

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, November 4, 2020. MAYOR LINDA KARLOVITCH PRESIDED.

Mayor Karlovitch read the requirements of the Open Public Meetings Act and said in light of the public health emergency caused by Corona Virus the Council meetings will continue on their regular scheduled meeting dates. Please note the time for the work session has been changed to a new commencement time of 6PM, the regular council meeting will continue to commence as soon as possible after the work session.

The Salute to the Flag was led by Mayor Karlovitch.

ROLL CALL

Roll Call at 8:00 P.M. showed the following Council Members present: Kaye Ceceri, Larry Clementi, Mark David, Louis DeMondo, and Daniel Lopez. Gerry Laudati was excused.

MINUTES

It was moved by Councilman David, seconded by Councilman DeMondo and carried that the minutes of the minutes of the Regular Council meeting of 10/28/20 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- Kenilworth Junior Girl Scout Troop #40460 Project Request
- Mr. Robert Moldenhauer – Letter of Appreciation

It was moved by Councilman David, seconded by Councilwoman Ceceri 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 Karlovitch said our next Council Meeting is Wednesday, December 9th. Kenilworth currently has 38 new cases of COVID19 in the past 30 days, with a total of 211 cases. She wished everyone a Happy Thanksgiving, this is a great time for all of us to pause and be grateful for all the blessings in our life. It can also be a time of reflection on our past and ways we can grow and help others in the future. She is grateful to everyone in our small Borough who steps up and contributes their skills, time and energy to help our neighbors and our community. We are strong because of our connection to each other. We have a very special young lady in our community, Grace Devlin, who continues to be an inspiration to me. She is always looking for ways to help others and is a positive role model in Kenilworth. She will be hosting her second annual "Gracie D's Frozen Pie Collection" which will be held on November 19th at the Kenilworth Recreation Center. Grace will be collecting frozen pies and monetary donations to buy pies for Thanksgiving baskets distributed by St. Theresa's Social Concerns committee helping those in need in Kenilworth and the surrounding area. She said she is grateful to everyone sitting here today on this Governing Body for their wisdom, contributions, commitments and unselfish desire to serve our community is extraordinary. The Mayor sent special thanks and appreciation to everyone that supported our team, although not official, she congratulated Larry Clementi, Danny Lopez and Louis DeMondo, you all worked hard and ran a great campaign and she is grateful and honored to work with you, Kenilworth is better because you are here.

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Mayor Karlovitch read the following letter received : Dear Mayor & Council, Please accept my sincere thanks for the Proclamations commemorating the 75th Anniversary of VJ Day and my service to this great union. I am very honored to have received these proclamation's which are currently framed and displayed in my den well within my constant field of vision where I proudly point them out to visiting friends and family. Also please extend my thanks to Michael Nia Jr., he truly appreciates his talent and devotion in authorizing the concise history of my service during World War II. Again, many many thanks to you and the Kenilworth Community for remembering me and honoring me with these recognitions. Very Truly Yours, Robert F. Muldenhower.

REPORT OF COMMITTEES

FINANCE

Councilman Lopez reminded everyone that 4th Quarter property tax bills grace period ends November 10th. If you have not received your tax bill, please contact the tax and finance office at 908-276-5800. Taxpayers can use our drop box located on the tax office door accessible through the 23rd street police door 24 hours a day, 7 days a week. You can also pay by E-Check and received a \$1.05 service charge credit against your next quarter taxes. Tax payments can also be paid by credit card on www.kenilworthborough.com, but service fees will apply. Borough Hall will be closed on Wednesday November 11th in recognition of Veteran's day. Please be advised that the filing deadline for 2019 Senior Freeze (Property Tax Reimbursement) applications has been extended to December 31, 2020. The original deadline was November 2, 2020.

If you have any questions, please call the Property Tax Reimbursement Hotline at 1-800-882-6597. The tax collector is preparing for her annual Tax Sale, scheduled for December 8th at 10am Curbing assessment bills mailed in September will end its grace period on November 7th . Please be sure payment is in the office prior to this day to avoid interest.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported the DPW started leaf collection as of November 2nd and they will continue into December. He asked that you put your leaves out in the street and they will be pick-up.

