

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY, FEBRUARY 1, 2023. MAYOR LINDA KARLOVITCH PRESIDED.**

Mayor Karlovitch read the requirements of the Open Public Meetings Act.

The Salute to the Flag was led by Mayor Karlovitch.

**ROLL CALL:** William Mauro, Fred Pugliese, Savino Scorese, John Zimmerman.

Mayor Karlovitch gave a phone number for residents to call if they received unsolicited circulars that wind up in the in their driveways. The phone number is 1-800-376-6222. She hopes this helps.

**FINANCE REPORT**

Councilman Pugliese provided updates on the following:

- The Finance Committee is scheduled to meet next week to continue the ongoing process of working on the 2023 budget.
- Roselle Park terminated their contract with the Borough for a CFO and a QPA and the Borough retained a new CFO and QPA from Mountainside.

**DEPARTMENT OF PUBLIC WORKS**

Councilman Finistrella was absent.

**DEPARTMENT OF PUBLIC SAFETY**

Councilman Zimmerman reported on the following:

- January 2023 Monthly Police Report was read (attached)
- Reported on the shooting death of Officer Joseph Seals, a Jersey City Police Officer during a bloody gunfight.
- Reported on two arrests made by Officer Riccelli and also an arrest by Officers Fuschino and Almedia.
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**PLANNING AND ZONING AND ORDINANCES**

Councilman Mauro reported on the following:

- January Construction Report (attached)
- Ordinance 2023-02 is on the agenda this evening and Councilman Mauro explained the Ordinance.

**RECREATION AND FIRE**

Councilman Pentz was absent.

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HEALTH, EDUCATION AND HUMAN SERVICES

Councilman Scorese reported on the following:

- Library contemplating new By Laws, all programs are running as scheduled.
- Senior Center is receiving HVAC through the CARES grant.
- Senior Club members continue to meet with Borough Officials to get some harmony and to see how they are going to run the club.

**CONSENT AGENDA**

Motion made by Pugliese, seconded by Mauro to approve resolutions 2023-70 through 2023-78 all items will be recorded individually in full in the minutes. Roll Call: Mauro voted yes, Pugliese voted yes, Scorese voted yes and Zimmerman voted yes.

RESOLUTION NO. 2023- 70

**BE IT RESOLVED**, by the Borough of Kenilworth, County of Union, New Jersey, that the attached summary of bills in the total amount of \$2,239,497.44, having been duly audited and found to be correct, are hereby ordered paid and that warrants be drawn for the necessary obligations by the Chief Finance Officer (CFO) prior to the next regularly scheduled Council Meeting.

**BE IT FURTHER RESOLVED**, that in the event of the CFO's absence, the Governing Body authorizes Assistant Finance Officer Lisa Wood to carry out the duties and responsibilities of the CFO as outlined in Borough Code Chapter 5-4.

**BE IT FURTHER RESOLVED**, that the CFO has certified that sufficient uncommitted funds are available in the 2023 Borough of Kenilworth Temporary Budget to fund the payment of the following bills attached hereto and made a part of this resolution.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **February 1, 2023**.

RESOLUTION NO. 2023-71

**WHEREAS**, Jacqueline Schulz has notified the Borough of Kenilworth of her intention to resign from the Borough of Kenilworth Clerk's Department effective **January 20, 2022**; and

**WHEREAS**, the Chief Finance Officer has certified that Jacqueline Schulz is entitled to buyout pay as per the Kenilworth Personnel Policy, as follows;

<u>Type</u>	<u># of days</u>	<u>Daily Rate</u>	<u>Total</u>
Sick	1	\$184.62	\$184.62

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Vacation Days ( <i>pro-rated</i> )	1	\$184.62	\$184.62
<b>Total Due</b>	<b>2</b>		<b>\$369.24</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Kenilworth that the Finance Department is authorized to make payment as indicated above based on a final calculation upon her last day.

**BE IT FURTHER RESOLVED**, that the CFO has certified that sufficient uncommitted funds are available in the 2023 Borough of Kenilworth Temporary Budget Account # 3-01-20-701-011.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **February 1, 2023**.

