

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
KENILWORTH HELD ON WEDNESDAY, MAY 3, 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.

Mayor Karlovitch said I think many of you may have noticed the little blue flags out front in the lawn. Casa is a non-profit organization in Union County empowered by the Union County Judiciary to recruit train and supervised community volunteers to protect the best interests of abandoned abused and or neglected youth involved in the child welfare system, an advocate to ensure their needs are met. Child abuse and neglect is real and tragically remains a heartbreaking problem here in Union County. According to the National Children's Alliance more than 700 000 children in the United States are victims of abuse every single year.

The mayor presented the Proclamation to Dina who represents the CASA Organization.

Proclamation

WHEREAS the Borough of Kenilworth in the State of New Jersey recognizes the problem of child abuse and neglect and is committed to helping its victims; and

WHEREAS Court Appointed Special Advocates (CASA) of Union County recruits, trains, supports, and supervises community volunteers as advocates for children who have been removed from their homes due to neglect or abuse; and

WHEREAS CASA has a record of public service protecting the safety and well-being of Union County's foster children, defending them from harm and ensuring they are provided with the court-ordered services they need; and

WHEREAS CASA establishes and maintains effective relationships with the family court, the Division of Child Protection and Permanency (DCPP), Child Placement Review Board, Office of the Public Defender, Legal Aid, and other child serving agencies/institutions in order to create a cooperative environment in which to best meet the needs of children;

NOW, THEREFORE, I, Linda Karlovitch, Mayor of the Borough of Kenilworth, do hereby proclaim:

APRIL 2023

As

COURT APPOINTED SPECIAL ADVOCATE OF UNION COUNTY DAY

in the Borough of Kenilworth urge all residents to become aware of the work and mission of CASA of Union County. Let it be known that we support the education efforts to raise awareness of the CASA program at the local level and the need for community members to provide a voice for the children in foster care. Issued this 5th day of April 2023

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Mayor Karlovitch stated that Ordinance No. 2023-11 has been pulled from tonight's agenda.

Mayor Karlovitch announced the 32nd Annual PBA Fishing Derby will be held on June 3rd from 8 AM to 10 AM, registration is mandatory and starts at 7 30AM sharp. Tomorrow is National Prayer Day. An Interfaith Fellowship service will be held here tomorrow evening at 7 PM at Borough Hall and everyone is welcome. The mayor congratulated Paulette Drogon for receiving the volunteer of the Year award for municipal Alliance at last night's recognition dinner. The Kenilworth rotary is once again selling super 50 50s like they usually do every year for Kenilworth students. They support numerous events such as summer trips for Recreation Camp for kids during the summer, they also provide a dictionary to every third grader in Kenilworth. They also run camp trips and give scholarships. Tickets are \$20 and this helps fund these important programs in our Borough. If you would like to purchase a ticket, you can see Pat or Kristin Boyle or Terry Zuckerman. The mayor received an alert from the County today that there is a PSE&G scam alert going on again so please be careful. This had happened to her in her business when she knew she paid the bill and she disregarded the notice, however they're very convincing. The mayor said sometimes it can even come up as PSE&G on your caller ID. Basically, they're threatening to shut the power off claiming that you haven't paid, and they'll demand payment usually in the form of a bank transfer or a prepaid card. Do not pay them, this is a scam. PSE&G isn't going to call you and tell you they're shutting off your electric in an hour and demand that kind of payment so be careful because it's very easy to do she knows because a business owner close to her thought he forgot to pay his bill and he fell for it.

REPORT OF COMMITTEES

FINANCE REPORT

Councilman Pugliese provided updates on the following:

- The Finance Committee met on the budget and the budget will be introduced in 2 weeks and in 4 weeks for a public presentation.
- Department Heads meet with the Finance Committee to submit their capital project requests and also submit ways to generate money and/or save money to be more efficient. Fire Department and CFO met on implementing a mechanism for recouping money spent by the Fire Department on MVA.

DEPARTMENT OF PUBLIC WORKS

Councilman Finistrella provided updates on the following:

- Superintendent position for DPW will be filled May 22, 2023.
- Two bulk pick-ups this year, one in the spring and one in the fall.

DEPARTMENT OF PUBLIC SAFETY

Councilman Zimmerman provided updates on the following:

- Police Report for April 2023
- Every Fifteen Minutes Program will be held on May 23rd.

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- Applications for a Police Training Certified Officer are being received; the application process will end Friday, May 5th.
- Street Fair will be held May 21, 2023, on the Boulevard 7AM to 6PM

PLANNING AND ZONING AND ORDINANCES

Councilman Mauro provided updates on the following:

- Complaints came into the Building Department regarding excess water from all the rain.
- A Hockey store may come to the old cleaners on Rt. 22.

RECREATION AND FIRE

Councilman Pentz provided updates on the following:

- Spring crafts were held April 30. Summer Camp starts on June 26th through August 18th and has 649 registrants spread across eight weeks. Counselors are being hired and a resolution will be on for the next Council Meeting. Swim nights at Cranford pool are being scheduled. All activities will be through Community pass on the Recreation Facebook page.

HEALTH, EDUCATION AND HUMAN SERVICES

Councilman Scorese reported on the following:

- Board of Health via a statewide declaration stated May 11th Covid will be officially over. cases will still be monitored.
- The Board of Health will enter into a Shared Service Agreement with Union Township for the recently vacated position of Environmental Health Specialist.
- Report for all Senior Center Activities. The seniors are close to the final adoption of the new rules and regulations.
- Library remediation has been completed. The library phone system problems have been resolved. Library to utilize the services of an attorney who specializes in library and employment law.

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

ORDINANCE 2023-11

Motion made by Mauro seconded by Pentz to carry Ordinance 2023-11 to our next meeting which is scheduled for May 17, 2023 at 6PM or as soon thereafter said ordinance can be heard.

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 made by Zimmerman, seconded by Pugliese to add resolution no. 2023-138 to the agenda.

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.

Mayor Karlovitch advised that if anyone would like to see a copy to see the Clerk.

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RESOLUTION NO. 2023-11

Motion made by Mauro seconded by Pentz to authorize a contract with K&D Contracting for the renovations at the Senior Center including new cabinets, countertop and sink.

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.

CONSENT AGENDA

Motion made by Pentz, seconded by Zimmerman to approve resolutions 2023-129 through 2023-137.

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. 2023-129

BE IT RESOLVED, by the Borough of Kenilworth, County of Union, New Jersey, that the attached summary of bills in the total amount of \$2,139,485.99, 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 **May 3, 2023**.

RESOLUTION NO. 2023-130

WHEREAS, after the proper advertisement of same, pursuant to the Local Public Contracts Laws, N.J.S.A. 40A:11-1 et seq., the Borough of Kenilworth received sealed bid on April 20, 2023, for the collection and removal of bulk waste associated with the provision of the **2023 Bulk Waste Collection Services**; and

WHEREAS, the Qualified Purchasing Agent has recommended that the lowest responsible bid be awarded to **Direct Waste Services Inc.**, 217 Poinier Street, Newark, NJ ("Direct Waste Services Inc."); and

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WHEREAS, the Borough Council has determined that it is in the best interest to accept the bid proposal and execute a contract for the **2023 Bulk Waste Collection Services**, with the lowest responsible bidder, **Direct Waste Services Inc.** for the Base Bid and Alternate Bid for a total amount not to exceed **\$81,000.00**; and

WHEREAS, the public advertisement, the receipt of public bids and the award of the contract to the lowest responsible bidder, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., for the **2023 Bulk Waste Collection Services**, constitutes a Fair and Open Process pursuant to the Local Pay to Play Law, N.J.S.A. 19:44A:20.5, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Kenilworth, County of Union, New Jersey, that:

1. The Mayor and Council are hereby authorized to accept the bid submitted by the lowest responsible bidder, **Direct Waste Services Inc.**, 217 Poinier Street, Newark, NJ, for the **2023 Bulk Waste Collection Services** for the Base Bid and Alternate Bid in the amount not to exceed **\$81,000.00**.
2. The Mayor is authorized to enter into and execute a contract with **Direct Waste Services Inc.** for the **2023 Bulk Waste Collection Services** for the Base Bid and Alternate Bid for a total amount, not to exceed **\$81,000.00**.
3. Pursuant to N.J.A.C. 5:34-5.1 et seq., the Borough's CFO has certified that sufficient uncommitted funds are available in the 2023 Borough of Kenilworth Budget to fund the payment to **Direct Waste Services Inc.** for the for the **2023 Bulk Waste Collection Services** project to be charged to **3-01-31-827-000** line item.
4. This contract is being awarded pursuant to the Fair and Open Procedures of the Pay to Play Law, N.J.S.A. 19:44A-20.5, et seq. and in accordance with the public bid procedures pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.
5. No changes to this contract shall be allowed or authorized without prior Municipal Council approval.
6. There shall be no advance payments made against this contract in accordance with N.J.A.C. 40A:5-16.
7. A fully executed copy of the contract shall be filed in the Office of the Borough Clerk.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **May 3, 2023**.

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RESOLUTION NO. 2023-131

WHEREAS the Governing Body wished to have a 2023 Fireworks Display in preparation for the Independence Day; and

WHEREAS, multiple quotes were received, from fireworks display companies for dates leading up to the Independence Day holiday; and

WHEREAS the Governing Body wishes to execute a contract with **Garden State Fireworks, Inc.** to have the 2023 Fireworks Display on Sunday, June 25, 2023 (rain date, to be determined) after the receipt of an executed Hold Harmless Agreement, proper proof of insurance coverage is provided and upon issuance of the required permit from the Fire Official.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey that the Mayor and/or her designee, the Chief Financial Officer, be authorized to execute a contract with **Garden State Fireworks, Inc.**, 383 Carlton Rd., Millington, NJ 07946, in an amount not to exceed \$11,400.00, upon receipt of an executed hold harmless agreement, proof of insurance coverage, and upon issuance of required permit from the Fire Official.

BE IT FURTHER RESOLVED that copies of this resolution are to be forwarded to the Rescue Squad, Fire Department, Police Department. This resolution is contingent upon the resolution of any concerns or comments raised by the aforementioned departments, as well as the approvals of any necessary permits.

BE IT FURTHER RESOLVED that the CFO has certified that sufficient uncommitted funds are available in the 2023 Borough of Kenilworth 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 **May 3, 2023**.

RESOLUTION NO. 2023-132

WHEREAS there appears an overpayment as shown below and the Collector of Taxes recommends the refund of such overpayment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, after proper notation on the tax account records by the Tax Collector, that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayment as shown below:

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of, that the Treasurer after proper notation on the tax account records by the Tax Collector is authorized to refund and pay the overpayment of taxes to the below stated of the specific property listed below:

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- REASON:**
- | | |
|----------------------|--|
| 1. Incorrect Payment | 6. Tax Appeal County Board |
| 2. Duplicate Payment | 7. Tax Appeal State Tax Court |
| 3. Senior Citizen | 8. 100% Disabled Veteran |
| 4. Veteran Deduction | 9. Replacement Check |
| 5. Homestead Rebate | 10. Reduced Assessment |
| | 11. Other-Amt Duplicated in Redemption |

Block/Lot	Property Address	Refund To	Refund Amount	Year	Reason
BL 2 L 5	656 No. Michigan Ave Kenilworth, NJ 07033	Heritage Abstract Company c/o Allison Tang 73 Washington Street Morristown, NJ 07960-7129	2,516.34	2023	11

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 Budget for the purposes set forth herein.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Assistant Finance Director and the Chief Financial Officer by the Borough Clerk.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **May 3, 2023**.

RESOLUTION NO. 2023-133

WHEREAS the Borough of Kenilworth operates a Department of Public Works “DPW” serving the citizens of the of Kenilworth for the provision of public works services; and

WHEREAS the position of Superintendent is vacant and in the best interest of the Borough the Mayor is recommending the appointment of **Jason R Flade** as **Superintendent of the Public Works** Department pursuant to NJSA 40A:9-154.6g7c.

BE IT FURTHER RESOLVED that this offer of employment is contingent upon successful completion of medical release, criminal and background checks.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey, as follows:

1. Effective May 22, 2023, **Jason R. Flade** be appointed Superintendent of Public Works for a period of one year at a salary rate of \$95,000.00 per annum.
2. As a full-time employee, effective May 22, 2023, Mr. Flade will be eligible for the Borough full-time employee benefits including medical, dental, vision and prescription plans with employee contributions subject to Chapter 78.
3. Mr. Flade will also be entitled to other benefits including vacation, sick leave, personal days and holidays as set forth in the offer letter and as provided to other Borough employees through the Employee Handbook and Personnel Ordinances.

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4. This offer of employment is contingent upon successful completion of medical release, criminal and background checks. This position is also subject to a ninety (90) day probationary period which will begin on the first date of employment, May 22, 2023.

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 Budget for the purposes set forth herein.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **May 3, 2023**.

RESOLUTION NO. 2023-134

BE IT HEREBY RESOLVED: That the attached list of the Kenilworth Volunteer Fire Department/Rescue Squad members be granted an expense allowance in accordance with the report submitted by Fire Chief Michael Scuderi, in the aggregate amount of \$62,460.00.

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 Budget for the purposes set forth herein and the fund to be charged shall be **3-01-25-749-140**.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **May 3, 2023**.

RESOLUTION NO. 2023-135

WHEREAS the Borough of Kenilworth held a tax sale on December 8, 2022, for delinquent 2021 property taxes, and a tax lien was purchased by Phoenix Funding, Inc., for the property located at 108 No. Michigan Avenue, Kenilworth, NJ, and

WHEREAS, the homeowner 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 \$82,000 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 #22-00004 by the Collector of Taxes:

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

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REDEMPTION AMOUNT - \$31,157.97

PREMIUM TRUST ACCOUNT - \$ 82,000.00

Treasurer's Note: 1099 = \$2,412.84

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **May 3, 2023**.

RESOLUTION NO. 2023-136

WHEREAS, the Borough of Kenilworth passed Resolution 2023-75 on February 15, 2023 authorizing the termination of its participation in the State Employee Prescription Drug Plan thereby canceling prescription drug coverage provided by SHBP for all its retired employees because they are already covered by another plan; and

WHEREAS, the Borough has determined that there are several retired employees that are not currently covered by the Borough's additional prescription plan and will be left without prescription coverage if the State Employee Prescription Plan is terminated; and

WHEREAS the Borough wishes to rescind Resolution 2023-75 so that the retired employees which are not currently covered by the Borough's additional prescription plan can continue to have prescription coverage.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Kenilworth, County of Union, State of New Jersey that Resolution 2023-75 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 **May 3, 2023**.

RESOLUTION NO. 137

WHEREAS, the Borough of Kenilworth is desirous in obtaining services from the Township of Union for Registered Environmental Health Specialist (REHS) Services; and

WHEREAS, the Township of Union, Board of Health, is ready, willing and able to furnish said services in accordance with the State minimum standards of performance and licensure; and

WHEREAS, the Registered Environmental Health Specialist (REHS) Services will be for a period of May 15, 2023 through December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Kenilworth, County of Union, State of New Jersey, that the mayor is authorized to enter into and execute a shared services agreement with the Township of Union Board of Health, in substantially the form attached hereto, to provide the Borough of Kenilworth with Registered Environmental Health Services, subject to the approval by the Borough of Kenilworth Board of Health.

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BE IT FURTHER RESOLVED that the Clerk shall forward a copy of this resolution and the proposed shared services agreement to the Borough of Kenilworth Board of Health for their review, consideration and formal approval at their next meeting.

BE IT FURTHER RESOLVED that in accordance with N.J.S.A. 40A:65-1 et seq., this Agreement shall be filed with the Department of Community Affairs, Division of Local Government Services.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **May 3, 2023**.

MEETING OPENED TO THE PUBLIC

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

No one wished to speak.

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

GENERAL BUSINESS

Councilman Pugliese stated the Borough is saving money on the Shared Service Agreement for the Board of Health on the replacement of the Registered Environmental Health Specialist.

ADJOURNMENT

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

7:30 P.M.

Respectfully submitted.

Kathleen Moschitta
Deputy Borough Clerk