motown Rhythm and Blues on Friday, November 16, 2018 at the VFW from 7PM to 12PM, tickets are \$25 and beer, wine and soda are included and there will be a Tricky Tray and 50/50 raffle. Halloween crafts for grades K-3 will be on Saturday, October 20, 2018 from 11AM to 12. The Spooktacular will be at DiMario Park on Saturday, October 27, 2018 6-8PM all candy donations are accepted up to the event date. Boo on the Boulevard will be on Halloween on Wednesday, October 31, 2018 from 12:30 to 4PM. Basketball registration is now open and must be done on line through the web site.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Laudati reported the school is looking for a new Superintendent. The Health Department is in the process of hiring a new clerk. The Library had a new hire, renovation of the kitchen is complete, the back steps are complete and they are getting a quote for the front steps. Friends of the Library raised \$46 at Applebee's for participating in the Library Kickoff and Library fest. The Library has a new phone system and an IT library upgrade.

RESOLUTION NO. 1

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

A settlement of special conditions mutually agreed upon by the Borough of Kenilworth Local Alcoholic Beverage Control Agency and the licensee Gavelstone Bar & Grill Inc. in lieu of suspension.

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.

Councilman David moved that all items under the Consent Agenda be approved, seconded by Councilman Laudati. All in favor.

RESOLUTION NO. 2

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

RESOLUTION NO. 3

BE IT HEREBY RESOLVED:

WHEREAS, a fee had been collected for a white goods in the amount of \$35.00 and;

WHEREAS, the fee was found not to be used;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to draw a warrant in the amount of \$35.00 payable to the order of:

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Mr. Antczk
15 South 17th Street
Kenilworth, NJ 07033

RESOLUTION NO. 4

BE IT HEREBY RESOLVED:

WHEREAS, a vendor fee had been collected for the Farmer's Market in the amount of \$100.00; and

WHEREAS, through no fault of the vendor the fee was found not to be used.

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:

Ms. Setta Savian
316 N. 22nd Street
Kenilworth, NJ 07033

RESOLUTION NO. 5

RESOLUTION AUTHORIZING THE AWARD OF Swenson Model 10' ALL PURPOSE BODY for the DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Borough of Kenilworth Department of Public Works has a need to purchase an All Purpose Body and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition has exceeded \$17,500; and,

WHEREAS, the anticipated term of this contract is for 2018; and

WHEREAS, the Borough of Kenilworth is a member of Educational Services Commission of New Jersey Cooperative Purchasing Program (formerly MRESC); and

WHEREAS, the Borough of Kenilworth Department of Public Works is desirous to purchase one (1) Swenson Model 10' All Purpose Body under Educational Services Commission of New Jersey Cooperative Purchasing Program Contract Number #ESCNJ 17/18-30 Confirmation #BD-46 and

WHEREAS, the costs associated for the contract is based on certification of funds by the Chief Financial Officer

NOW THEREFORE, BE IT RESOLVED, that the Borough of the Kenilworth authorizes Chief Financial Officer to enter into a contract with Trius Inc. 5049 Industrial Road, Farmingdale, NJ 07727 in the total amount of \$65,761.71 as described herein.

RESOLUTION NO. 6

RESOLUTION AUTHORIZING THE AWARD OF TWO LEAF VACCUMM MACHINES FOR THE DEPARTMENT OF PUBLIC WORKS

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WHEREAS, the Borough of Kenilworth Department of Public Works has a need to purchase leaf vacuum machines and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition has exceeded \$17,500; and,

WHEREAS, the anticipated term of this contract is for 2018; and

WHEREAS, the Borough of Kenilworth is a member of Sourcewell Cooperative Purchasing Program (formerly NJPA), member number 28058; and

WHEREAS, the Borough of Kenilworth Department of Public Works is desirous to purchase two (2) Xtreme Vac Model XV550TM25 under the Sourcewell Cooperative Purchasing Program Contract Number #0471217-ODB, and

WHEREAS, the costs associated for the contract is based on certification of funds by the Chief Financial Officer

NOW THEREFORE, BE IT RESOLVED, that the Borough of the Kenilworth authorizes Chief Financial Officer to enter into a contract with Peirce/Eagle Equipment, 3388 Route 22 West, Branchburg, NJ 08876 in the total amount of \$116,230.76 as described herein.

