

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
KENILWORTH HELD ON WEDNESDAY, APRIL 19, 2023. MAYOR LINDA KARLOVITCH PRESIDED.**

Time: 6:45

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

The Salute to the Flag was led by Mayor Karlovitch.

ROLL CALL: The following Council members were present: Joseph Finistrella, William Mauro, Scott Pentz, Fred Pugliese, Savino Scorese, John Zimmerman.

**REPORT OF COMMITTEES**

**FINANCE REPORT**

Councilman Pugliese provided updates on the following:

- Merck Tax Appeal for 2023
- Pulling the Budget resolution and will reintroduce it in two weeks and four weeks after that we will have the final vote. Also the ordinance to introduce the cap is being pulled from agenda.

**DEPARTMENT OF PUBLIC WORKS**

Councilman Finistrella provided updates on the following:

- DPW Monthly Report
- DPW accepts recycling, E-waste, scrap metal, motor oil, plastic, glass and aluminum. Every day between 7AM and 2:30 and one Saturday per month 7AM to 12 noon.
- DPW is working on new Borough website with updated DPW information.
- Two new employees, Christopher Burns, Administration and Marcos Alvarado as Driver, laborer.

**DEPARTMENT OF PUBLIC SAFETY**

Councilman Zimmerman reported on the following:

- Monthly Police Report

**PRESENTATION**

Chief Soos recognized Sean Kaverick and Chris Bryson as Officers of the Quarter for their outstanding performance.

**PLANNING AND ZONING AND ORDINANCES**

Councilman Mauro provided updates on the following:

- Read Construction Report
- Working on Ordinance for vacancies and creating a registration system
- Planning Board Special Meeting to be held April 27, 2023

## RECREATION AND FIRE

Councilman Pentz provided updates on the following:

- Read the Recreation Monthly Report

## HEALTH, EDUCATION AND HUMAN SERVICES

Councilman Scorese provided updates on the following:

- \* Library Monthly Report
- \* Senior Citizen Club is getting closer to having procedures in place.

Motion made by Zimmerman, seconded by Mauro to accept Committee Reports. All in favor.

## MINUTES

It was moved by Finistrella, seconded by Pugliese and carried that the minutes of the February 1, 2023 minutes of be approved as submitted. (Copies furnished each Council Member prior to the meeting). Roll Call, all in favor.

Mayor Karlovitch nominated Jason Flade as Superintendent of Public Works.

ROLL CALL: Joseph Finistrella voted yes, William Mauro voted yes, Scott Pentz voted yes, Fred Pugliese voted yes, Savino Scorese voted yes, John Zimmerman voted yes.

Motion was made by Finistrella, seconded by Pugliese to pull resolutions 2023-117, 2023-118, 2023-119, 2023-120, 2023-116 and 2023-127 as well as Ordinance No. 2023-12. ROLL CALL: Finistrella voted yes, Mauro voted yes, Pentz voted yes, Pugliese voted yes, Scorese voted yes, Zimmerman voted yes.

## ORDINANCE 2023-10 - ADOPTION

Clerk read "AN ORDINANCE BY THE BOROUGH COUNCIL AMENDING THE BOROUGH OF KENILWORTH CODE OF ORDINANCES TO REPEAL AND REPLACE CHAPTER 98; TO ADOPT A NEW FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE"

Motion made by Mauro, seconded by Scorese to open the hearing on Ordinance 2023-10. All in favor.

**No one wished to speak.**

**Motion made by Scorese, seconded by Mauro to close the hearing and adopt Ordinance 2023-10. Roll Call: Mauro voted yes, Finistrella voted yes, Pentz voted yes, Pugliese voted yes, Scorese voted yes, and Zimmerman voted yes.**

Clerk noted Ordinance 2023-10 is adopted.

**CONSENT AGENDA**

Motion made by Pugliese, seconded by Pentz to approve resolutions 2023-121 through 2023-126. All items will be recorded individually in full in the minutes. Roll Call: Finistrella voted yes, Mauro voted yes, Pentz voted yes, Pugliese voted yes, Scorese voted yes, and Zimmerman voted yes.

**RESOLUTION NO. 2023-121**

**BE IT RESOLVED**, by the Borough of Kenilworth, County of Union, New Jersey, that the attached summary of bills in the total amount of \$472,847.69, 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 **April 19, 2023**.

