

**REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, JULY 8, 2020. MAYOR LINDA KARLOVITCH PRESIDED. (Virtual Meeting)**

In light of the public health emergency caused by Coronavirus, the Mayor and Borough Council Meetings will conduct all Council meetings remotely and by electronic means without providing a physical meeting place. Additionally, while the Council will continue to meet on their regularly scheduled meeting dates, please note the time for the Work Sessions has been changed to a new commencement time of 6:00pm. The Regular Council Meeting will continue to commence as soon as possible after the Work Session. In accordance with N.J.S.A. 10:4-6 (the "Open Public Meetings Act") and in adherence to the Department of Community Affairs, Division of Local Government Services (DLGS) guidelines, the Work Session and the Regular Council Meeting will be open to the public by electronic means, and as such, members of the public may view the meeting by livestream on **YouTube at Kenilworth TV NJ**. Any member of the public wishing to participate in the meeting, can do so by emailing comments relative to the agenda and/or on any governmental issue that a member of the public feels may be of concern to the residents of the Borough to the Borough Clerk at Boroughclerk@kenilworthnj.org. Agendas will be posted for the public's viewing on the Borough's official website at: [www.kenilworthnj.com](http://www.kenilworthnj.com). All relevant comments received will be read into the record during each Regular Meeting's Public Comment Portion and will be addressed accordingly by the Mayor and/or Council. *All emails must be submitted and received by the Borough Clerk of no later than noon of the corresponding Regular Meeting date and, as is always the case, must include the public member's full name and address and the topic to which comments are being referred for the record.*

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

The Salute to the Flag was led by Mayor Karlovitch.

**ROLL CALL**

Roll Call at 8:00 P.M. showed the following Council Members present: Kaye Ceceri, Mark David, Daniel Lopez and Robert Schielke. Larry Clementi and Gerry Laudati were excused.

**MINUTES**

It was moved by Councilman David, seconded by Councilman Lopez and carried that the minutes of the Regular Council Meetings of June 24, 2020 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

**COMMUNICATIONS AND PETITIONS**

- NJSLOM Notices (emailed to all)
- Friendship House 2020/2021 Janitorial Proposal
- Walther Boright – Letter of Thanks re: Eugene Coppola 100<sup>th</sup> B-day
- Mr. & Mrs. Koenig 100 S. 18<sup>th</sup> St. – Drainage Bid Inquiry
- **Department reports for June 2020** were received from: The Clerk's Office, Court, Finance Department, Fire Department, Planning & Zoning, Police Department and Public Works (emailed)

It was moved by Councilman David, seconded by Councilwoman Ceceri and carried that the above communications be received and filed, and any money amounts indicated be spread over the minutes. All in favor.

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MAYORS REPORT

Mayor Karlovitch said Council will be going into summer session and the next Council Meeting will be August 26<sup>th</sup>. The Mayor said she is pleased to let everyone know that we have no new Covid-19 cases in the past two weeks. Kenilworth still has 153 cases but she is grateful for this decline and positive test in our Borough. There are 16,340 cases in Union County and 175,000 cases in New Jersey. While we appear to be flattening the curve in New Jersey, there are other states where the virus is spiking with an incredibly high infection rate. There are 19 states on travel advisory. Please be cautious and be socially responsible and self-quarantine for 14 days if you travel to any of these hot spot states. Our playgrounds have re-opened in the Borough and she hopes everyone is enjoying them once again. Please be mindful of high touch areas and please keep your hands clean. She hopes everyone enjoyed the 4<sup>th</sup> of July with your family and friends, sadly our fireworks and carnival have been cancelled but she will be looking forward to those events even more so next year. Kenilworth Census is counted in at 74.6%, please take a moment to count yourself in if you haven't done so already and she thanked everyone who has already filled it out. The Mayor extended gratitude to all our first responders in the Borough, and said they are appreciated, and she is grateful to all of you. Please be kind and safe everyone.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilman Lopez reported the Finance and Tax Office is now open. Payments of tax bills for the 3<sup>rd</sup> Quarter are now being accepted in person between the hours of 9am and 4pm. The due date for payment of taxes is August 1<sup>st</sup>. The grace period to pay 3<sup>rd</sup> quarter taxes is August 10<sup>th</sup>. Payments must be received by end of business day August 10<sup>th</sup> otherwise interest will be accrued back to the 1<sup>st</sup>. On the first day of the opening of the finance and tax office, several residents, in particular, senior citizens, visited the offices to pay taxes, complete their Property Tax Freeze forms and ask general office questions. The office reminds visitors to wear a mask and take note of the social distancing markers when waiting for assistance. The finance office is experiencing a noticeable increase in the use of the Borough's Electronic Check program for the payment of taxes. The \$1.05 fee normally imposed for this service is now credited to the taxpayer's following quarter tax bill during the coronavirus pandemic. Tonight, the Mayor and Council will be introducing an ordinance for our 2020 Capital Budget. A list has been provided to the Mayor and Council for their information.

DEPARTMENT OF PUBLIC WORKS

Councilman David said yesterday was the first day of the Kenilworth DPW actually taking over the recycling. They did the north side and it took 11 man hours total to do the whole north side, there were two trucks out there, 3 men on each truck. One of the issues was that they were doing clean recycling which means residents are not allowed to use plastic bags to put their recyclables in or pizza boxes. He said that is considered dirty recycling so they would not take it. He said there were a couple of complaints about pizza boxes not being taken. To alleviate this issue from now on, next week on July 14<sup>th</sup> when they do the south side they will do dirty recycling which means they will take everything, plastic bags, pizza boxes so they won't spend as

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much time trying to separate things which should lower the man hours and hopefully take away some overtime that they were doing yesterday. They will start at 5:30AM to get started early.

PUBLIC SAFETY

Councilman Clementi was absent and Councilman David read the following. There were 1,425 calls for service. 195 calls through 9-1-1 and 36 summonses for the month of June. July 22<sup>nd</sup> is Middle School Graduation at 10AM by ticket only. Ticket allotment per student is 2 a piece. July 23<sup>rd</sup> is the High School Graduation 10AM by ticket only. Ticket allotment per student is 2 a piece. Chief Zimmerman would like to extend his appreciation for Kenilworth residents' vigilance in remaining alert for individuals burglarizing and stealing unlocked motor vehicles within the Borough. Since the last council meeting there have been no vehicles entered nor stolen because residents are locking their vehicles. Please keep locking your vehicle's doors, remove valuables, and do not leave your key fob or keys in your vehicle. Please report anyone lifting up on car door handles to the Kenilworth Police immediately when observed. On July 2<sup>nd</sup> a Kenilworth resident purchased a puppy online using Apple i-tunes gift cards, vanilla gift cards, and his pay-pal account as payment. The transaction was fraudulent, so the resident didn't get the dog, lost his money and he wants to remind residents to be skeptical when a credit card, which offers you protection, isn't requested for an online web purchase and to avoid these types of scams.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke had no report this evening. He said we have one thing on the agenda for Planning and Zoning and it's an ordinance that just tidies up our fees and fines, there was a number of redundancies' in our current book so we tidied that up and will be passing that tonight.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported the Recreation Department will be having crafts and activities at DiMario Park starting July 14<sup>th</sup>. Registration will be required through Community Pass and it's a first come first serve basis for Kenilworth residents only. Details and registration will be posted on the Recreation Facebook page. Most activities will require a parent or guardian to attend and participate with the child or children, especially for the younger children. The ratio is one parent or guardian per child. Activities will be held in 2 sessions, one in the morning and one in the afternoon. The days and times may vary depending on the weather and will be posted weekly. The Councilwoman said she received the Fire Report from Chief Krueger and the fire department had 32 calls in the month of June, the Rescue Squad responded to 56 calls for a total of 88 calls which is way down from what we have been having over the past couple of months.

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DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Gerry Laudati was absent.

CONSENT AGENDA

Resolutions No. 1 thru 15 are listed on Consent Agenda and will be enacted by one motion in the form listed below. All items will be recorded individually in full in the minutes.

Councilwoman Ceceri moved that all items under the Consent Agenda be approved, seconded by Councilman Schielke. All in favor.

