

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
KENILWORTH HELD ON WEDNESDAY, JULY 12, 2023. MAYOR LINDA KARLOVITCH PRESIDED.**

Time: 6:30

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: William Mauro, Joseph Finistrella, Scott Pentz, Fred Pugliese, Savino Scorese, John Zimmerman.

Mayor Karlovitch advised that Ordinance No. 2023-15, 2023-17 and 2023-18 scheduled for introduction has been pulled from the agenda.

**OATH OF OFFICE – ANTHONY SCORESE**

Mayor Karlovitch administered the Oath of Office to Police Officer Anthony Scorese.

Police Chief Soos thanked the Mayor and Council for their supports and stated the Council does a wonderful job of supporting our department by bringing us back up to a full complement very quickly. Anthony graduated last year from the Sheriff's Office where he finished at the top of this class both academically and obviously athletically. He was awarded the Luna Award as one of the top Cadets in the class and was voted by his peers as a recruit that they most wanted to have as a partner. He thanked Sheriff Corvelli for letting us steal Anthony from Union County. Anthony has impressed him with his dedication and his commitment to our community and he looks forward working with him.

Officer Scorese appreciated the Chiefs kind words, and he thanked his family and friends. He said it's been a long journey to get here, and he is blessed to be part of this department. He thanked everyone and said he looks forward to serving Kenilworth.

Mayor Karlovitch congratulated Officer Scorese.

Mayor Karlovitch reported she is excited to announce that Onyx now has full ownership of the Merck property. Merck has plans to be fully vacated by June 2025. Onyx has plans to build a beautiful hotel with food and beverage establishments on the property. The properties will no longer be a separate area from our community, it will be open, they will take that fortress wall down and we can go there and utilize the food establishment's. They will also have massive renovations to the existing life science campus.

The mayor said it is with deep sadness that we have lost a member of our Fire Department, Firefighter Robert Kukla passed away suddenly and unexpectedly. He was a member of our Volunteer Fire Department and Rescue Squad since 1997. He will be sorely missed. The mayor sent her deepest sympathy to his family along with his extended family at the Kenilworth Fire and Rescue Squad. We are forever grateful to him.

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**REPORT OF COMMITTEES**

**FINANCE REPORT**

Councilman Pugliese provided updates on the following:

- Transitional Duty Policy for Borough employees which allows employees who are out on workers compensation to perform light duty.

**DEPARTMENT OF PUBLIC WORKS**

Councilman Finistrella was absent and Councilman Pugliese provided updates on the following:

- Report for Department of Public Works for June 2023.
- The DPW welcomed new Superintendent Gregory Budesheim.
- Congratulations to DPW employee Kevin Filipe on the birth of his new baby.
- Bulk Waste Pick-up dates, north side October 2, 2023, and south side October 9, 2023.

**DEPARTMENT OF PUBLIC SAFETY**

Councilman Zimmerman provided updates on the following:

- Police Chief's Monthly Report for June.
- Condolences for Robert Kukla, Kenilworth Volunteer Firefighter who passed suddenly.
- Condolences for the two Newark firefighters who died due to a fire on a ship in port Newark.
- Police Youth Academy ended last week; the program went very well. The Chief is exploring possibly developing an Explorer Program.
- National night out is Tuesday, August 1<sup>st</sup>, 5PM to 7PM at Harding School. Fireworks will commence at dusk. The recreation will have activities before the fireworks.
- Reminder to residents to register on the Kenilworth website for Swift 911 which allows residents to be notified of anything that goes on in town.
- The PBA will have a celebration tonight at the VFW for our new officer Scorese.

**PLANNING AND ZONING AND ORDINANCES**

Councilman Mauro provided updates on the following:

- There were no applications scheduled for the Planning Board, their July meeting has been cancelled.
- Code Enforcement has been triaging the sidewalk list that was presented to us by a resident in town. He will report back on that.
- Zoning is showing a healthy flow of requests for fences, air conditioning units, etc.

**RECREATION AND FIRE**

**HEALTH, EDUCATION AND HUMAN SERVICES**

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Councilman Scorese provided updates on the following:

Library

- The Monthly Library Report for June activities. All are invited to the programs. Library is still having issues with the new phone system.

Board of Health

- Health Officials are working on issues with the County food program for seniors.

Seniors

- Senior Director is soliciting donations for lunches for the seniors. Work is being done on the air conditioning and replacement of ceiling tiles.