PUBLIC SAFETY

Councilman Clementi received the October report from Chief Zimmerman and there were 1,808 Calls for Service, 171 (911) Calls and 89 summonses. Mischief Night, October 30th, there was a single Criminal Mischief incident in which a motor vehicle was egged by unknown actor(s). On Halloween the Kenilworth Police Department assisted with the Kenilworth Recreation trunk or treat held at Harding School. The event was well attended and completed without issue. Chief Zimmerman wants to extend a shout out to Kristin Boyle for a job well done and a very well organized event! On November 1st, the Kenilworth Police Department assisted the Kenilworth Health Department with their annual Rabies Clinic held at the St. Theresa's School parking lot. Kenilworth Veterinarian Wendy Sweeney from 4 Paws Veterinary Service administered the shots successfully to Borough Cats and Dogs.

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The Kenilworth Police Department will once again be participating in the "No Shave November" campaign. No-Shave November is a month-long journey during which participants forgo shaving and grooming in order to evoke conversation and raise cancer awareness. "Nails for November" is an alternative for female employees wishing to participate. All of the money raised will benefit the St. Theresa's Food Pantry here in Kenilworth. Participation is voluntary, and donations may be made without participation. Members of the public are invited to show their support by making a donation. Checks or money orders made payable to Kenilworth PBA Local 135 will be accepted at the Police desk any time during the month of November. Unfortunately, CASH DONATIONS CANNOT BE ACCEPTED. There is a Thanksgiving Food Drive at the municipal lot across from the Police Station which is being sponsored by PBA #135 on November 15th from 9AM to 12PM. There is a list of items that they are looking for.

DEPARTMENT OF PLANNING, ZONING & ORDINANCE

Councilman DeMondo read the Construction Report for October, building fees were \$9,428.00, Trust fees were \$590.00, Miscellaneous fees were \$2, 220.00, foreclosure fees were \$1,500.00 for a total of \$13,738.00.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported she received the Fire Department report from Chief Krueger for the October. The Fire Department responded to 37 calls, the rescue squad responded to 38 calls for a total of 75 calls. She gave a shout out to the Rec for the great job they did on the Trunk or Treat, it was a good event, everyone social distanced and stuck to the rules. Everyone signed up in advance and there was a good turnout. She said Kristin and Pat did a wonderful job.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Laudati was absent. Councilman Clementi reported the Rabies Clinic was successful. A report was submitted to the Mayor on the State's protocol for dining. The Library Employee Handbook was reviewed by the Council's Attorney and Councilman Laudati and ready to be reviewed by the Library Board. Councilman Laudati met with the Director concerning the Library roof and the grant. He said he will have Vincent Gonnella call the Director concerning solar energy for the building. The Senior bus program is underway. The Kenilworth PBA will host a Thanksgiving Food Drive on Saturday, November 15th from 9AM to 12PM. Teacher contract negotiations are beginning this month, the Board had a meeting on next years budget. State guidelines are that they plan 2021-2022 school year as if COVID19 is not a factor.

Borough Clerk Laura Reinertsen stated that Resolution No. 7 is being pulled from the Consent Agenda.

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.

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

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RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Finance Officer be authorized to make payments and transfers for necessary obligations prior to the next regularly scheduled Council Meeting.

BE IT FURTHER RESOLVED, that the Governing Body authorizes, Assistant Finance Officer Lisa Wood to carry out the duties and responsibilities of the Chief Financial Officer as outlined in Borough Code Chapter 5-34, in the event of his absence.

RESOLUTION NO. 2

WHEREAS, it shall become necessary to expend for some of the purposes specified in the budget appropriation of the respective sums appropriated, and

WHEREAS, there is an excess in one or more appropriations over and above the amount deemed necessary to fulfill the purpose of such appropriation, and

WHEREAS, N.J.S. 40A:4-58 provides for the transfer of such amounts deemed in excess to appropriation for the amount of which are deemed to be insufficient to fulfill purposes of such appropriation, and

WHEREAS, the transfers about to be authorized do not affect any appropriations to which transfers are prohibited under statute,

NOW, THEREFORE BE IT RESOLVED that the attached transfers be approved and the Chief Financial Officer is hereby authorized to make the transfers in the 2020 Municipal Budget.