RESOLUTION NO. 2023-72

**WHEREAS**, Kerry Senica has notified the Borough of Kenilworth of her intention to resign from the Borough of Kenilworth DPW Department effective **January 17, 2022**; and

**WHEREAS**, the Chief Finance Officer has certified that Kerry Senica is entitled to buyout pay as per the Kenilworth Personnel Policy, as follows;

<b>Type</b>	<b># of days</b>	<b>Daily Rate</b>	<b>Total</b>
Accumulated	5	\$178.07	\$890.35
Sick	2.5	\$178.07	\$445.18
Vacation Days ( <i>pro-rated</i> )	1.7	\$178.07	\$302.72
<b>Total Due</b>	<b>9.2</b>		<b>\$1,638.25</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Kenilworth that the Finance Department is authorized to make payment as indicated above based on a final calculation upon her last day.

**BE IT FURTHER RESOLVED**, that the CFO has certified that sufficient uncommitted funds are available in the 2023 Borough of Kenilworth Temporary Budget Account # 3-01-26-765-011.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **February 1, 2023**.

RESOLUTION NO. 2023-73

**WHEREAS**, the Borough of Kenilworth, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

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**WHEREAS**, the Borough of Kenilworth has been awarded CARES grant funds from the County of Union and has the need on a timely basis to purchase goods or services utilizing State contracts for the purpose to replace the boiler and two (2) Trane split system air conditioners at the Kenilworth Senior Center; and

**WHEREAS**, the Borough of Kenilworth intends to enter into contracts with: IN-LINE Heating & Air-Conditioning, 85 East 21<sup>st</sup> Street, Bayonne, NJ 07002 through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Cooperative Purchasing contracts;

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Kenilworth authorizes the award and purchase to replace the boiler and two (2) Trane split system air conditioners at the Kenilworth Senior Center through New Jersey State Cooperative Purchasing Contract #65MCESCCPS for the total amount not to exceed \$62,682.00 pursuant to all conditions of the individual State contracts; and

**BE IT FURTHER RESOLVED**, that the Borough of Kenilworth's Chief Financial Officer has certified that sufficient uncommitted funds are available in the 2023 Borough of Kenilworth Temporary Budget for the purposes set forth herein and the fund to be charged shall be \_\_\_\_\_.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **February 1, 2023**.

RESOLUTION NO. 2023-74

**WHEREAS**, on January 4, 2023, the Borough of Kenilworth Municipal Council adopted Resolution 2023-49, which authorized the Borough of Kenilworth Police Department Point of Contact(s) for Law Enforcement Support Office, 1033 Program to enable the Kenilworth Police Department to request and acquire excess Department of Defense Equipment; and

**WHEREAS**, the Kenilworth Police Department has requested that Resolution 2023-49 be amended to remove Detective Ryan Kernan and add Detective Anthony Tanes and Officer Robert Rueger as Points of Contact.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Kenilworth County of Union, State of New Jersey that:

1. Resolution 2023-49 is hereby amended to remove Detective Ryan Kernan as a point of contact and add Detective Anthony Tanes and Officer Robert Rueger as Points of Contact.
2. Resolution 2023-49 is hereby amended to reflect the Points of Contact as follows:

Captain Dan Sims	Chief Officer and Point of Contact
Detective Anthony Tanes	Point of Contact
Officer Raymond Fuschino	Point of Contact
Officer Robert Rueger	Point of Contact
3. A copy of this resolution shall be kept on file in the Borough Clerk's Office.

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4. This resolution shall take effect immediately.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **February 1, 2023**.

**ORDINANCE FOR INTRODUCTION**

2023-02 - ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 91, "FEES AND LICENSES" ARTICLE 1, "FEES GENERALLY" SECTION 1, "SCHEDULE OF FEES AND LICENSES," SUBSECTION 3 "UNIFORM COMMERCIAL CODE FEES" OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH.

Motion made by Mauro, seconded by Scorese to approve the introduction of Ordinance No. 2023-02. Roll Call: Mauro voted yes, Pugliese voted yes, Scorese voted yes and Zimmerman voted yes.

**MEETING OPENED TO THE PUBLIC**

Motion made by Pugliese, seconded by Zimmerman to open the meeting to the public. All in favor.