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

**ORDINANCES FOR ADOPTION 2023-14**

The Clerk read 2023-14 - "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, AND A NEW FIRE TRUCK (PARTIAL FUNDING) AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF KENILWORTH, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,901,000 TO PAY THE COST THEREOF, TO APPROPRIATE CAPITAL SURPLUS AND VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS".

Motion made by Zimmerman, seconded by Mauro to open the hearing on Ordinance 2023-14. All in favor.

No one wished to speak.

Motion made by Zimmerman, seconded by Pentz to close the hearing and adopt Ordinance 2023-14. Roll Call: Finistrella voted yes, Mauro voted yes, Pentz voted yes, Pugliese voted yes, Scorese voted yes, and Zimmerman voted yes.

Clerk noted that Ordinance No. 2023-14 is adopted.

**CONSENT AGENDA**

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Motion made by Zimmerman, seconded by Mauro to approve resolutions 2023-180 through 2023-187. 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. 2023-180

**BE IT RESOLVED**, by the Borough of Kenilworth, County of Union, New Jersey, that the attached summary of bills in the total amount of \$2,125,241.30, 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 **July 12, 2023**.

RESOLUTION NO. 2023-181

**WHEREAS** N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS** the Director may also approve the insertion of any item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$17,462.61 which item is now available as a revenue from the 2023 Clean Communities Grant pursuant to the provisions of statute.

**BE IT FURTHER RESOLVED** that the like sum of \$17,462.61 is hereby appropriated under the caption of the 2023 Clean Communities Grant.

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**BE IT FURTHER RESOLVED** that the Borough Clerk forward a certified copy of this resolution with enclosures to the Chief Financial Officer to submit the resolution electronically to the Director of the 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 **July 12, 2023**.

RESOLUTION NO. 2023-182

**WHEREAS** there exists various outstanding checks of the Borough of Kenilworth's Current Operating Account; and the Payroll Agency Account; and

**WHEREAS** these checks were issued in 2021 and 2022; and

**WHEREAS** sound procedures recommended review and cancellation of checks outstanding over a year old.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey that the following outstanding checks are hereby canceled:

**CURRENT ACCOUNT:**

<b>DATE</b>	<b>CHECK #</b>	<b>AMOUNT</b>
1/13/2022	101112	<u>\$100.00</u>
<b>TOTAL CURRENT ACCOUNT</b>		<u>\$100.00</u>

**PAYROLL ACCOUNT:**

<b>DATE</b>	<b>CHECK #</b>	<b>AMOUNT</b>
3/11/2021	120232	\$ 90.45
9/16/2021	121030	\$ 53.36
1/13/2022	121650	<u>\$ 1.09</u>
<b>TOTAL PAYROLL ACCOUNT</b>		<u>\$144.90</u>

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a meeting held on **July 12, 2023**.

RESOLUTION NO. 2023-183

**WHEREAS** the governing body of the Borough of Kenilworth has determined that there is a need for a transitional duty policy; and

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Kenilworth that the Transitional Duty Policy attached hereto is hereby adopted and shall be included in the Employee Handbook.

**BE IT FURTHER RESOLVED** that the attached policy shall apply to all Borough employees not otherwise managed by a quasi-autonomous board (i.e., Library, Bd. of Health, etc.). In the event there is a conflict

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between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that the provisions of this policy may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Kenilworth.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **July 12, 2023**.

RESOLUTION NO. 2023-184

**WHEREAS**, on January 4, 2023, the Borough of Kenilworth Municipal Council adopted Resolution 2023-45, contracting Marco Antonio Studio to videotape and edit two DVD's of the Borough of Kenilworth Council Meetings for the year 2023; and

**WHEREAS**, on March 1, 2023, the Borough of Kenilworth Municipal Council adopted Resolution 2023-86 amending the hourly rate to \$150 per hour plus an additional editing fee of \$55 per meeting/event, not to exceed \$5,000 for the year; and

**WHEREAS** the Borough wishes to amend Resolution 2023-86 to increase the not to exceed amount to \$6,200.00 for the year.

**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 2023-86 is hereby amended to increase the maximum contract amount to \$6,200.00.
2. A copy of this resolution shall be kept on file in the Borough Clerk's Office.
3. This resolution shall be ratified back to March 1, 2023.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **July 12, 2023**.