**RESOLUTION NO. 2023-122**

**WHEREAS**, the Borough of Kenilworth passed Resolution 2023-110 on April 5, 2023, erroneously authorizing a buyout payment to Kerry Senica; and

**WHEREAS** Resolution 2023-110 was meant to authorize a buyout payment to Michael Balka.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Kenilworth, County of Union, State of New Jersey that Resolution 2023-110 is hereby rescinded.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **April 19, 2023**.

**RESOLUTION NO. 2023-123**

**WHEREAS**, Michael Balka has notified the Borough of Kenilworth of his intention to resign from the Borough of Kenilworth Health Department effective **March 31, 2023**; and

**WHEREAS**, the Chief Finance Officer has certified that Michael Balka 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>
Accumulated	2.5	\$175.51	\$438.78

Sick	2	\$175.51	\$351.02
Vacation Days ( <i>pro-rated</i> )	4.75	\$175.51	\$833.67
<b>Total Due</b>	<b>9.25</b>		<b>\$1,623.47</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 his 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 # 3-01-27-785-011.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **April 19, 2023**.

**RESOLUTION NO. 2023-124**

**WHEREAS** there exists a vacancy in the position of Superintendent of Public Works effective March 21, 2023; and

**WHEREAS**, the Governing Body adopted Resolution 2023-112 on April 5, 2023, appointing Dominick LaTorre as Acting Superintendent of Public Works effective as of March 21, 2023; and

**WHEREAS** the Governing Body feels that the additional work and added responsibility for Mr. LaTorre warrants an additional stipend of \$100.00 per week.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Kenilworth that

1. Effective March 21, 2023, Dominick LaTorre is hereby appointed Interim Superintendent of Public Works while the Borough of Kenilworth seeks applicants to fill the position permanently.
2. Dominick LaTorre’s annual salary of \$79,536.00 shall remain the same, however he shall receive a temporary stipend in the amount of \$100.00 per week only during the time that he serves in the Interim Superintendent of Public Works position and performs the additional duties appurtenant thereto.
3. The Borough of Kenilworth’s Chief Financial Officer has certified that sufficient uncommitted funds are available in the 2023 Borough of Kenilworth Budget to fund the payment of the additional stipend to Dominick LaTorre.
4. This resolution is ratified from March 21, 2023, until the date of adoption of this resolution.
5. This resolution shall take effect immediately upon adoption by the Municipal Council.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **April 19, 2023**.

**RESOLUTION NO. 2023-125**

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Kenilworth, County of Union, State of New Jersey that L'Ani Miller be appointed as REGISTRAR OF VITAL STATISTICS for the Borough of Kenilworth.

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to L'Ani Miller and the State Registrar's Office.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **April 19, 2023**.

**RESOLUTION NO. 2023-126**

**WHEREAS** the Borough of Kenilworth (the "Borough") is in need of Legal Tax Appeal Services (the "Professional Legal Services"); and

**WHEREAS**, the Professional Legal Services are exempt from the requirements of public bidding pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS** the Borough wishes to enter into a Professional Services Contract with Carlin, Ward, Ash & Heiart LLC ("Carlin Ward"), with its offices located at 25B Vreeland Rd. Suite 203, Florham Park, NJ 07932 to provide the Professional Legal Services for a one (1) year term, effective January 1, 2023 through December 31, 2023, at a rate of \$225.00 per hour; and

**WHEREAS**, the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) requires that notice of the award of contracts for "Professional Services" without competitive bidding must be published in a local newspaper; and

**WHEREAS** this contract is for an amount over \$17,500.00 and is being awarded pursuant to a "Non-Fair and Open Process" pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Carlin Ward, has completed and submitted a Business Entity Disclosure Certification, which certifies that Carlin Ward has not made any reportable contributions to a political or a candidate committee in the Borough of Kenilworth in the previous one (1) year prior to award, and that the contract will prohibit Carlin Ward from making any reportable contributions through the term of the contract.