Brian Soos, 625 Kingston Ave. – Brian said he lived in town 47 years, his parents, grandparents have also been in town for years. His brother is police chief, his father served on Council and his mother served on the Library and he has been on the fire department for many years. He said this is the first time he has ever been embarrassed by this town and the way Council Members spoke to residents. He said as a volunteer fire fighter when he gets a call he doesn't care if the person is democrat or republican, he is there to help the people of this town because he truly cares about the residents and the town that we serve and he feels that as Council Members you should be doing the same. He said to Councilman Scorese and Mauro that along the campaign trail you came to his house claiming that you would put Kenilworth first and you would address the Merck Tax Appeal, the rise in taxes and address the affordable housing and three months later instead of addressing these issues your plan was to cut the Recreation Directors position. Brian spoke on behalf of the Recreation Director and all he has done for the town. He said you addressed the concerns of the residents with scorn and anger and an overall lack of interest and that is embarrassing. He said you were shameful to residents when they came up here, especially to the women and he hopes you don't act that way with your families. He watched council members who sat slumped in their chairs seemingly bothered by the fact that residents would have the audacity to question decisions Republican council members were making that are based solely on politics and not for a betterment of this town. If listening to the residents is bothering you so much do everyone a favor and step down. If it's bothering you that I am up here questioning you, step down. He reminded the council that they work for us and not the other way around. He said at the January meeting it is very apparent that you need to be reminded of that and residents will remember come November. He applauded the Mayor on dealing with the immature and childish behavior from some of your republican council members who clearly lack the maturity to reach across the aisle and work with the opposing party for the common good of Kenilworth and its residents. He said you have shown what a true leader looks and acts like, and he commended the Mayor.

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Toni Sosnosky 36 South 17<sup>th</sup> Street. – Toni said the entire Council voted to take \$4,000 away from the Recreation Department in January and then in February Councilman Zimmerman made a motion to give back the money to the Rec Director and in her opinion, he wanted to be the savior. Toni asked Councilman Zimmerman what he has accomplished for his years on Council? He said residents call him on zoning issues, garbage issues and police matters said he gives a lot of time and energy to the town. Toni said during her time on Council she secured the videographer for Council Meetings, worked on the DPW contract which saved the town money and with the help of her subcommittee was able to have DPW workers' pay for their benefits which was another cost savings. She worked with Verizon and Comcast to make sure we had a government channel and also worked on the CDRS to make sure Kenilworth received their fair share of grants. She also worked with NJ Transit to get a bus shelter in front of the post office and was able to get ID cards for all employees. She said for three years she did the best for Kenilworth regardless of what political party they were with. She said to Councilman Zimmerman that he could not give a specific which tells her he didn't do much. The Mayor thanked Toni for her years of service and Toni asked Mayor Karlovitch to keep doing the job she is doing.

Elizabeth Lopez, 268 South Michigan Ave. – Elizabeth is an Internal Auditor and she spoke about rules at the last meeting. She said she echoes what Brian said regarding the January council meeting, she was very disappointed herself. She said she finds it ironic that at the last meeting you talked about following all the rules and then at the opening of this meeting you talked about how you had handshake agreement. She said you can't have a handshake agreement and follow the rules at the same time and if you are going to follow the rules to a T.....you need to follow all of them and not make handshake agreements. Councilman Pugliese said the handshake agreement was subjected to the governing body's approval, that was the handshake agreement, it had to go back to Mountainside governing body and Kenilworth governing body because neither the mayor nor he have the authority to bind the agreement without the full governing body approval. The agreement was subject to both parties agreeing. They drafted a proposed shared service agreements and it went back and forth and ultimately Mountainside decided not to go forward. He said the handshake was an agreement on principle and terms and then you put the pen to the paper. Elizabeth said that's not the way in her world but maybe it's that way in politics. She went back to the subject of nepotism from the last meeting. It's where the process by which those within managerial or executive positions use their power of influence within an organization to hire unqualified family members or friends rather than promoting talented employees or hiring external qualified candidates but it also occurs when employees or employee family members receive special treatment or little to no punishment compared to other employees that is what nepotism is. She said what we have here in our rec department is not nepotism because there's only two people there. When you look at the likelihood and risk of being sued it's not there. Is there the ability for somebody to come in and say that they were not promoted above somebody else in that department no..... is there the ability to have any fraud in that department no because there's no payroll being checked. The Rec Department is part of the government audit, and she gets audited all the time for expenses. Whenever she hires people for things like summer camp it gets presented you, the Governing Body so you have you have guidelines in there to really fight nepotism. She said what you could do..... rules are like donuts there's a hole in the middle for some negotiation. You can provide an anonymous Channel through which employees can voice their concerns for nepotism in the workplace if you feel like this is going to be across the board. Also, you may want a hotline because you have had so much turnover, and it might be helpful in the long run. There are three kids representing Kenilworth in Alex (?) Free Throw Basketball. The one thing that Elks people who run the program are saying is that our kids are very respectful and most of that respectfulness comes from the Recreation Program which was manned by Pat Boyle. People have said this before, this is a small town with a big heart and

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our kids are the testament to this and they received their foundation from the recreation department.