RESOLUTION NO. 2023-185

**WHEREAS** the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.*, permits and provides for a mechanism for contracting between local units by entry into a Shared Services Agreement; and

**WHEREAS** the County controls and maintains certain roadways throughout the County which are designated as County Routes within the Municipality; and

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**WHEREAS**, at the request of the Municipality, the County has agreed to supply certain Rectangular Rapid Flashing Beacons (hereinafter the “RRFBs”) to the Municipality in exchange for the Municipality agreeing to install the RRFBs at two (2) intersections within the Municipality to improve roadway and pedestrian safety and promote the general welfare; and

**WHEREAS**, in discharge of its public duties pursuant to N.J.S.A. 39:4-120.1, the Municipality has agreed to install the RRFBs at two (2) intersections within the Municipality to improve roadway and pedestrian safety and promote the general welfare and the Municipality will be responsible for any and all costs or expenses associated with the installation and maintenance of the RRFBs; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Kenilworth, County of Union, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute a Shared Services Agreement between the Borough of Kenilworth and the County of Union for the supply and installation of Rectangular Rapid Flashing Beacons at various intersections within Kenilworth, New Jersey.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4(b).

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **July 12, 2023**.

RESOLUTION NO. 2023-186

**WHEREAS**, effective July 22, 2022, the Legislature enacted P.L. 2021, c. 182, “An Act concerning certain lead-based paint hazard, and residential rental property, and establishing lead-based paint hazard programs, supplementing P.L. 2003, c. 311 (C. 52:27D-437.1 et al.) amending various parts of the statutory law, and making an appropriation;” and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-437.16(b)(1), a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures, is required to inspect for lead-based paint hazards in certain specified single-family, two-family, and multiple rental dwellings, at the time periods set forth in the statute; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-437.16(b)(2) a municipality that does not maintain such a permanent local agency must hire a lead evaluation contractor, certified to provide lead paint inspection services by DCA, or enter a shared services agreement as permitted by law, for the purpose of conducting the inspections for lead-based paint hazards; and

**WHEREAS**, Pursuant to Section 9 of P.L. 2021, c. 182, the State of New Jersey has allocated the sum of \$3,900,000 to effectuate the purposes of P.L. 2021, c. 182 (C. 52:27D-437.16). Further, pursuant to the FY 2023 Appropriations Act (P.L. 2022, Chapter 49), DCA received a grant-in-aid amount of \$3,900,000 for P.L. 2021, c. 182, for a total of \$7,800,000 in appropriations to effectuate the purpose of the Act.

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**WHEREAS**, DCA has allocated \$7,000,000 of this appropriation to the development of the Lead Grant Assistance Program (“LGAP”) for the issuance of grant funds to municipalities for the purpose of assisting in municipal compliance with P.L. 2021, c. 182.

**WHEREAS**, the Division of Local Government Services (DLGS), within DCA, administers the LGAP; and

**WHEREAS** the LGAP exists to provide funding to help off-set the costs to municipalities to provide the required inspections at stipulated times of certain single-family, two-family, and multiple rental dwelling units for lead-based paint hazards, pursuant to P.L. 2021, c. 182; and

**WHEREAS** an authorized municipal officer must execute the attached grant agreement in order to receive LGAP funding.

**NOW, THEREFORE, BE IT RESOLVED**, the Governing Body of, Borough of Kenilworth\_does hereby authorize Mayor Linda Karlovitch to sign the attached grant agreement, and thus bind Borough of Kenilworth to the grant agreement’s terms in order to receive the \$17,600.00 grant from the DLGS;

RESOLUTION NO. 2023-187

**WHEREAS** 2023-2024 applications for renewal of liquor licenses have been submitted electronically to the Division of Alcoholic Beverages; and

**WHEREAS** the appropriate municipal fees have been received and Alcoholic Beverage Retail Licensee Tax Clearance Certificates issued; and

**WHEREAS**, the Police Department and Health Department have raised no cause to object to this renewal, nor have any protests been filed with the Clerk's office.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey, that the following Alcoholic Beverage Licenses are hereby renewed for a period of one (1) year expiring June 30, 2024:

<u>PLENARY RETAIL CONSUMPTION LICENSE:</u>	<u>LICENSE NUMBER</u>
M & A Restaurant LLC t/a LaCampanola	2008-33-002-008

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **July 12, 2023**.

**ORDINANCE NO. 2023-16**

Clerk read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 170, “STREETS AND SIDEWALKS” ARTICLE IX, “PLACEMENT OF DUMPSTERS ON PUBLIC RIGHTS-OF-WAY, SIDEWALKS OR STREETS” SECTION 35, “APPLICATION FOR PERMIT; FEES; TERM; REGULATIONS,” OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH”.