FROM:		
Utilities – Gasoline & Diesel	\$ 5,300	0-01-27-762-010
TOTAL	\$ 5,300	
TO:		
Payroll & Human Res -Other Exp	\$ 1,600	0-01-20-706-040
Senior Programs – Other Exp.	\$ 3,700	0-01-27-762-010
Total	\$ 5,300	

RESOLUTION NO. 3

COVID -19 SPECIAL EMERGENCY - SPECIAL EMERGENCY RESOLUTION – N.J.S.A 40A:4-53, 54, 55.1 and 55.13 *(3-year and 5-year Special Emergencies COVID-19 Related Operating Deficits)*

WHEREAS, it has been found necessary to adopt a Special Emergency Appropriation to meet certain Extraordinary COVID-19 affected revenue losses and/or additional expenditures incurred, or to be incurred, related to the COVID pandemic, and

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WHEREAS, N.J.S.A. 40A:4-53 allows a municipality to authorize special emergency appropriations for COVID-19 related revenue loss and/or additional expenditures incurred during the COVID-19 related public health emergency, and provides that it shall be lawful to adopt such special emergency, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation as prescribed by the act and in compliance with the Division of Local Government Services regulations set forth as part of the COVID-19 Operating Deficits and Extraordinary Expenditures: Implementation of P.L. 2020, c.74.

NOW, THEREFORE BE IT RESOLVED, (by not less 2/3 vote of the full governing body members affirmatively concurring) that in accordance with the provisions of N.J.S.A 40A:4-55:

1. The Chief Financial Officer has been directed by Resolution # 4 adopted on November 4, 2020 to make a written application and certify to the Division Director, on the prescribed form, that the deficits in revenue and additional expenditures are directly attributable to COVID-1, and said certification was approved by the governing body and submitted to the Director of the Division of Local Government Services.
2. A Special Emergency Deferred Charge is hereby established for COVID-19 affected revenue losses in the total amount of \$ 328,112.00.
3. A Special emergency appropriation is hereby made for COVID-19 Expenditures in the total amount of \$ 0.00.
4. That the total emergency appropriation shall be provided for in the budgets of succeeding years beginning in 2022 by the inclusion of not less than \$ 65,622.40 (must be at least one fifth of the total amount).
5. That special emergency notes, not in excess of the amount authorized pursuant to law, may be issued.
6. That such notes when issued shall be executed by Kenilworth Borough Chief Financial Officer and Mayor and Township Clerk. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time.
7. That said Special Emergency Notes may be issued to address the cash flow and appropriation needs related to the deferred charge in compliance with the provisions of P.L. 2020, c.74.
8. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services.

RESOLUTION NO. 4

**COVID -19 SPECIAL EMERGENCY
Certification of Chief Financial Officer and Approval of Governing Body**

WHEREAS, The Borough of Kenilworth has experienced COVID 19 related revenue loss and extraordinary expenditures during the budget year 2020, and

WHEREAS, P.L. 2020, c. 74 provides for the funding of these revenue losses and extraordinary expenditures through a COVID Special Emergency, and

WHEREAS, in order to qualify for a special emergency under the provisions of N.J.S.A. 40A: 4-53, as amended by P.L.2020, c. 74, the Borough must, prior to December 1, make application to the Director of the Division of Local Government Services to obtain an approval of the certification of the special emergency and the resulting deferred charge in advance of the close of budget year 2020, and

WHEREAS, the Chief Financial Officer has determined that there is an operational gap attributable to COVID -19 affected revenue loss and/or additional expenditures needs to be addressed prior to year-end;

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NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Kenilworth (by not less than a majority vote of the full governing body members affirmatively concurring), in accordance with the provisions of N.J.S.A 40A:4-53, as amended by P.L. 2020, c. 74, as follows:

1. The Chief Financial Officer is directed to submit an application to the Division Director on the prescribed form and shall certify that the deficits in revenue and additional expenditures are directly attributable to COVID-19.
2. The Chief Financial Officer has submitted said certification to the governing body for approval (attached to this resolution).
3. The Borough Council by approval of this resolution approves the certification made by the Chief Financial Officer related to COVID-19 Special Emergencies.
4. The Borough Council directs the Chief Financial Officer, the Auditor and Bond Counsel to prepare the Ordinance and Resolution for Special Emergency COVID-19 related revenue deficit and/or additional expenses pursuant to statute and regulations resulting from P.L.2020, c. 74.
5. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services.

