

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
KENILWORTH HELD ON WEDNESDAY, JUNE 7, 2023. MAYOR LINDA KARLOVITCH PRESIDED.**

Time 6:30 PM

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:

- Finance Committee will meet next week to discuss Capital Budget for 2023.
- The hearing for 2023 operation budget will be in two weeks.

DEPARTMENT OF PUBLIC WORKS

Councilman Finistrella provided updates on the following:

- New Superintendent for Public Works will start work 6/8/23.
- DPW Monthly Report for May, 2023

DEPARTMENT OF PUBLIC SAFETY

Councilman Zimmerman provided updates on the following:

- Chief Soos's Monthly Report for May 2023
- Torch Run is Friday at 1PM
- Air Quality from Canada fires

PLANNING AND ZONING AND ORDINANCES

Councilman Mauro provided updates on the following:

- 25 Zoning Applications for May, 2023
- Construction Monthly Report for May, 2023
- Increase in Zoning Complaints

RECREATION AND FIRE

Councilman Pentz provided updates on the following:

Recreation

- Fireworks will be on June 25, 2023
- Cranford Pool Night is June 29, 2023
- Summer Camp signups are ongoing.

Fire Department

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
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- Fire Department Monthly Report for May
- Perfection Plus fire is still under investigation.

HEALTH, EDUCATION AND HUMAN SERVICES

Councilman Scorese provided updates on the following:

Board of Education

- BOE revised polices and regulations for board members.
- Recruitment of diverse educators
- School Play, Wizard of Oz

Senior Center

- Report on activities
- Construction at senior center kitchen complete
- Resolution tonight for Policies and procedures

Library

- Report of Monthly Activities

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

CONSENT AGENDA

Motion made by Scorese, seconded by Zimmerman to approve resolutions 2023-149 through 2023-159. All items will be recorded individually in full in the minutes.

Roll Call: Mauro voted yes, Finistrella voted yes, Pentz voted yes, Pugliese voted yes, Scorese voted yes, and Zimmerman voted yes.

RESOLUTION NO. 2023-149

BE IT RESOLVED, by the Borough of Kenilworth, County of Union, New Jersey, that the attached summary of bills in the total amount of \$2,845,493.56, 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 **June 7, 2023**.

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
KENILWORTH HELD ON WEDNESDAY, JUNE 7, 2023. MAYOR LINDA KARLOVITCH PRESIDED.**

RESOLUTION NO. 2023-150

WHEREAS, in accordance with Chapter 72 PL 1994, the Borough of Kenilworth has the authority to prepare, and issue estimated tax bills, and;

WHEREAS, in order for the Borough of Kenilworth to meet financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing, it would be in our best interest to do so, and;

WHEREAS, the Tax Collector/Chief Financial Officer has reviewed and computed an estimated levy in accordance with N.J.S.A. 54:4-66.3.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth on this 7th day of June, 2023, as follows:

1. The Borough of Kenilworth Tax Collector is hereby authorized and directed to prepare, and issue estimated tax bills for the Borough of Kenilworth for the third quarter 2023 taxes in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq in the event that a tax rate is not certified timely.
2. The entire estimated tax levy for 2023 is hereby set at \$46,191,880.13.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **June 7, 2023**.

RESOLUTION NO. 2023-151

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the *Borough Council of the Borough of Kenilworth*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the

REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY, JUNE 7, 2023. MAYOR LINDA KARLOVITCH PRESIDED.

Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON JUNE 7, 2023.

RESOLUTION NO. 2023-152

WHEREAS there appears on the records 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 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 by the Tax Collector is authorized to refund and pay the overpayment to the below stated of the specific property listed below:

- | | | |
|----------------|----------------------|-------------------------------|
| 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 |

Block/Lot	Property Address	Refund To	Refund Amount	Year	Reason
B 147 L 40.02	602 Cranford Avenue	Corelogic, Inc. Attn: Centralized Refunds P. O. Box 9202 Coppell, TX 75019-9760	\$ 3,160.67	2023	2

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 **June 7, 2023**.

RESOLUTION NO. 2023-153

REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY, JUNE 7, 2023. MAYOR LINDA KARLOVITCH PRESIDED.