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

1. The mayor is hereby authorized and directed on behalf of the Borough of Kenilworth to enter into and execute a contract with Carlin, Ward, Ash & Heiart LLC ("Carlin Ward"), to provide Professional Legal Tax Appeal Services for the Borough for a one (1) year term, effective January 1, 2023 through December 31, 2023, at a rate of \$225.00 per hour.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(a)(i) of the Local Public Contracts Law because the performance of the service required will be performed by a Law Firm in the State of New Jersey.

3. This contract is awarded pursuant to the Non-Fair and Open Procedures of the State Pay-to-Play Law, (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law, (N.J.S.A. 40A:11-5(1)(a)(i).
4. The CFO has certified that sufficient uncommitted funds are available in the 2023 Borough of Kenilworth Temporary Budget to fund the payment of the bills associated with this professional services contract.
5. A copy of the Determination of Value letter is attached and shall be placed on file with the resolution in the Office of the Borough Clerk.
6. Carlin Ward has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the resolution in the Office of the Borough Clerk, certifying that Carlin Ward has not made any reportable contributions to a political or a candidate committee in the Borough of Kenilworth in the previous one (1) year, and the contract will prohibit Carlin Ward from making reportable contributions through the term of the contract.
7. A copy of the fully executed contract herein authorized shall be filed in the Office of the Borough Clerk and shall be made available for public inspection.
8. This contract is hereby ratified from January 1, 2023 to the date of adoption of this resolution.
9. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
10. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of the adoption 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 **April 19, 2023**.

**ORDINANCE NO. 2023-11 - INTRODUCTION**

**Clerk read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 120, “LAND USE, PART 3 “ZONING” OF THE CODE OF THE BOROUGH OF KENILWORTH”**

The Borough Attorney said for the record in there I would have asked for the motion to introduce this ordinance with the following amendment to section three adding the words at the end of that sentence and as required by NJSA40:55b-64.

**Motion made by Mauro, seconded by Pugliese to approve Ordinance 2023-11 for introduction with the added sentence suggested by the Borough Attorney. Roll Call: Finistrella voted yes, Mauro voted yes, Pentz voted yes, Pugliese voted yes, Scorese voted yes, and Zimmerman voted yes.**

The Borough Attorney stated the Ordinance will be physically amended as we have discussed here this evening. Your office will refer that tomorrow to the planning board with the secretary and chairman and as it will be published with the amendment as discussed here this evening. The Clerk responded yes.

### **MEETING OPENED TO THE PUBLIC**

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

Shirley Maxwell, 38 South 24<sup>th</sup> Street – Shirley thanked the Mayor and Council for allowing the Historical Society to have their Soup is On at the Senior Building. She also thanked Darlene Candarella and Dominick from the DPW for coordinating. The event was a success.

Darlene Candarella, 320 North 21<sup>st</sup> Street – Darlene asked permission to have the Senior picnic at 16<sup>th</sup> Street Park and reported on activities at the Senior Center. Darlene thanked the police for installing the AED machine. Darlene expressed her wish for the Senior Center to be more welcoming to all seniors.

Paulette Drogon – Paulette expressed concern about the regulations for joining the senior citizen club. There was a discussion between the Borough Attorney, the Council and Paulette on the policies and procedures for the Senior Citizen Club.

Melissa Scuderi, 383 Coolidge Drive – Melissa asked for guidance regarding purchasing Borough property. The Borough Attorney stated there can be negotiations now that there are two failed bids. He asked Melissa to provide her information to the Clerk and the Clerk will pass it on to the Attorney handling the sale and he will advise you how the negotiation can occur.

Motion made by Pugliese seconded by Pentz to close the meeting to the public. All in favor.

### **GENERAL BUSINESS**

Councilman Zimmerman stated that May 5<sup>th</sup> at 4:00 will be the walkout for Lt. Cox. He asked about the bulk waste pick up and Councilman Finistrella stated the information was in his report. This Saturday at 10AM is a Rails to Trails walk. The meeting place will be behind Parkway Liquors and after the walk you can meet up at Two Ton Brewery.

### **EXECUTIVE SESSION**

Motion made by Pugliese, seconded by Pentz to go into Executive Session. All in favor.

The Borough Clerk stated Resolution 2023-113 is being removed from the agenda for further consideration.

### **ADJOURNMENT**

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

8:30 P.M.

Respectfully submitted.

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Kathleen Moschitta, Deputy Borough Clerk