RESOLUTION NO. 5

WHEREAS, the Borough of Kenilworth held a tax sale on December 12, 2018 for delinquent 2017 taxes, and a tax lien was purchased by Phoenix Funding, Inc., for the property located at 201 So. Michigan Avenue, Kenilworth, NJ, and

WHEREAS, Robert Connor has satisfied said lien, together with interest and costs by payment of amount due at the Office of the Collector of Taxes, and

WHEREAS, the Lienholder paid to the Collector of Taxes a premium in the amount of \$33,000.00 and since the statutory period of five years has not passed, these funds must also be returned.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be and is hereby authorized to draw a warrant to the named Lienholder as follows, **to be refunded upon receipt of the original Certificate of Sale #18-00002** by the Collector of Taxes:

Phoenix Funding, Inc.
1148 Springfield Avenue
Mountainside, NJ 07092

REDEMPTION AMOUNT - \$9,310.60

PREMIUM TRUST ACCOUNT - \$33,000.00

Treasurer's Note: 1099 = \$355.60

RESOLUTION NO. 6

BE IT HEREBY RESOLVED:

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

WHEREAS, the fee was found not to be used;

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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:

Mrs. Donna Masucci
220 Faitoute Avenue
Kenilworth, NJ 07033

RESOLUTION NO. 8

APPOINTING TEMPORARY ZONING OFFICER AND ADMINISTRATIVE OFFICER

WHEREAS, the Kenilworth Borough Zoning Officer, may be temporarily unavailable to perform his duties; and

WHEREAS, it is necessary to appoint a Temporary Substitute Zoning Officer to address certain duties and responsibilities of the Zoning Officer; and

WHEREAS, the Governing Body of the Borough of Kenilworth, County of Union, wishes to appoint a Temporary Substitute Zoning Officer to fulfill the duties and responsibilities established by the laws of the State of New Jersey and Kenilworth Borough Code; and

WHEREAS, Harbor Consultants Engineers Planners & Surveyors is the most qualified to fill the position of Temporary Substitute Zoning Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Committee of the Borough of Kenilworth, County of Union and State of New Jersey that Harbor Consultants Engineers Planners & Surveyors is hereby appointed as Temporary Substitute Zoning Officer for Kenilworth Borough effective November 4, 2020 pursuant to the proposal attached.

Proposed Ordinance No. 2020-10 was read for a first reading as follows: (Copy attached)

ORDINANCE NO. 2020-10
AN ORDINANCE AUTHORIZING AN EMERGENCY
APPROPRIATION N.J.S 40A:5-53
COVID -19 SPECIAL EMERGENCY

Mayor Karlovitch said the purpose of this ordinance is to permit the Borough to defer revenue loss due to COVID19 pandemic.

RESOLUTION NO. 9

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

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BE IT HEREBY RESOLVED that the ordinance #2020-10 entitled:

**AN ORDINANCE AUTHORIZING AN EMERGENCY
APPROPRIATION N.J.S 40A:5-53**

COVID -19 SPECIAL EMERGENCY

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 December 9, 2020 at 7:00PM 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 Karlovitch read the following proclamations.

PROCLAMATION – WWII – ROGER DEWITT ALLCROFT

WHEREAS, Roger Dewitt Allcroft spent many of his youthful years in Kenilworth in the 1930s and 1940s, living with his father and mother, James W. Allcroft, Sr. and Cecile Allcroft, and his brothers and sisters, first at 626 Bloomingdale Avenue and later at 572 Fairfield Avenue; and

WHEREAS, Roger Dewitt Allcroft graduated from Harding School in 1938 and Jonathan Dayton Regional High School, Springfield, New Jersey, in 1942, where he excelled in academics and athletics as represented in part by him being inducted into the National Honor Society and becoming a New Jersey State Wrestling Champion; and

WHEREAS, Roger Dewitt Allcroft had a passion to serve his country being inspired by the service of his father, James W. Allcroft, Sr., a corporal in the Marines in WWI, and by the service of his older brother, James W. Allcroft, Jr., a tech sergeant in the Army Air Corps in WWII; and

WHEREAS, his passion to serve his country is further witnessed in his high school yearbook which states, “Roger’s ambition is to enlist in the Army Air Corps” and promptly after graduation enlisted in the Navy as he was only 17 years old, and after training was entered into the Marine Air Corps where he distinguished himself rising to the rank of First Lieutenant, serving in the prestigious Marine fighting group the “Whistling Devils” Squadron, VFM-451; and

WHEREAS, Roger Dewitt Allcroft greatly admired his “big brother” James and wanted to serve with him in the Pacific Theater, and was able to get a transfer to do so; and