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**Motion made by Mauro, seconded by Pentz to approve Ordinance No. 2023-16 for introduction. Roll Call: Finistrella voted yes, Mauro voted yes, Pentz voted yes, Pugliese voted yes, Scorese voted yes, and Zimmerman voted yes.**

**ORDINANCE NO. 2023-19**

Clerk read “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 39, “POLICE DEPARTMENT” SECTION 2, “DESIGNATION OF APPROPRIATE AUTHORITY,” SECTION 9, “APPOINTMENT AND PROMOTION OF OFFICERS” AND ADDING SECTION 10, “PROMOTION OF OFFICERS,” TO THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH.

**Motion made by Pugliese, seconded by Pentz to approve Ordinance No. 2023-19 for introduction. Roll Call: Finistrella voted yes, Mauro voted yes, Pentz voted yes, Pugliese voted yes, Scorese voted yes, and Zimmerman voted yes.**

Clerk noted Ordinance No. 2023-19 is adopted.

Clerk read Be It Hereby Resolve that Ordinance 2023-19 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 August 16, 2023 at six o'clock P.M or as soon 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 the notice of its introduction and passage of first reading and of the time and place when and where said ordinance will be further considered for final passage.

**MEETING OPENED TO THE PUBLIC**

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

Toni Sosnosky, 36 South 17<sup>th</sup> Street – Toni asked Councilman Pugliese who was on his subcommittee for the budget, and he answered Councilman Finistrella, Councilman Mauro and himself. She asked Councilman Pugliese what the percent of increase for the taxpayers was and he replied for the average household was \$728.00. Toni asked if Councilman Pugliese and Councilman Zimmerman looked at the Employee Handbook as they stated they would do at the January 2023 Council meeting and Councilman Pugliese stated they have a meeting scheduled for July 25<sup>th</sup> to review the handbook and any ordinances that pertain to employee conduct, etc. Toni suggested to the Council that they read “The Emperor’s New Clothes” to see how that relates to what is happening here and she hopes that the book opens their eyes. .

John Zimmerman, Mr. Zimmerman asked if the plans for Merck property have gone to the Planning Board and the Mayor stated no, they are just in the beginning stages of planning and they could change their minds but the vision they shared with us is that they would like to have a hotel and retail and food establishments.

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Toni Giordano-Picerno, 41 Faitoute Avenue – Toni said she did not understand Ordinance 2023-19 and asked who was on the committee that wrote the ordinance? Councilman Pugliese stated He and Councilman Zimmerman put it together for the initial draft and then sent it to the Attorney to who worked on it and then it came back to himself, John and Scott. There was a discussion between Toni and Pugliese on the drafting of the same ordinance back in 2013 when the code was changed to give Mayor Fiamingo the authority. Toni stated the deletions and strikethroughs on the Ordinance are not consistent throughout the ordinance and the residents can't see what was previously in the entire Ordinance and what is proposed for the Ordinance. The Attorney stated if there are strikethroughs that are not reflected in the ordinance, we will present the corrected version before its final adoption. Toni said the public will not have time to review the ordinance before the 2<sup>nd</sup> reading and suggested it be put on the website well before the next meeting so residents can review. The attorney stated he will take a look at this ordinance and see if there were red lines that were added and cross outs that were inadvertently not included and we will correct them to accurately reflect what the labor Council drafted. Toni asked when we will be able to see that, and the Attorney said he will correct them tomorrow and give it back to the Clerk and she will use that as the adopted version and that will be ready for the final adoption. There was further discussion between Councilman Pugliese, the Attorney and Toni on the verbiage used in the Ordinance regarding the difference between the Public Safety Committee and the Police Safety Committee. Councilman Pugliese said they are one in the same. Toni asked Councilman Pugliese if he and Councilman Zimmerman decided to remove all the power from the mayor why would they have her sign the ordinance approving it when she can't participate in it? Councilman Pugliese said that's the way government works, the mayor has the ability to sign or not sign.

Shirley Maxwell 38 South 24<sup>th</sup> Street – Shirley thanked the Mayor and Council for allowing the Historical Society to hold their annual Community wide garage sale on September 30<sup>th</sup> and October 1<sup>st</sup>. Public notices will go out shortly and will be posted on the website and Facebook and various local newspapers. She also thanked the Council for all their support for the Kenilworth Historical Society.

Councilman Zimmerman explained how the hiring process works when hiring a new officer.

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

**GENERAL BUSINESS**

Councilman Zimmerman said the PBA will not be doing anything tonight after the meeting because its summertime and officers have prior commitments for vacation time.

**ADJOURNMENT**

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

7:30 P.M.

Respectfully submitted.

Kathleen Moschitta  
Deputy Borough Clerk