RESOLUTION NO. 7

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE PURPOSE OF TRAFFIC SIGNAL REPAIRS AND MAINTENANCE

WHEREAS, the Borough of Kenilworth Police Department has a need to acquire traffic signal maintenance and repair services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

WHEREAS, the Police Department had not anticipated that the amount procured by year end to exceed the requirements of the law; and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition has exceeded \$17,500; and,

WHEREAS, the anticipated term of this contract is for 2017; and

WHEREAS, Jenn Electric Inc. has submitted a proposal December 13, 2017 indicating they will provide the traffic signal maintenance and repairs the proposal based on unit price and type of service; and

WHEREAS, Jenn Electric Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Jenn Electric Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Kenilworth in the previous one year, and that the contract will prohibit the Jenn Electric Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the costs associated for the contract is based on certification of funds by the Chief Financial Officer

NOW THEREFORE, BE IT RESOLVED that the Borough of the Kenilworth authorizes the Police Department to enter into a contract with Jenn Electric Inc. 631 Morris Avenue, Springfield NJ 07081 as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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RESOLUTION NO. 8

WHEREAS, the Borough of Kenilworth received bids for **Interior Renovations at Municipal Building & Health Office**, on October 4, 2018; and

WHEREAS, the Mayor and Council reserves reject all bids in accordance with the Notice to Bidders of the Request for Proposal.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth that Kenilworth hereby rejects all bids for **Interior Renovations at Municipal Building & Health Office**, received on October 4, 2018.

RESOLUTION NO. 9

WHEREAS, the Mayor and Council are planning to hold an event on the Boulevard in 2019; and

WHEREAS, JC Promotions, will supply, contract, coordinate approximately 100+ vendors, provide amusements, live entertainment, obtain the appropriate permits through the Board of Health and Kenilworth Fire Department and provide porta sans; and

WHEREAS, JC Promotions will provide the Borough of Kenilworth a certificate of liability insurance, with the Borough of Kenilworth as additional insured; and

WHEREAS, the Governing Body of the Borough of Kenilworth and Kenilworth Police Chief have approved this event which will necessitate the closing of the Boulevard as follows:

Closing of the Boulevard from 24th Street to 14th Street

Sunday, May 19, 2019 from 7:00 A.M. to 7:00 P.M. for the Kenilworth Street Fair.

THEREFORE, BE IT RESOLVED, that the Mayor and Clerk be authorized to enter into agreement with JC Promotions, Inc. of 117 Prospect Ave., North Arlington, NJ 07031.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Kenilworth request the approval of the Union County Board of Chosen Freeholders for the closing of the Boulevard for the above event.

Proposed Ordinance No. 2018-16 was read for a second reading as follows: (Copy appears in the September 12, 2018)

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

Mayor Deluca said the purpose of this ordinance is to amend the exiting code, we will have left turn prohibitions to include eastbound on Quinton Avenue onto northbound South Michigan Avenue in preparation for the installation of a pedestrian signal.

Motion was made by Laudati, seconded by Clementi to open the hearing on Ordinance 2018-16. All in favor.

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No one wished to speak.

Motion was made by Laudati, seconded by Ceceri to close the hearing on Ordinance 2018-16. All in favor.

RESOLUTION NO. 10

Introduced by Clementi, adoption moved by same.
Seconded by Schielke. 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

Was introduced and approved on first reading, at the regular meeting of the Borough Council on September 12, 2018 approved for final passage at the regular meeting of the Borough Council of October 10, 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. 2018-17 was read for a first reading as follows: (Copy attached)

AN ORDINANCE AMENDING CHAPTER 91 FEES AND LICENSES, ARTICLE III RECREATION PROGRAMS, SECTION 6 FEES FOR PARTICIPATION IN PROGRAMS OF THE BOROUGH CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Mayor Deluca said the purpose of this ordinance is to amend the code for any recreation programs sections six fees for participations in such programs.