WHEREAS, on June 22, 1945, Roger Dewitt Allcroft, perished while in a squadron of four American Corsair planes, that became engaged in aerial combat with as many as 50 Japanese fighter pilots, where, according to his commander, “Roger was always very prompt to carry out any orders in a willing and thorough manner and with a fine spirit. I never saw him angry the entire time I knew him. He had a magnificent fighting spirit and it was undoubtedly his valiant and utter abandonment of caution that cost him his life,” and

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WHEREAS, On June 23, 1946, Roger Dewitt Allcroft was declared KIA – “killed in action” – in the Ryukyu Islands area of the Pacific Ocean, and name inscribed with other lost war heroes on the Wall of the Missing, Court Two, at the Honolulu National Memorial Cemetery of the Pacific; and

WHEREAS, 1st Lt. Roger Dewitt Allcroft earned numbers of military honors. These include the Distinguished Flying Cross, the Air Medal with Gold Stars, the Purple Heart, and others; and

WHEREAS, with the passage of time, recollection of Roger Dewitt Allcroft’s supreme sacrifice faded from local memories after the family moved from Kenilworth so many years ago; and

WHEREAS, the Borough of Kenilworth wishes to forever memorialize his patriotic and valiant service in defending Democracy, by mounting a commemorative street sign marker on Bloomingdale Ave. as done for other Kenilworth servicemen killed in action in WWII, including Thomas F. Allen, August F. Ballman, Jr., Vito “William” Brizzi, George A. Cliff, David “Chickie” Coppola, Frederick J. Graf, Walter “Bud” L. Irvine, Alfred P. Loessel, Edward A. Myers, Alfred Ricken, Jr., Edward Rusinak, Thomas F. Schaible, and William A. Smith;

NOW, THEREFORE BE IT RESOLVED, that I, Mayor Linda Karlovitch, do hereby declare Veterans Day, Wednesday, November 11, 2020 as “First Lieutenant Roger Dewitt Allcroft Day” throughout the Borough of Kenilworth, and that a suitable number of copies of this Proclamation be presented to representatives of the Allcroft family, at the “Tribute honoring 1st Lt. Roger Dewitt Allcroft” at the Veterans Day ceremony to be conducted at the Kenilworth Veterans Center on this Veterans Day.

In testimony whereof, I have here unto signed my name officially and caused the seal of the Borough of Kenilworth to be affixed this 4th day of November 2020.

PROCLAMATION – VETERANS DAY

WHEREAS the 11th of November 1918, marked the cessation of the most destructive, gruesome, and far reaching war in human histories and the resumption by the people of the United States of peaceful relations with other nations, which we hope may never again be severed; and

WHEREAS on October 8, 1954 President Dwight D. Eisenhower issued the [first "Veterans Day Proclamation"](#) which stated: "In order to insure proper and widespread observance of this anniversary, all veterans, all veterans' organizations, and the entire citizenry will wish to join hands in the common purpose; and

WHEREAS Veterans Day continues to be observed on November 11th, regardless of what day of the week on which it falls. The restoration of the observance of Veterans Day to November 11th not only preserves the historical significance of the date, but helps focus attention on the important purpose of Veterans Day: A celebration to honor America's veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good.

As we carry on the struggle for liberty and universal human rights, let us draw strength from a moment when free nations beat back the forces of oppression and gave new hope to the world.

NOW, THEREFORE, on behalf of the Borough Council, I, Linda Karlovitch, Mayor of the Borough of Kenilworth, encourage all Americans to recognize the valor and sacrifice of all veterans through public ceremonies and private prayers not just on Veteran’s Day but every day.

In testimony whereof, I have here unto signed my name officially and caused the seal of the Borough of Kenilworth to be affixed this 4th day of November 2020.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, November 4, 2020. MAYOR LINDA KARLOVITCH PRESIDED.

Commander Bobby Jeans thanked the Mayor and Council and said it is very noteworthy that you did this support and they appreciate it very, very much. He asked if they will have the honor of the Mayor's presence at the ceremony and the Mayor said Councilman DeMondo will attend. Bobby asked for additional copies for the families because there about 30 family members coming for Allcroft.

MEETING OPEN TO THE PUBLIC

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

No one wished to speak.

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

GENERAL BUSINESS

Councilman Clementi wished everyone a Happy Thanksgiving and enjoy the day and be safe.

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk