

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
KENILWORTH HELD ON WEDNESDAY, OCTOBER 4, 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: Joseph Finistrella, William Mauro, Scott Pentz, Savino Scorese, John Zimmerman.

MINUTES

It was moved by Councilman Mauro, seconded by Councilman Pentz and carried that the minutes from Work Sessions of 9/6/23 be approved as submitted. (Copies furnished each Council Member prior to the meeting).

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

COMMITTEES REPORTS

FINANCE REPORT

Councilman Pugliese was absent and Councilman Mauro reported on the following:

- Council to authorize the audit for 2022. There were zero recommendations made by the auditor.

DEPARTMENT OF PUBLIC WORKS

Councilman Finistrella reported on the following:

- DPW Monthly Report for August

DEPARTMENT OF PUBLIC SAFETY

Councilman Zimmerman provided updates on the following:

- Chief Soos reported on the water main break on Boulevard.
- Police Chief's Monthly Report for August.
- Police Committee meeting was held on 9/13/23 regarding personnel changes in the Police Dept.

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PLANNING AND ZONING AND ORDINANCES

Councilman Mauro provided updates on the following:

- Construction Monthly Report for August.
- Code Enforcement complaints, resident complaints have been addressed.
- Quite a few Zoning applications received.
- Planning Board Report has 3 applications to be reviewed for compliance.
- The Building Department is adding forms and frequently asked questions to the website.
- The Redevelopment project on North 26th Street submitted their Permits and construction should start soon.

RECREATION AND FIRE

Councilman Pentz provided updates on the following:

- Recreation Monthly Report for September.
- No Fire Report.

HEALTH, EDUCATION AND HUMAN SERVICES

Councilman Scorese provided updates on the following:

- Report on Monthly Library Activities.
- Senior Center Report.

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

CONSENT AGENDA

Motion made by Zimmerman, seconded by Mauro to amend Resolution No. 2023-212 to change from Matt Devlin to Michael Devlin. All in favor.

Motion made by Finistrella, seconded by Zimmerman to approve resolutions 2023-2011 through 2023-220. All items will be recorded individually in full in the minutes. Roll Call: Finistrella voted yes, Mauro voted yes, Pentz voted yes, Scorese voted yes, and Zimmerman voted yes.

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RESOLUTION NO. 2023-211

BE IT RESOLVED, by the Borough of Kenilworth, County of Union, New Jersey, that the attached summary of bills in the total amount of \$405,171.04, 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 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 **September 20, 2023**.

RESOLUTION NO. 2023-212

BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth that Michael Devlin is hereby appointed as Court Security Officer on a part-time basis.

BE IT FURTHER RESOLVED, that Michael Devlin shall be compensated at a rate of \$30.00 per hour.

BE IT FURTHER RESOLVED, that this resolution shall be ratified back to September 6, 2023.

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 **September 20, 2023**.

RESOLUTION NO. 2023-213

WHEREAS, there exists a need within the Borough of Kenilworth Police Department to appoint an Alternate School Crossing Guard; and

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WHEREAS, it is the recommendation of the Police Department that Dave Aspinwall be appointed an Alternate School Crossing Guard; and

WHEREAS, the Borough of Kenilworth Police Department successfully completed a background investigation on Dave Aspinwall.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Kenilworth hereby appoints Dave Aspinwall an Alternate School Crossing guard.

BE IT FURTHER RESOLVED, that said appointment be compensated at an hourly rate of \$19.33 per hour.

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 **September 20, 2023**.

RESOLUTION NO. 2023-214

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 August 10, 2023, for the construction and related activities associated with the provision of the **Various Streets-2023-Kenilworth (Maplewood Avenue, Ashwood Avenue & Monroe Avenue)** project (“**Various Streets 2023 Kenilworth** project”); and

WHEREAS, the Borough Engineer, Harbor Consultants, Inc., has provided the hereto attached summary of the bid results and has recommended that the lowest responsible bid be awarded to **CCM Contracting Inc.**, 336 Route 22, Green Brook, NJ (“**CCM Contracting Inc.**”); and

WHEREAS, the Borough Council has determined that it is in the best interest to accept the bid proposal and execute a contract for the **Various Streets 2023 Kenilworth** project, with the lowest responsible bidder, **CCM Contracting Inc.**, in an amount not to exceed **\$400,632.30** for Base Bid 1 and Alternate Bids 1 through 7; 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 **Various Streets 2023 Kenilworth** project, constitutes a Fair and Open Process pursuant to the Local Pay to Play Law, N.J.S.A. 19:44A:20.5, et seq.

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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, **CCM Contracting Inc.**, 336 Route 22, Green Brook, NJ, for the **Various Streets 2023 Kenilworth** project in the amount not to exceed **\$400,632.30** for Base Bid 1 and Alternate Bids 1 through 7.
2. The Mayor is authorized to enter into and execute a contract with **CCM Contracting Inc.** for the **Various Streets 2023 Kenilworth** project, in an amount not to exceed **\$400,632.30** for Base Bid 1 and Alternate Bids 1 through 7.
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 **CCM Contracting Inc.** for the for the **Various Streets 2023 Kenilworth** project to be charged to **C-04-55-206-109** 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.
8. The contract shall commence upon the issuance of a notice to proceed by Harbor Consultants, Inc. and shall be completed according to the terms of the contract.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **September 20, 2023**.

RESOLUTION NO. 2023-215

AUTHORIZING THE PURCHASE OF A 2024 MODEL YEAR KENWORTH T480 TANDEM AXLE CHASSIS AND A LEACH 2RIII 29-YARD PACKER FROM GABRIELLI TRUCK SALES PURSUANT TO

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**SOURCEWELL NATIONAL COOPERATIVE PURCHASING SYSTEM CONTRACT NO. 060920-KTC
AND CONTRACT NO. 091219-LEG IN AN AMOUNT NOT TO EXCEED \$281,455.34**

WHEREAS, the Borough of Kenilworth desires and requires to purchase equipment necessary for the acquisition of a 2024 Model Year Kenworth T480 Tandem Axle Chassis and a Leach 2R111 29-Yard Packer; and,

WHEREAS, in furtherance of such purchase, the Qualified Purchasing Agent has researched and recommended the procurement of a 2024 Model Year Kenworth T480 Tandem Axle Chassis and a Leach 2R111 29-Yard Packer from an authorized vendor under the National Cooperative Purchasing Alliance pursuant to statute and Local Finance Notice 2012-10; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that the purchase of a 2024 Model Year Kenworth T480 Tandem Axle Chassis and a Leach 2R111 29-Yard Packer be and is hereby authorized from Gabrielli Truck Sales, 239 Bergen Turnpike, Ridgefield Park, 07886, pursuant to Sourcewell National Cooperative Purchasing System Contract No. 060920-KTC and Contract No. 091219-LEG in an amount not to exceed two-hundred eighty-one thousand four-hundred fifty-five dollars and thirty-four cents (\$281,455.34).

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 **September 20, 2023**.

RESOLUTION NO. 2023-216

**AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC
USE ON AN ONLINE AUCTION WEBSITE**

WHEREAS, the Borough of Kenilworth has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough intends to utilize the online auction services of Municibid located at www.municibid.com; and

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WHEREAS, Borough Council finds it to be in the best interests of the Borough to authorize the sale of the surplus property identified on Schedule A by online public auction.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey, that the Borough is hereby authorized to sell the surplus personal property as indicated on Schedule A on the State-approved online auction website of Muncibid (www.muncibid.com).

BE IT FURTHER RESOLVED that the terms and conditions of the agreement entered into between Muncibid and the Borough of Kenilworth are available at www.muncibid.com and in the Borough Clerk's office.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded by the Borough Clerk to the New Jersey Division of Local Government Services and Muncibid.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **September 20, 2023**.

RESOLUTION NO. 2023-217

WHEREAS, N.J.S.A. 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; and

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 for the below amount sums of which item is now available as a revenue pursuant to the provisions of statute:

Public & Private Revenues off-set with Appropriations:

Additional Funding – DMHAS Youth Leadership Grant - \$243.00

Additional Funding – Municipal Alliance on Alcoholism & Drug Abuse - \$1,221.00

BE IT FURTHER RESOLVED, that the like sum is hereby appropriated under the caption of:

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Public & Private Programs off-set by Revenues Excluded from "CAPS"
Additional Funding – DMHAS Youth Leadership Grant - \$243.00
Additional Funding – Municipal Alliance on Alcoholism & Drug Abuse - \$1,221.00

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 **September 20, 2023**.

RESOLUTION NO. 2023-218

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 Realty Solutions JV LLC, for the property located at 220 No. 21st Street, 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 \$50,000 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 #22-00003 by the Collector of Taxes:

Realty Solutions JV LLC
c/o John Venutolo
25 Hughes Place
Summit, NJ 07901

REDEMPTION AMOUNT - \$23,272.30

PREMIUM TRUST ACCOUNT - \$ 50,000.00

Treasurer's Note: 1099 = \$2,042.67

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **September 20, 2023**.

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RESOLUTION NO. 2023-219

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Kenilworth, County of Union, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does

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hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **September 20, 2023**.

RESOLUTION NO. 2023-220

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to cause an annual audit of its books, accounts and financial transactions to be made and completed within six months after the close of its fiscal year; and

WHEREAS, the auditing firm of Suplee, Clooney & Company, P.A. has completed their audit of the Financial Statements and Supplementary Data of the Borough of Kenilworth for the year ended December 31, 2022; and

WHEREAS, the audit for calendar year ending December 31, 2022 was presented to the governing body; and

WHEREAS, the auditing firm of Suplee, Clooney & Company, P.A. has made recommendations as a result of that audit; and

WHEREAS, the Corrective Action Plan shall cover all findings and recommendations, including state, federal, and general or financial statement findings in the audit report; and

WHEREAS, the Chief Financial Officer shall prepare said Corrective Action Plan with the assistance from other officials affected by the audit recommendations; and

WHEREAS, the Corrective Action Plan must be approved by the governing body of the local unit and is to be submitted to the Division of Local Government Services no later than sixty days from the receipt of the audit report.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kenilworth, County of Union, that the 2022 Annual Audit Corrective Action Plan submitted by the Chief Finance Officer is hereby approved; and

BE IT FURTHER RESOLVED, that a certified copy of the 2022 Corrective Action Plan be sent to the Borough Clerk and the Division of Local Government Services.

2022 AUDIT - CORRECTIVE ACTION PLAN

Recommendation: None
Corrective Action: None

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Motion made by Mauro, seconded by Finistrella to terminate DeCotiis, Fitzpatrick as our Borough Attorney. Roll Call: Finistrella voted yes, Mauro voted yes, Pentz voted yes, Scorese voted yes, Zimmerman voted yes.

Motion made by Pentz, seconded by Mauro to appoint DeCotiis, Fitzpatrick, Cole & Giblin as temporary Special Council until the Borough Attorney is appointed and approved by Council. Roll Call: Finistrella voted yes, Mauro voted yes, Pentz voted yes, Scorese voted yes, Zimmerman voted yes.

MEETING OPENED TO THE PUBLIC

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

Toni Sosnosky, 36 South 17th Street – Mrs. Sosnosky thanked Chief Soos for a great job at the 9/11 Ceremony. She advised she has turned over to the Police Department all items purchased by her, as president of the Senior Citizen Building, regarding security cameras and related equipment.

Kay Ceceri - 321 North 16th Street – Kay expressed concern regarding the trees on the Boulevard and the Public Works Supervisor addressed her concerns. Kay commented on the Borough web site and said it was impressive. She thanked the Council for changing North 20th Street to a one way between Monroe Ave. and Washington Ave. Kay expressed her concern for safety regarding the crosswalk in front of the Little League field on 14th Street and also safety concerns with drivers who do not stop at crosswalks for people crossing the Boulevard.

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

ADJOURNMENT

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

7:30 P.M.

Respectfully submitted.

Kathleen Moschitta
Deputy Borough Clerk