Nicole Bellino, 544 Clinton Ave – Nicole asked who was going to be the Recreation Director and take care of this town?. She said her son is autistic and she doesn't know if anyone else would have the compassion that Pat have given her son. There are so many people in the town, maybe they're not here right now but there's so many people in this town that truly truly love what Pat does. You guys just don't see it ..... what he does every single day every single day. Even with his position getting taken away he's still out there taking pictures of the kids being there for the kids and the parents. Why are you guys not listening to us why are we being ignored it's not fair. We want Pat back and how can we do that? The mayor said he was her appointment, and the council can agree to reappoint him, they just need to agree, its easy, let's do the right thing. Nicole said to the council to please listen to these words and bring him back. She will be here at the next meeting until you can figure out how we can get them back. Our town needs him back.

Councilman Pugliese asked that if someone is in the middle of a conversation or making a point that he or she is not interrupted.

Kristin Soos, Kingston Ave. - Kristin works with students to prevent the development of substance abuse issues preventing the mental health issues addressing mental health issues working with Community Resources for prevention efforts to try to strengthen perfection efforts to try to strengthen perfect protective factors for kids. She said in consideration of the Recreation situation, there's a lot of money out there and the Borough should investigate grants that are out there so we could expand the recreation activities and social activities. The kids in this town have no place to go. She said the Board of Education found 2 million dollars in grants to offset the referendum, grants are out there.

Nina Vera, Kingston Ave. – Nina asked who was appointed to the Transportation Advisory position and the mayor said it was formerly David Lagruth who served the town very well. The mayor appointed him because he is passionate about public safety and also the Rails to Trails Program. She said in her opinion, not reappointing him, was another political move and to take him off the board was not the right move for Kenilworth. She said at the last Transportation Meeting the new representative did not show up. Nina said the project was moving along on Market Street and now that entire property is a mess. The mayor said she is working on Rails to Trails with the County and is hoping that the project goes through which she believes will but Steve was a great advocate for Kenilworth by moving that project along and reminding the County that we're here. Nina asked what are the new Transportation Advisory persons qualifications and Councilman Mauro said he is drives the roads as a County Fire Investigator to see what is needed on County and Kenilworth roads and said it was not a political appointment. Nina said she thinks before the Council re-appoints someone to a position like the Transportation Advisory Committee that maybe they should have consulted with the Mayor on the appointment so that she would be able to fill the Council in on what a great job Mr. Lagruth was doing for the past two years instead of just reappointing someone else. Nina asked Councilman Mauro, that since he is reporting on the Planning Board, has he attended any meetings and he replied no but he relies on the Building Department for the information on his reports. She is frustrated to have the Transportation person not show up at the meeting to represent Kenilworth for important projects and then to have a Councilman not show up at the last two Planning Board Meetings, if you don't have the time then you should not be in that position. Nina said she is frustrated because there is never any response from the Council and if we do get a response it is disrespectful as many people have commented.

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Nina said to Councilman Zimmerman that Detective Seals died in 2019 and Councilman Zimmerman said he may have gotten the name wrong.