RESOLUTION NO. 1

**BE IT THEREBY RESOLVED** that all bills be paid when properly audited and funds are available.

RESOLUTION NO. 2

**Resolution Authorizing Extension of Waiver of Fee Associated with Certain Electronic Payments for Third Quarter Property Taxes to August 1, 2020**

**WHEREAS**, the Governing Body of the Borough of Kenilworth, in recognition of the economic hardship suffered by some residents and businesses due to the Covid-19 pandemic, desire to provide some temporary relief to minimize and mitigate additional hardships, losses, or suffering by Kenilworth residents as the State and the Borough respond to the spread of COVID-19; and

WHEREAS, the Governing Body authorized the credit of the \$1.05 fee associated with Electronic Check payments of 2<sup>nd</sup> Quarter Tax Payments and have found it successful in encouraging on-line payments during the Covid-19 stay at home restrictions

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Kenilworth wishes to extend the credit of the \$1.05 fee for an Electronic Check payment of 3<sup>rd</sup> Quarter Taxes due on August 1, 2020.

RESOLUTION NO. 3

WHEREAS, an emergency has arisen with respect to additional need to process zoning permits due to covid-19 restrictions and, no adequate provision was made in the 2020 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

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WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$2,000 and three (3) percent of the total operating appropriations in the budget for 2020 is \$489,749.86 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2020,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Zoning Salary and Wages in the amount of \$2,000.
2. That said emergency appropriation shall be provided for in full in the 2021 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

**RESOLUTION NO. 4**

**Whereas**, zoning issues have consequently backed up due to the COVID-19 Pandemic; and

**Whereas**, the governing body are desirous of addressing the pending zoning issues and concerns in a timely manner and reducing the back log.

**Be it Resolved**, that Kevin O'Brien, Zoning Officer for the Borough of Kenilworth is authorized to work up to an additional 10 hours per week for the month of July at an hourly rate of \$38.47, payable by voucher, effective July 1, 2020.

**RESOLUTION NO. 5**

**WHEREAS**, the Borough of Kenilworth has need of maintenance and janitorial services for Borough Hall/Police Department, Kenilworth Board of Health/Recreation Building, Detective Building, the Kenilworth Senior Citizens Building and seasonal service at the park facilities; and

**WHEREAS**, First Community Development Corporation is a permitted State of New Jersey Sheltered Workshop pursuant to NJSA, Chap. 113, Laws of the State of NJ 1966

**THEREFORE BE IT RESOLVED**, that the Mayor and/or Clerk be authorized to enter into agreement with First Community Development Corporation in accordance with N.J.S.A. 40A:11-1 et seq. with their proposal for janitorial services for the year 2020/2021 with the inclusion of the seasonal option, as follows:

<b>Five days a week</b>	<b>\$32,500.00</b>
<b>Seasonal Park Facility Cleaning (April 1 – November 30)</b> DiMario & Louis Wood Parks	<b>\$4,500.00</b>

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*(to be Pro-rated - park facilities have not opened due to COVID-19)*

Increase recreation center bathroom cleaning to 5 days a week **\$3,500.00**  
**\$40,500.00**

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

CERTIFICATION OF FUNDS  
 APPROPRIATION:

\_\_\_\_\_  
 JOE DEIORIO, TREASURER

**RESOLUTION NO. 6**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Kenilworth of Union County, New Jersey upon recommendation of the Borough Engineer that Payment #1 for the Contract listed below be and is hereby approved.

**BE IT RESOLVED** that the payment authorized herein is conditioned upon compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et. seq.; and

TITLE OF JOB: Recreation Building Renovations

CONTRACTOR: **Tekcon, Inc.**  
 262 Bennets Lane, Somerset, NJ 08873

ENGINEER: Harbor Consultants, Inc.  
 320 North Avenue, East, Cranford, NJ 07016

**Payment #1**

TOTAL ORIGINAL CONTRACT PRICE	\$87,984.00
Change Order Amount	\$0.00
Total Completed and stored to date:	\$3,080.00
Less 5% retaining to date	\$154.00
<b>Amount Due</b>	<b><u>\$2,926.00</u></b>
<i>Balance to Finish</i>	<i>\$85,058.00</i>

All bills on file in the Finance Office. This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

CERTIFICATION OF FUNDS  
 APPROPRIATION:  
 Union County 2019 Kids RecGrant

\_\_\_\_\_  
 JOE DEIORIO, TREASURER

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**RESOLUTION NO. 7**

**WHEREAS,** Edward Jones has notified the Borough of Kenilworth of his intention to resign from the Kenilworth Public Works Department effective July 1, 2020; and

**WHEREAS,** the Department of Public Works Superintendent has certified that Edward Jones is entitled to buyout pay as per his contract, as follows;

<u>Type</u>	<u># of days</u>	<u>Daily Rate (8 hours x \$33.30)</u>	<u>Total</u>
Terminal Leave	<b>80</b>	\$266.40	\$21,312.00
Personal Day	0	\$0.00	\$0.00
Sick Day	0	\$0.00	\$0.00
Vacation Days	0	\$0.00	\$0.00
<b>Total Due</b>			<b>\$21,312.00</b>

**WHEREAS,** Edward Jones has requested to receive this payment in one installment.

**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.

**RESOLUTION NO. 8**

**WHEREAS,** the Finance/Personnel Committee after due deliberation have recommended the following compensation adjustments for the specified personnel as follows:

<u>Name</u>	<u>2019 Current Rate</u>	<u>Change</u>	<u>New Rate</u>
Diane O'Neil	\$49,848.38	\$2,500.00	\$52,348.38
Eileen Keating	\$60,770.00	\$2,500.00	\$63,270.00

**WHEREAS,** the Finance/Personnel Committee after due deliberation have recommended the following compensation adjustments for the specified part time hourly personnel as follows:

<u>Name</u>	<u>2019 Current Rate</u>	<u>Change</u>	<u>New Rate</u>
Lisa Guarino	\$13.93 per hour	\$1.07	\$15.00 per hour
Carol Kopyta (KFD)	\$14.82 per hour	\$0.18	\$15.00 per hour
Karen Kizelevich (BOH)	\$14.42 per hour	\$0.58	\$15.00 per hour

**BE IT FURTHER RESOLVED,** that the above-mentioned adjustments are authorized effective July 13, 2020

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**RESOLUTION NO. 9**

**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 municipality when such item shall have been made available by law and the amount thereof 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 an equal amount,

**WHEREAS**, the Borough of Kenilworth wishes to amend its 2019 Budget to include an amount as revenue,

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Kenilworth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2020 in the sum of ..... \$18,000.00

which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:

Year 45 CDBG Program (Union County)

ADA Curb/Ramp Rehabilitation

**BE IT FURTHER RESOLVED** that a like sum of ..... \$18,000.00

be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from CAPS

Year 45 CDBG Program (Union County)

ADA Curb/Ramp Rehabilitation

**RESOLUTION NO. 10**

**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 municipality when such item shall have been made available by law and the amount thereof 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 an equal amount,

**WHEREAS**, the Borough of Kenilworth wishes to amend its 2019 Budget to include an amount as revenue,

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Kenilworth hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2020 in the sum of ..... \$12,750.00

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which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public and Private Revenues Off-Set with Appropriations:

Year 45 CDBG Program (Union County)

Senior Citizens Social Services & Health Program

**BE IT FURTHER RESOLVED** that a like sum of ..... \$12,750.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations - Excluded from CAPS

Year 45 CDBG Program (Union County)

Senior Citizens Social Services & Health Program

**RESOLUTION NO. 11**

**WHEREAS**, the Borough of Kenilworth was preliminarily awarded \$25,000.00 for ADA Curb and Ramp Reconstruction through the Union County Community Development Block Grant (CDBG) Revenue Sharing Committee for Year 46; and

**WHEREAS**, the Borough of Kenilworth hereby awarded a contract to **Cifelli & Son Paving & Masonry**, whose total proposal amounted to **\$24,200.00** by resolution at the May 13, 2020 Council Meeting; and

**WHEREAS**, the contractors address was incorrectly stated as 81 Franklin Ave., Nutley, NJ 07110.

**NOW THEREFORE BE IT RESOLVED**, that the address be corrected to reflect the address as listed on the contractor's proposal **4 Coppola St., Nutley, NJ 07110**.

**RESOLUTION NO. 12**

**WHEREAS**, the Borough of Kenilworth First Aid Squad provided the Borough with an ambulance (Rig) to be utilized by the Local Fire Department to perform various necessary functions, and

**WHEREAS**, a need has arisen to return the ambulance (Rig) to the Borough First Aid Squad for their use, and

**WHEREAS**, the internal transfer of this need does not bring into effect the requirement of NJSA 40:12-13 et seq dealing with the transfer of surplus property.

**NOW THEREFORE BE IT RESOLVED** by the Borough of Kenilworth as follows:

1. The Fire Department and First Aid Squad are directed to take all steps needed to return the ambulance (rig) for the use of the First Aid Squad

**RESOLUTION NO. 13**

**RESOLUTION- RVSA**

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**WHEREAS**, the Borough of Kenilworth has engaged in discussion with the Rahway Valley Sewage Authority "RVSA" regarding service to the municipality, and

**WHEREAS**, the focus of the discussion centers around reading of usage changed to the Borough, and

**WHEREAS**, the Borough is desirous of reviewing the impact of charges for meters previously in operation which in Borough's view portrayed a disproportionate amount of sewage being treated, and

**WHEREAS**, the result of the meter charges are directly attributed to the Borough's expense, and

**WHEREAS**, the RVSA has agreed to a meeting of professionals to review the accuracy of the meter system previously in operation and still impacting on the expense charged to the Borough of Kenilworth,

**NOW THEREFORE BE IT RESOLVED** by the Borough of Kenilworth as follows:

1. A Committee consisting of the Borough Engineer, Council Finance Chairman and Kenilworth representative to the RVSA shall be formed.
2. The Committee has as it charge to meet with the RVSA representatives and determine the accuracy of the charges to Kenilworth for the services provided by the RVSA

*Proposed Ordinance No. 2020-07 was read for a first reading as follows: (Copy attached)*

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, 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 \$1,245,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, 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.**

Mayor Karlovitch said the purpose of this ordinance is to provide financing for the Capital Budget Plan.

**RESOLUTION NO. 16**

Introduced by David.

Seconded by Ceceri. Upon roll call all in favor.

**BE IT HEREBY RESOLVED** that the ordinance #2020-07 entitled:

**Bond Ordinance To Authorize The Making Of Various Public Improvements And The Acquisition Of New Additional Or Replacement Equipment And Machinery, New Information Technology Equipment And A New Automotive Vehicle, Including Original Apparatus And Equipment, In, By And For The**

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**Borough Of Kenilworth, In The County Of Union, State Of New Jersey, To Appropriate The Sum Of \$1,245,000 To Pay The Cost Thereof, To Appropriate A State Grant, 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.**

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 the August 26, 2020 at 8:00PM or as soon as 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 a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

**MEETING OPEN TO THE PUBLIC**

Motion was made by Councilman David, seconded by Councilman Lopez to open the meeting to the public. All in favor.

No emails e-mails or phone calls were received from the public.

Motion was made by Councilman Ceceri, seconded by Councilman David to close the meeting to the public. All in favor.

**GENERAL BUSINESS**

Councilman David asked when is the Farmers Market starting? Mayor Karlovitch said July 11<sup>th</sup>.

Councilwoman Ceceri said she had a resident ask her how she can get bonded. The Borough Clerk said to have the resident to call her and she will put them in touch with who they need to speak with.

The Borough Clerk said right now the food pantry is running very low and right now they only accept donations during certain times and as does the Rec Department so she wants to offer that the Borough Hall is open and have two collection boxes to the left of the elevator on the first floor. Borough Hall is open 24/7 if they come in through the blue door on South 23<sup>rd</sup> Street. If anyone wants to drop anything off we will be more than happy to get it over to the food pantry.

**ADJOURNMENT**

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

9:00 P.M.

Respectfully submitted  
Kathleen Moschitta  
Deputy Borough Clerk