WHEREAS, Police Officer Michael Devlin has notified the Borough of Kenilworth of his intention to retire effective June 1, 2023; and

WHEREAS, the governing body of the Borough of Kenilworth hereby accepts the retirement of Police Officer Devlin, with a terminal leave date of June 1, 2023; and

WHEREAS Officer Devlin is entitled to Terminal Leave pay as per his contract, as follows;

<u>Type</u>	<u># of days</u>
Terminal Leave 22.5* Years x 2 days =	45
2023 Vacation Days	25
2024 Vacation Days	25
2023 Holidays (pro-rated)	6.6
	101.6

* 22.5 years + 2.5 years military buyback time = 25 years of service.

WHEREAS Officer Devlin's last day of work was March 8, 2023 and he had 39 scheduled shifts from that date until May 31, 2023. He is using 39 days of his total allotment of 101.6 days to cover those shifts, leaving 62.6 days remaining; and

WHEREAS Officer Devlin is entitled to Terminal Leave pay for the remaining 62.6 days at a rate of \$498.55 per day for a total amount of **\$31,209.23**; and

WHEREAS, the Kenilworth Police Chief has certified that number of days and amounts due are correct; and

WHEREAS Officer Devlin would like the maximum allowable amount, up to the entire \$31,209.23, deposited into his deferred compensation plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth that the Payroll Department is authorized to make payments as indicated above based on a final calculation upon his retirement.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **June 7, 2023**.

RESOLUTION NO. 2023-154

WHEREAS, registration fees were received from Cynthia AVECILLAS for Kenilworth Recreation Summer Day Camp program for Weeks 1, 3, 4, 5, 6, 7, and 8; and

WHEREAS the Recreation Program Administrator certifies that due to unforeseen circumstances the registrant will be unable to attend Weeks 1, 3, 4, 5, and 6 and is entitled to a refund of fees collected for Summer Day Camp for Weeks 1, 3, 4, 5, and 6 only.

BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that Cynthia AVECILLAS be reimbursed the registration fees paid for Weeks 1, 3, 4, 5, and 6 only, in the amount of \$529.00.

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
KENILWORTH HELD ON WEDNESDAY, JUNE 7, 2023. MAYOR LINDA KARLOVITCH PRESIDED.**

BE IT FURTHER RESOLVED that the Mayor and Council authorize the Chief Finance Officer to issue the aforementioned refunds.

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 **June 7, 2023**.

RESOLUTION NO. 2023-155

WHEREAS the Borough of Kenilworth Recreation will run a 2023 Summer Camp program which will operate from June 26, 2023 until August 18, 2023, Monday through Friday from 8:00 a.m. until 3:00 p.m. with an After Care option from 3:00 p.m. until 6:30 p.m.; and

WHEREAS, to effectively run the 2023 Summer Camp program, the Recreation Department is recommending hiring one (1) Camp Co-Director, eighteen (18) Camp Counselors, and two (2) After Care Counselors as per the attached list; and

WHEREAS, if there is interest and the Recreation Department can retain the required number of Counselors, the 2023 Summer Camp program will be extended for an additional two (2) weeks, from August 21, 2023 through September 1, 2023, to run at the same schedule as defined above.

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

1. The following be employed as Recreation Summer Staff as per the recommendation of the Recreation Department, subject to the successful completion of a criminal background check for adults and internal juvenile records check and submission of required payroll documents.
2. Day Camp Counselors may also work After Care at their normal rate of pay, if and when needed.
3. Minors will not work more than 8 hrs. per day, 40 hours per week in accordance with the New Jersey Child Labor Laws.
4. The above appointments are not eligible for holiday, sick, or vacation pay.
5. 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 **June 7, 2023**.

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
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RESOLUTION NO. 2023-156

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 **Gregory M. Budesheim** as **Superintendent of the Public Works** Department pursuant to NJSA 40A:9-154.6g7c.

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 June 8, 2023, **Gregory M. Budesheim** be appointed Superintendent of Public Works for a period of one year at a salary rate of \$85,000.00 per annum.
2. As a full-time employee, effective June 8, 2023, Mr. Budesheim 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. Budesheim 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.
4. This position is also subject to a ninety (90) day probationary period which will begin on the first date of employment, June 8, 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 **June 7, 2023**.

RESOLUTION NO. 2023-157

BE IT RESOLVED, by the Borough of Kenilworth, County of Union, New Jersey, that **Robert Beiner**, be and he is hereby employed as a part-time Senior Citizen Bus Driver at a rate of \$20.00 per hour, effective June 19, 2023, subject to the successful completion of medical and background check.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **June 7, 2023**.

RESOLUTION NO. 2023-158

REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY, JUNE 7, 2023. MAYOR LINDA KARLOVITCH PRESIDED.

WHEREAS the Borough of Kenilworth wishes to appoint a Deputy Fire Official within the Bureau of Fire Prevention to act with the authority of the Fire Official in his absence; and

WHEREAS the Borough wishes to set the term of the Deputy Fire Official to run concurrent with the term of the Fire Official, which is set to expire on December 31, 2024; and

WHEREAS the Fire Official shall be certified by the State of New Jersey and shall be an active or exempt member of the Kenilworth Fire Department; and

NOW THEREFORE BE IT RESOLVED, by the Borough of Kenilworth, County of Union, New Jersey, that **Carmen Giordino** be appointed as Deputy Fire Official within the Bureau of Fire Prevention for a term to expire on December 31, 2024.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **June 7, 2023**.

RESOLUTION NO. 2023-159

WHEREAS, the Borough of Kenilworth (“Borough”) owns and operates the municipal building located at 526 Boulevard, Kenilworth, New Jersey, commonly known as the Kenilworth Senior Center (“Senior Center”); and

WHEREAS the Borough maintains a Policies and Procedures Manual for the operation of the Senior Center, which are intended to provide guidelines covering the use of a municipal building; and

WHEREAS, the Borough Municipal Council has determined there is a need for updated Policies and Procedures for the Borough’s Senior Center to ensure the senior residents of the Borough, as well as Borough employees and agents, and invitees of the Borough’s Senior Center are treated in a manner that promotes the safety and well-being of all individuals who utilize the building as well as mutual respect for all who utilize the building; and

WHEREAS the Borough Municipal Council necessary to amend the existing Senior Center Policies and Procedures Manual for the Borough and its people to benefit; and

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

1. The Mayor and the Municipal Council approve and hereby adopt the amendment to the Senior Center Policies and Procedures Manual, a copy of which is attached hereto.
2. These Policies and Procedures shall apply to any and all individuals and/or groups that use the Senior Center. In the event that there is a conflict between the Senior Center Policies and Procedures Manual and Federal or State law, the Federal or State law shall prevail.
3. The Policies and Procedures Manual may be amended and supplemented from time to time without notice, and at the discretion of the Municipal Council.

REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY, JUNE 7, 2023. MAYOR LINDA KARLOVITCH PRESIDED.

4. The within Resolution and subject Policies and Procedures Manual shall be maintained on file and available for public inspection in the office of the Borough Clerk.
5. 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 **June 7, 2023**.

INTRODUCTION ORDINANCE 2023-13

Clerk read “AN ORDINANCE REPEALING AND REPLACING CHAPTER 131, ENTITLED “MUNICIPAL BUILDINGS, USE OF,” OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH AND REPLACING IT WITH A REVISED CHAPTER 131, ENTITLED “KENILWORTH SENIOR CENTER, USE OF.”

Motion made by Mauro, seconded by Scorese to approve the introduction of Ordinance 2023-13.
Roll Call: Finistrella voted yes, Finistrella voted yes, Pentz voted yes, Pugliese voted yes, Scorese voted yes, and Zimmerman voted yes.

The Clerk noted Ordinance 2023-13 is adopted.

MEETING OPENED TO THE PUBLIC

Motion made by Scorese, seconded by Finistrella to open the meeting to the public. All in favor.

Toni Giordano-Picerno, 241 Faitoute Ave. - Toni asked if the budget was on the website and the Clerk said it is under Tax and Finance on the website. Toni asked questions regarding health benefit increases and Ken Blum, Assistant CFO responded. Toni asked Councilman Pugliese about the increase for the Merck Tax Appeal and a discussion ensued. Toni asked Councilman Pugliese for the approximate number of the increase from last year to this year and Ken Blum responded.

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

Motion made by Mauro, seconded by Zimmerman to go into Executive Session. All in favor.

GENERAL BUSINESS

ADJOURNMENT

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

7:30 P.M.

Respectfully submitted.

Kathleen Moschitta
Deputy Borough Clerk