Assemblyman Atkins, District 20 – Mr. Atkins said that there are currently programs like the anchor program which is a programs that give back money to Residents whether you're a renter or a homeowner you can receive up to fifteen hundred dollars which helps out with property taxes and for all those individuals who are renting it's a potential of 450 dollars that will actually come to you the cut-off date is February 28<sup>th</sup>. if anyone has any questions or would like to have additional information or you don't have a computer to sign up just come over to our office or call and we'll we will assist you. The second program is called The Senior which is a program that's geared to seniors for Easy Pass. He said New Jersey put together a plan that if you are 65 and above, if you sign up for the program you get \$50 off every time you go through a toll bridge Once again you can come to our office which is located at 129 East First Avenue, Roselle and we will help you. The third program I wanted to tell you about was a program which we were instrumental in bringing it to our area and it provides a grant for thirty thousand dollars for people to literally put down for on a home purchase for the very first time. A lot of our young ones that are coming out of college, if they qualify it's a \$30,000 grant which they don't have to pay back. They are also working with several banks to get them pre-approval letters. If you have anyone interested in purchasing a home not only in our district but throughout the state, you can give us a call and we will assist them. Assemblyman Atkins said he has received calls from residents regarding the Recreation Director situation and if there is anything that we can do to assist and to help find additional resources to help out with we most certainly will stand with anyone to help them do that. We look forward to continuing to come here and to give you these State programs and help residents. We look forward to working with everyone and if you have any questions feel free to call my office. Councilman Scorese asked the Assemblyman if the Anchor Program sends letters to landlords and tenants and is it his responsibility to inform his tenants? The Assemblyman said no, the State mailed out to everyone who filed a tax return. They should have received something in the mail but if they didn't it's on the website and if they can find it they can come to our office. He said the Easy Pass discount for seniors is a State Program, not a County or Municipal and you can go to the State website and put in Easy Pass Discount. Assemblyman Atkins said if you call his office he can supply you with applications for State of New Jersey and Senior Discount. The Mayor asked if the Anchor Program is replacing the Homestead rebate and the Assemblyman said yes.

Darlene Candarella, 320 North 21<sup>st</sup> Street – Darlene reported the Senior Center has six activities for Seniors like bowling and also a Mardi Gras/Valentine party on February 21<sup>st</sup>. from 12 to 3. Seniors can contact Darlene 908-276-1716. The Handyman gave a speech to the seniors on the Handyman Program. The Council is working on an easier application for seniors.

Andrew 18 Epping Drive – Andrew asked for an update on the Recreation Director. He said he spoke at the last meeting about the Council doing an audit of all the rules. Councilman Pugliese said there is an ordinance that requires us to review it biannually so that's part of the finance committee and with everything else we're handling we're handling that as well so we're scheduled to meet next week regarding the budget and some interviews but it's on the agenda for sure. Mayor Karlovitch questioned is that audit for the actual handbook or for the bylaws and the Borough Code? She said she does not think we are required to have an audit of the handbook, she believes Andrew is asking if there is going to be a comprehensive audit of the rules in the handbook and making sure they are applied to everyone across the board.....is that what you are asking.....and Andrew said yes that is what he is asking. Andrew said his biggest concern

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is that everything is Optics, and we live in a society where everything should be equal across the board including the nepotism clause. Councilman Pugliese said that is something we are required to do and it's something we will be doing for sure 100%, it's on the finance committee's agenda.

Motion was made by Pugliese, seconded by Zimmerman to close the meeting to the public. All in favor.

**GENERAL BUSINESS**

Councilman Mauro said he recognizes all that Councilman Zimmerman does like taking calls from residents and directing them to the proper person and then following up with the residents. Councilman Pugliese said he agrees and does not think its proper to pick on someone like that. He said there has been a lot of focus on areas that the Mayor and Council do not agree but there are many areas that we do agree. We should focus on the positive like the Rahway Valley Sewerage appointment, he does a good job, he was of the democratic committee, but he was the best man for the job. The mayor nominated him and we approved. He said we are a small community and should dwell on the positive instead of the negative. We have disagreements but it's more of a difference of opinion. Mayor Karlovitch appreciates that Mr. Beiner was appointed to the Rahway Valley Sewage Authority, and she does agree that he was the best person for the job however there were a lot of appointments, in fact most of her appointments that were not considered. Also, no conversation with her regarding those decisions. Perhaps Mr. LaGruth is going to serve well on the Transportation Authority board personally I think we could have waited and allowed the person that was on to continue until he didn't want to continue anymore or perhaps things changed To be pulled so abruptly, she feels that there was no communication from this governing body, no one picks up the phone on this governing body and calls me or asked me my opinion about really anything and specifically if it's my appointment it's just courtesy to me to say hey by the way I understand you put this resolution on the agenda however we have this person that we really want to put on and then she thinks things would go smoother and a lot better for everyone if she is shown the respect that she deserves. The Mayor said she was elected just like all of you and may not have a majority obviously but that doesn't mean that you can be disrespectful to me completely and disregard everything that I say it's wrong and I don't believe that Kenilworth wants that and I think it's really clear to the residents how I am being treated up here so I ask for courtesy and respect from this governing body and that's all I have to say.

**ADJOURNMENT**

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

8:35 P.M.

Respectfully submitted.

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Kathleen Moschitta  
Deputy Borough Clerk