RESOLUTION NO. 11

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

BE IT HEREBY RESOLVED that the ordinance #2018-17, entitled:

AN ORDINANCE AMENDING CHAPTER 91 FEES AND LICENSES, ARTICLE III RECREATION PROGRAMS, SECTION 6 FEES FOR PARTICIPATION IN PROGRAMS OF THE BOROUGH CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

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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 November 7, 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 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 resolution.

PROCLAMATION

This proclamation recognizes the courage of those who have fought, are fighting, or will fight breast cancer in their lifetime. It also honors those who have lost their lives to the disease. For these individuals, and for the loved ones who give them unending support through the most trying times, the Borough of Kenilworth recommits itself to raising breast cancer awareness in our community.

WHEREAS, the Borough of Kenilworth is committed to raising awareness about breast cancer and the impact it has on our loved ones, friends, colleagues and community members; and

WHEREAS, about 1 in 8 U.S. women (about 12%) will develop invasive breast cancer over the course of her lifetime. In 2017, an estimated 252,710 new cases of invasive breast cancer are expected to be diagnosed in women along with 63,410 new cases of non-invasive breast cancer; and

WHEREAS, about 2,470 new cases of invasive breast cancer are expected to be diagnosed in men in 2017. Statistics for man's breast cancer is 1 in 1,000; and

WHEREAS, death rates from breast cancer have been declining, and these changes are thought to be the results of treatment advances, earlier detection through screening, and increased awareness; and

WHEREAS, mammography, an "x-ray of the breast", can detect breast cancer up to two years before physical symptoms can be seen or felt:

NOW, THEREFORE, BE IT RESLOVED that I, Mayor Anthony DeLuca, do hereby declare October, 2018, as "Breast Cancer Awareness Month" and October 20th, as "Mammography Day" in the Borough of Kenilworth.

MEETING OPEN TO THE PUBLIC

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

Mary Michitsch, 725 Monmouth Avenue – Mrs. Michitsch asked what is the height of houses that are being redone? Mayor Deluca said 35 ft. and Mrs. Michitsch asked to have the house behind her looked at and the Mayor said he would get an official to go out and look at it. He asked Mary to get him the address and he would get someone out there. Mary said it was on the 700 block of Newark Avenue.

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Mrs. Michitsch said she will be doing the Thanksgiving baskets and anyone needing a basket can call St. Theresa's Church. People can call the rectory to be put on the list the Saturday before Thanksgiving. She said this year they are keeping it in Union County and people will have to prove they are Union County residents. Anyone wishing to donate food it would be greatly appreciated because we generally make 250 to 300 baskets.

Councilman Schielke said he has already arranged with the VFW and they have ordered 250 turkeys for the food and pantry and he will have them delivered the day before the boxes will be put together, just like we always did.

Mr. Walter Sosnosky, 36 South 17th Street – Mr. Sosnosky said he last spoke at the March 14th meeting and the Mayor cut him off from his speech which he cited the first amendment. He said the Mayor took an oath of office to uphold the constitution of the United States and you should stand by your oath. He petitioned the Mayor and Council to take some action with the ever growing problem with nocturnal creatures traversing our Borough through the storm drains. These animals are dangerous and have been sighted in the day light hours by our senior citizens.... It fell on deaf ears, your condescending tones were nauseating and you have taken no action to correct this condition. He told the Mayor about an unknown white male using a Borough vehicle, specifically a fire truck that was in front of his driveway taking scrap metal and he reported this to you and you have done nothing, what are you hiding? He said what has transpired on your watch in his opinion falls under the definition of non fesiatic in office. Non-fesiatic in office reads "Failure to act where action is required, willful or neglect". If you fail to take action on this misappropriation of Borough property I will take my complaint to the Union County Prosecutors Office. He will be here at the next meeting.

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

GENERAL BUSINESS

Councilman David said a couple of weeks ago on September 29th we had our softball game, guns vs. hoses and the guns won big 33 to 12. He said it was a great time and the bash after words was even better and he is looking forward to next year.

Councilwoman Karlovitch said today is Mayor Deluca's birthday and she wished him a Happy Birthday.

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk