

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, AUGUST 26, 2020. MAYOR LINDA KARLOVITCH PRESIDED. (Virtual Meeting)

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

The Mayor stated that in light of the public health emergency caused by Corona virus, the Mayor and Council will continue to meet on their regular scheduled meeting dates. Please note that the time of the work sessions has been changed to a new commencement time at 6PM. The regular Council Meeting will continue to commence as soon as possible after the work session. Accordingly, the notice requirements of the Open Public Meetings Act have been satisfied in regard to this meeting.

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, Larry Clementi, Mark David, Gerry Laudati, Daniel Lopez.

MINUTES

It was moved by Councilman Laudati, seconded by Councilwoman Ceceri and carried that the minutes of the Work Sessions of 2/26/20 through 7/8/20, the Executive Sessions of 2/26/20 and 3/11/20 and the regular council meeting of 7/8/20 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- Kenilworth Democratic Committee – Vacancy Recommendations
- KFD – Appointment Recommendation – EMT/FF
- NJDOT – TAP Grant Period Open
- NJLOM – Annual Audit
- UC – FY2020 Municipal Alliance Grant Extension & 2021 Funding
- UC – Leaf Composting Facility Agreement
- **Department reports for July 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 Clementi, 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.

MAYORS REPORT

Mayor Karlovitch said it is nice to be back in person and face to face with everyone. She is happy to report that Kenilworth has no new COVID19 cases since her last report on July 8th, we still are at 156 cases. The Farmers Market is every Saturday at the United Methodist Church on the Boulevard from 10AM to 3PM and she hopes everyone is enjoying fresh fruits and vegetables from Farmer George. St. Theresa's Food Pantry has new hours, the pantry will be open every other Wednesday and Thursday beginning on September 9, 2020 from 6PM to 8PM and on

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September 10, 2020 from 10AM to 12 noon. Donations of pasta, sauce, canned vegetables and pancake mix are desperately needed. Anyone wishing to donate can drop supplies off at the Recreation Center or the Church Rectory. A mask and social distancing are required when you visit the pantry. The Union County Freeholder Board has resumed operation of the Child Safety Seat Inspection Center, located at the Garwood Rescue Squad at 401 Second Avenue every Wednesday and Thursday from 7:30 AM to 11:00 AM. It is important that each and every family member in Kenilworth complete the Census form. So often our funding is based on the population set by the census numbers, if you have not completed your census form, please do so. The recent report that the Federal Government is attempting to end the census report one month early is bad news. Let's make sure we all do our part here in Kenilworth, all families please fill out your census forms. At our September 9th Council Meeting we will be having a 9/11 Ceremony prior to the Workshop Session. Due to COVID19 restrictions and large crowd gatherings, we ask the public to please view the ceremony from home. Beginning on September 9th through September 13th, the Borough will have a twin light tribute illuminated nightly at Borough Hall for anyone wishing to come and pay their respects. That is something new that we are doing this year and it should be really nice.

The Borough Clerk stated that Councilman Schielke tendered his resignation to the Borough, effective July 20, 2020. In accordance with NJSA 48:16-4 the Municipal Democratic Committee has submitted 3 candidates for Council consideration.

RESOLUTION NO. 1

Introduced by Laudati.

Seconded by Lopez. Upon roll call, all in favor.

WHEREAS, a vacancy has occurred on Council prior to the term expiration of December 31, 2021 and

WHEREAS, the Governing Body of the Borough of Kenilworth has reviewed the 3 candidates submitted by the Municipal Democratic Committee to fill a vacancy;

NOW, THEREFORE, BE IT RESOLVED that upon recommendation of the Governing Body, Louis DeMondo be appointed Councilman in the Borough of Kenilworth pursuant to NJSA 48:16-4 et. seq.

Mayor Karlovitch administered the Oath of Office to Councilman Louis DeMondo.

REPORT OF COMMITTEES

FINANCE

Councilman Lopez read the following finance report. Third Quarter tax season has concluded, and delinquent tax notices were mailed last week. 96.76% of taxes were collected for this quarter compared to 97.01% same time last year or a \$26,297.25 less than last year this time. During the period of tax collection period of July 27,2020 to August 10, 2020 the finance and tax office was visited by 656 persons, the most being August 3rd when 114 came into borough hall to pay taxes. In addition, the office processed 278 tax payment made by mail during the same time. Tonight, the Mayor and Council will be adopting ordinance 2020-07 for our 2020 Capital Budget.

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The mayor and council will be voting to confirm the curb assessments for Lincoln Drive and North 15th Street, once approved bills will be mailed. Property owners will have an option to make one single payment or pay five annual installments.

Councilman Lopez reported, as the Chairman of the RVSA special committee, that he met with the Rahway Valley Sewerage Authority regarding the fees for the Borough. With the assistance of our RVSA representative Robert Beiner and the Borough Engineer, Anthony Gallerano and the Clerk Laura Reinertsen we have made progress. We will be able to offset the fines of last year of \$58,000.00 by demonstrating the repairs and maintenance we have conducted for our sewer system. The Borough Engineer submitted invoices for the repairs to RVSA and we will await their response. He appreciates the Mayor and Governing Body keeping a close eye on the RVSA because it has a large effect on our budget.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported the DPW began the Borough's curb side recycling collection on July 7th. Since then it has been a challenge and the crews have been doing a great job. The tonnage for a one two-week period was 34.47 tons for the north side and 35.37 tons for the south side. Overtime was included in this because it took them a long time to collect everything. For the last 4 weeks it was 22 hours. As everyone knows, on August 4th the Borough was hit with a tropical storm, the DPW had 2 sanitation trucks and a chipper crew cleaning up all the debris. Over a three week period they completed 3 town wide passes. As of Monday, August 24th they are back on schedule. He is sure there are still areas that still have a little bit of stuff that has to be picked up, if you call the DPW they will respond and take care of it. The total bill so far for tree work/removal cleaning up for outside contractor has been \$11,595.14. The DPW crew also cut up 14 trees at no extra cost for an outside contractor. We are in contract negotiations for DPW and going into mediation at a later date.

Mayor Karlovitch thanked Councilman David for his hard work in the DPW negotiations.

PUBLIC SAFETY

Councilman Clementi reported on the July report from Chief Zimmerman there were 1,506 calls for service. 235 calls through 9-1-1 and 46 summonses for the month of July. On August 4th: Tropical Storm Isaias struck the Borough. There were numerous downed wires and trees due to sustained powerful winds causing power outages in town and across the state. The Kenilworth Police Department, Fire Department and Department of Public worked collaboratively to keep residents safe. PSE&G estimated that Tropical Storm Isaias was the 5th most severe storm in PSE&G's history and the second most severe, after super storm Sandy, in the past 8 years. Councilman Clementi thanked all the departments for keeping our residents safe, they did a great job. The Borough of Kenilworth has had numerous businesses burglarized in the past several weeks, including a business on North 20th St in the early morning hours of August 11th. Det. Sean Kaverick was able to canvass the areas and pulled excellent video footage of the suspect. On 8/11 Sgt. Michael Scanielo obtained footage of the suspect on a bicycle in the area of Washington & 20th Streets and Sergeants Scanielo and Officer Lueddeke eventually determined that the suspect was Ali Pearson of 340 Monroe Ave. At Approximately 1400 hours on August 11th they attempted to locate

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Pearson at his residence. Pearson saw the officers and dropped his bike (which had been used in the burglaries) and fled. Officers requested additional units and Lieutenants Sims & Campanelli, Det Grady and Off. Sandull arrived to set up a perimeter. After a thorough and extensive search Pearson was found to be hiding and arrested after a brief foot pursuit. The actions of these officers displayed their professionalism, dedication and determination which was evident at the scene. The suspect was brought to HQ where he confessed to all three Kenilworth burglaries as well as several more in surrounding Union County municipalities. All officers are commended for their professional conduct during a difficult, high risk situation and their commitment to their jobs. Taking Pearson into custody was a credit to the teamwork of all officers involved. These officers represented the Kenilworth Police Department and the Borough of Kenilworth to the highest level possible and the Chief is incredibly proud of every single officer's collaborative effort to bring Ali Pearson to justice. Great job by all officers involved! Councilman Clementi said, as a side note and which was just luck, the Chief happened to go into this business on that morning to get his coffee when he noticed that a glass person was going to be replacing some damaged glass on the door. The Chief looked at the damaged glass and he thought it looked suspicious and similar to the other break-ins with a sharp object breaking the glass. The store owners said he thought it was just kids vandalizing and not to worry about it but the chief had them stop the work and he called in Detective Scanielo and began an investigation which ultimately lead to the arrest. Councilman Clementi congratulated the Chief on a great observation.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

No report.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri reported the softball clinic has started at DiMario field on Tuesdays for ages 5 to 10. Crafts in the Park were held this summer instead of camp and was a success. They had about 15 to 20 families for the various crafts. The moon sand craft and the rubber duck hunt were the biggest success. Despite the pandemic, the summer turned out to be good with what our Recreation Department was able to do to accommodate the kids as far as keeping our kids happy. The playground equipment has been washed and sprayed down with disinfectant after each use in all our parks in order to keep our parks clean. Please clean up whatever garbage that you accumulate to make the parks enjoyable for everyone. As previously noted, 16th Street Park had a mishap....they were taking a tree down and they ran across the grass when it was wet but that is going to be fixed. Halloween, which is one of our biggest holidays here in town, will not happen this year. We want to try and do something for the kids so that they don't miss out. Also this year there will be no Boo on The Boulevard or Spooktacular because of Covid19. There are some things that have been discussed to try and make it special for our children, we would like to do a witch hunt and also there will be fall Halloween crafts in the near future. Participants can register through Community Pass for all activities. Even though you may have registered in the past, you have to re-register in order to participate. They will have a house decorating contest, if you usually don't decorate for Halloween please do so this year because

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we are trying to make it special for our kids. The Recreation is looking into some things and trying to work around this virus. Hopefully we will be having our Carve It Out Kenilworth contest. Councilwoman Ceceri said if anyone has any ideas of how we can navigate around some of the Halloween things that kids can do, other than trick or treating at all the stores because we can't put our businesses in that kind of distress and have them buy candy, we want to see their businesses survive. As far as fire, we have a resolution tonight appointing a new fire fighter and she received the July Monthly report from Fire Chief Krueger. The Fire Department responded to 45 calls, the Rescue Squad responded to 43 calls.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Laudati said 9 committees were set up by the Superintendent of the schools to satisfy the States requirements for reopening the schools. 70% of parents want the school to re-open which puts them way above the threshold that was set by the Governor. The problem is the teachers are looking for a safer environment and do not want the school to open. These are the same teachers that sat on the committees and gave their input about how well we can handle this pandemic. Rooms are set up, locker rooms are checked and airflow was all done and was in the packets sent but we have to get the go ahead from the Kenilworth Board of Education to say, yes and produce that literature for the parents to see and make sure we can move forward. He said he does not know what the teachers will do. They are supposed to have A & B days in the high school and in Harding it is going to be from 8:30 to 10:30, 10:30 to 12:30 and different pick-up times. He said everything was thought out, they have isolation rooms and extra nurses. The issue is, if they can get everyone on board, meaning the teachers and the Board of Education for next Monday that would be great. He is for the re-opening of the school because he thinks they did an excellent job of putting the fact sheets together and setting up the school. The Health Department had some rodent problems due to food left around and people not closing garbage cans tightly and leaving plastic bags with garbage on the street. The BOH has their vaccines for the September 26th Health Fair which will be from 9AM to 10:30AM. They will have a drive through flue shots which means you go to St. Theresa's parking lot, you come in one way, get your flue shot when you stick your arm out the window and drive out the other way. He said he had some complaints regarding separation at restaurants, but the Health Department took care of that and he thinks we are very compliant. Councilman Laudati said he has been calling Meals on Wheels for our senior's, but he was not able to get a firm date for that to start. The Library is now open since August 24th when the Governor said OK. They have social separation, the library rows are designated for how many people can go in, you have to call the Library and make an appointment for ½ hour to look around for a book. There are multiple pages of procedures that the staff is taking. He cautioned parents about leaving their children unattended. He said they worked on some furlough practices and they saved about \$9,000 which the CFO will find out where we can move that money.

CONSENT AGENDA

Resolutions No. 2 thru 26 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.

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

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RESOLUTION NO. 2

BE IT RESOLVED, that the Chief Finance Officer be authorized to make payments and transfers for necessary obligations prior to the next regularly scheduled Council Meeting.

BE IT FURTHER RESOLVED, that the Governing Body authorizes, Assistant Finance Officer Lisa Wood to carry out the duties and responsibilities of the Chief Financial Officer as outlined in Borough Code Chapter 5-34, in the event of his absence.

RESOLUTION NO. 3

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 2020 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..... \$1,360.40.00

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:
FY2020 Alliance Funding Extension – 5th Quarter (Union County)
DEDR Coordination Only

BE IT FURTHER RESOLVED that a like sum of \$1,360.40 be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations - Excluded from CAPS
FY2020 Alliance Funding Extension – 5th Quarter (Union County)
DEDR Coordination Only

RESOLUTION NO. 4

WHEREAS, Local Finance Notice 2020-14 provided guidance to municipalities and school districts relating to a adjusted bidding thresholds, promulgated by the Governor of the State of New Jersey, that went into effect July 1, 2020; and,

WHEREAS, such promulgation includes the provision of a maximum bidding threshold for municipalities without a Qualified Purchasing Agent to be seventeen thousand five-hundred

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dollars (\$17,500.00), and the provision of a maximum bidding threshold for municipalities with a Qualified Purchasing Agent to be forty-four thousand dollars (\$44,000.00); and,

WHEREAS, the Borough of Kenilworth (hereinafter, the "Borough") currently retains of licensed Qualified Purchasing Agent to oversee purchasing operations for the municipality; and,

WHEREAS, pursuant to New Jersey State Statute and direction of the Division of Local Government Services within the State of New Jersey Department of Community Affairs, the Borough may implement the bidding threshold associated with municipalities retaining a Qualified Purchasing Agent; and,

WHEREAS, it is the recommendation of the Borough's Qualified Purchasing Agent, Joseph Delorio, that the governing body formally implement the bidding threshold of forty thousand dollars (\$44,000.00), as promulgated by the Governor, with a quotation threshold of fifteen percent (15%) of that amount, six-thousand six-hundred dollars (\$6,600.00), pursuant to N.J.S.A. 40A:11-6.1(a), with a policy effective date of August 26, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey that procurement thresholds of the Borough of Kenilworth shall be established in accordance with the recommendations of the Qualified Purchasing Agent of the Borough of Kenilworth and the promulgation of the Governor of the State of New Jersey as detailed in Local Finance Notice No. 2020-14, so as to set the Bidding Threshold of the Borough as forty-four thousand dollars (\$44,000.00), and the Quotation Threshold as fifteen percent (15%) of the Bidding Threshold, six thousand six-hundred dollars (\$6,600.00), pursuant to N.J.S.A. 40A:11-6.1(a), with a policy effective date of August 26, 2020; and,

BE IT FURTHER RESOLVED that the Qualified Purchasing Agent is hereby directed to effectively distribute this policy to all Borough departments.

RESOLUTION NO. 5

WHEREAS, NJAC 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for location units when implementing requirements for claimant certifications set forth in NJSA 40A:516(a); and

WHEREAS, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

WHEREAS, the Chief Financial Officer of the Borough of Kenilworth recommends a claimant signature be required for all purchase orders with the exception of the below list; and

WHEREAS, on September 11, 2019, Resolution 8 authorized an initial list of exempted vendors, and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth that the below list of exceptions to the claimant certification requirements be amended as followed.

- Federal Express
- Home Depot
- FP Mailing Solution
- US Postal Service
- Thomson Reuters/West

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- Staples
- WB Mason
- Premium/Installment payment to Insurance Co./ Broker. for Borough of Kenilworth Policies
- Payments to local newspapers for advertising
- Payments to Government Agencies – Federal, State, County, Local, BOE, Post Office
- Payments to Utility Companies
- Professional Education courses including but not limited to where continuing education credits and awarded
- Professional Membership Association Dues
- Hotel and registration fees for professional conference or convention
- Website hosting, including registration and maintenance of a domain name
- New Jersey Motor Vehicle Commission
- Delta Dental
- Select Solutions
- Dell Computers
- VSP
- Amazon Business (as of August 26, 2020)
- AllTech (as of August 26, 2020)
- Lien Holders and Tax Overpayment Refunds recommended by the Tax Collector and Authorized by Resolution (August 26, 2020)

RESOLUTION NO. 6

WHEREAS, pursuant to Borough of Kenilworth Ordinance §150-36 the Borough of Kenilworth caused the following property to have grass and debris removal work completed; and

WHEREAS, N.J.S.A. 40:65-12 and N.J.S.A. 40:48-2.14 authorizes the Borough of Kenilworth to place a lien on the subject property for the work completed upon review of certification of the officer in charge thereof;

WHEREAS, further maintenance has deemed necessary by the public works department shall be conducted.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Kenilworth, in the County of Union, that the Borough have reviewed the Certification of Kevin O'Brien, Zoning Officer for the Borough of Kenilworth; and

BE IT FURTHER RESOLVED, that the Tax Collector be directed to place liens on the property located at **231 N. 8th Street**, Kenilworth, N.J. in the amount indicated on attached certification as a lien and tax upon the real estate and to be added to and be part of the taxes next to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

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RESOLUTION NO. 7

BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, Union County, New Jersey that the contract for CDBG Year 45 – ADA Curb Ramp Improvements by **S. Brothers, Inc.**, as directed by Harbor Consultants, Inc., 320 North Ave., East, Cranford, NJ 07016. Said construction is hereby accepted and **S. Brothers, Inc.** as Final Payment in the amount of seventeen thousand dollars (\$17,000.00) is hereby considered final payment; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

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

S. Brothers, Inc.
PO Box 317
South River, NJ 08882

CERTIFICATION OF FUNDS APPROPRIATION:

J. Delorio, Treasurer

RESOLUTION NO. 8

WHEREAS, Joseph Kania has discharged from service to the Borough of Kenilworth Public Works Department effective July 9, 2020; and

WHEREAS, the Joseph Kania is entitled to buyout pay as per his contract, as follows;

Type	# of days	Daily Rate (8 hours x \$40.87)	Total
Personal Day	2	\$326.96	\$653.92
Sick Day	6.25 Pro-rated	\$326.96	\$2,043.50
Accumulated Sick	12	\$326.96	\$3,923.52
Vacation Days	7.75 Pro-rated	\$326.96	\$2,533.94
Total Due	28		\$9,154.88

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. 9

WHEREAS, an emergency has arisen and no adequate provision was made in the 2020 CY budget for the aforesaid purpose with respect to unexpected following repairs:

- South 23rd St. on June 2, 2020 to correct collapsed portion of street \$5,800.00
- South 23rd St. on June 9,2020 to correct additional collapsed portion of street \$4,500.00

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- Sheridan Ave. to correct two (2) collapsed catch basins and broken 15" storm sewer \$4,800.00 , and

WHEREAS, the Borough Engineer certifies that an emergency affecting the public health, safety or welfare required the immediate delivery of goods or performance of services (*attached*), and

WHEREAS, N.J.S. 40A:11-12(a) permits the Borough of Kenilworth to purchase items and services without the necessity of competitive bidding under the State of New Jersey,

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

1. The Borough Engineer has determined that the emergency no longer exist as of the date of this resolution and that all costs have been received, verified and submitted to the finance office.
2. The Qualified Purchasing Agent is hereby authorized to execute a purchase order for Messercola Excavating Co. Inc. 549 E. 3rd St., Plainfield NJ 07060 in the amount of \$15,100.00 for sewer reconstruction work from June 2, 2020 to July 7, 2020
3. The contract is awarded without competitive bidding pursuant to NJSA 40A:11-12(a) of the Local Public Contract Law.
4. The Borough of Kenilworth emergency justifies the immediate delivery of goods or services and in doing so, are unable to comply with the "Pay-to-Play" provisions of N.J.S.A. 19:44A-20.4, et seq. (see N.J.S.A. 19:44A-20.12).

CERTIFICATION OF FUNDS
APPROPRIATION:

J. Delorio, Treasurer

RESOLUTION NO. 10

WHEREAS, the Borough of Kenilworth, pursuant to N.J.S.A. 52:34-6.2, may by resolution and without advertising for bids, purchase any goods or services through the use of a cooperative purchasing agreement; and

WHEREAS, the Borough of Kenilworth is a member (Member # M-5765140) of NPPGov, a national cooperative procurement organization based in Scottsdale, AZ offering publicly solicited contracts to government entities nationwide; through a public solicitation by a Lead Public Agency. Access to cooperative contracts is complimentary with no purchasing obligations; and

WHEREAS, the Borough of Kenilworth intends to enter into a contract with a NPPGov Contract Vendor for the purchase of police Fleet Cameras, maintenance and related software for the Kenilworth Police Department, through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts; and

WHEREAS, ***Axon Enterprise, Inc. Scottsdale, Arizona***, NPPGov contract #VH11629, has provided quote Q-265294-44057.809MD for a period of 5 years as is more specifically set forth in the Master Services and Purchasing Agreement attached hereto and made a part hereof; and

WHEREAS, the Chief of Police has recommended that a contract be awarded to ***Axon Enterprise, Inc. Scottsdale, Arizona***, in an amount not to exceed \$44,585.00 for the purchase of police fleet cameras and related equipment, maintenance and software for the period of 5 years; and

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WHEREAS, Year 1, in the amount of \$20,835.00, will be purchased with funding awarded by the Union County Prosecutor's Office (UCPO) Forfeiture Funds in the amount of \$20,835.00; and

WHEREAS, subsequent years 2 through 5 will be incorporated into the Police Department's municipal budget – Police Equipment Service Contracts #8-01-25-745-076; and

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

1. That this contract for the purchase of police fleet cameras, related equipment, maintenance and software, as more specifically is set forth in the Master Services and Purchasing Agreement attached hereto and made a part hereof, is awarded pursuant to N.J.S.A. 52:34-6.2, under the NPPGov Cooperative Purchasing Program *contract #VH11629*.
2. That the Mayor and Clerk are hereby authorized to execute a contract to Axon Enterprise, Inc. Scottsdale, Arizona in the form and substance as is attached hereto in the amount not to exceed \$20,835 for Year 1 and \$5,940 for Years 2 through 5 subject to availability of funds for those budget years.

RESOLUTION NO. 11

WHEREAS, the Borough of Kenilworth is amenable to enter into an Agreement with the Kenilworth Board of Education to provide a Class III Special Law Enforcement Officer (SLEO) within the Kenilworth school system for the 2020/2021 school year; and

WHEREAS, this agreement may be extended upon mutual agreement of both parties; and

WHEREAS, the Kenilworth Board of Education agrees reimburse the Borough of Kenilworth for all costs associated with the compensation and salary of the SLEO as provided in the SLEO agreement, section XIV:

XIV. Accounting and Payment.

1. *Compensation by the Board of Education for services outlined within this Agreement shall be invoiced by the Borough and paid by the Board of Education on a biannual basis. Billing shall itemize date, hours, event worked by the SLEO.*
2. *Any hours worked by SLEO outside this Agreement or other Borough police officer shall be invoiced separately pursuant to applicable Borough Ordinances.*
3. *All outstanding amounts due shall be paid in full by the Board within 60 days*

THEREFORE BE IT RESOLVED, that the Mayor and Borough Clerk be authorized to sign said Agreement.

RESOLUTION NO. 12

WHEREAS, the governing body of the Borough of Kenilworth has determined that there is a need for a COVID-19 Guidelines policy ; and

NOW, THEREBY, BE IT RESOLVED by the governing body of the Borough of Kenilworth that the COVID-19 Guidelines attached hereto is hereby adopted and shall be included in the Personnel Policy.

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BE IT FURTHER RESOLVED that the attached policy shall apply to all Borough personnel. In the event there is a conflict 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 this policy is intended to provide guidelines covering public service by Borough employees and is not a contract. 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.

RESOLUTION NO. 13

WHEREAS, the Union County Department of Public Works & Facilities Management has established the 2020 Rate for the Leaf Composting Facility at the Conservation Center ; and

WHEREAS, Borough of Kenilworth is desirous of continuing participation in the Leaf Composting Facility Program, as attached; and

NOW THEREFORE, BE IT RESOLVED THAT, the Mayor and Clerk are authorized to execute this Memorandum of Understanding on behalf of the Borough of Kenilworth

RESOLUTION NO. 14

WHEREAS, the Kenilworth Free Public Library is in need of roof replacement; and

WHEREAS, the Kenilworth Free Public Library received a quote to repair/replace the roof of approximately \$60,000.00; and

WHEREAS, the Kenilworth Free Public Library applied (is in the process of applying) for a matching grant to be utilized for the project and the Mayor and Council are desirous of supporting the project.

WHEREAS, the additional financial support from the Mayor and Council exceeds the New Jersey State required minimum funding for libraries; and

WHEREAS, at the request of the Library Board, the governing body agrees to support the funding of the match portion of the grant as follows; 50% grant, 25% Library and 25% municipal.

NOW THEREFORE BE IT RESOLVED THAT, the Governing Body approve an allocation of funds to assist the Kenilworth Free Public Library in meeting the match portion of a grant for library roof replacement in an amount not to exceed \$15,000.00

AND BE IT FURTHER RESOLVED THAT, the Governing Body authorizes the Chief Financial Officer to encumber and release the necessary funds in compliance with local budget and contract laws of the State of New Jersey

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RESOLUTION NO. 15

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough/ Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Kenilworth, County of Union, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Kenilworth Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ <u>5256.00</u>
Cash Match	\$ <u>1314.00</u>
In-Kind	\$ <u>3942.00</u>
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION NO. 16

GARDEN STATE MUNICIPAL JOINT INSURANCE FUND JOINT TRUST AGREEMENT AND RESOLUTION TO REJOIN

WHEREAS, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund as permitted by the Chapter 372 Laws of 1983 (40A:10-36); and

WHEREAS, the statues and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

WHEREAS, the Governing Body of the Borough of Kenilworth, has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens; and

WHEREAS, the Governing Body of the Borough of Kenilworth has previously executed a resolution to join the Garden State Municipal Joint Insurance Fund subject to the acceptance of its assessment;

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NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Kenilworth (hereinafter referred to as the "Municipality") does hereby resolve and agree to renew its membership in the Fund for a period not to exceed three (3) years beginning January 1, 2021 to December 31, 2023 for the purpose of establishing the following types of coverage;

- Workers' Compensation and Employer's Liability;
- General Liability including law enforcement and public officials' liability;
- Motor vehicle liability
- Property damage (buildings, contents, equipment and motor vehicle);

BE IT FURTHER RESOLVED, that the Municipality has never defaulted on claims and has not been canceled for nonpayment of insurance premiums for a period of at least two years prior to the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the Mayor and the Municipal Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective upon approval by the New Jersey Department of Insurance and the Department of Community Affairs.

RESOLUTION NO. 17

WHEREAS, the Union County Board of Chosen Freeholders has announced the 2020 Kids Recreation Trust Fund Grant and the 2020 Greening Union County Grant; and,

WHEREAS, the above-mentioned grant focuses on summer recreational programs for the youth of Union County, and overall recreational improvements within each municipality as well as the improvement of the environment; and

WHEREAS, the Borough of Kenilworth agrees that this is an outstanding grant opportunity being offered by the County of Union Open Space, Recreation and Historic Preservation Trust Fund; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Clerk be authorized to submit grant applications with the County of Union on behalf of the Borough of Kenilworth.

RESOLUTION NO. 18

WHEREAS, the State of New Jersey, Department of Transportation has announced the 2020 Transportation Alternatives Set Aside Program (TAP); and,

WHEREAS, the above mentioned grant offers eligibility for Community Improvement Activities, specifically: Streetscaping and corridor landscaping; and

WHEREAS, the Borough of Kenilworth agrees that this is an advantageous grant opportunity to address much needed improvements to enhance the main thoroughfare and thereby invite and stimulate commerce throughout the borough.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Clerk be authorized to submit a grant application to the State of New Jersey, Department of Transportation for the 2020

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Transportation Alternatives Set Aside Program (TAP) on behalf of the Borough of Kenilworth to make improvements to the Boulevard.

RESOLUTION NO. 19

BE IT HEREBY RESOLVED, that the following individual be employed as a Per Diem dispatcher at a rate of \$20.00 per hour, effective **August 26, 2020**.

**Anthony Giacalone
510 Richfield Ave., Kenilworth, NJ 07033**

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

RESOLUTION NO. 20

BE IT RESOLVED, that the following individual be appointed on the Kenilworth Fire Department;

<u>Name</u>	<u>Appointment</u>
Allen Davies	Probationary Firefighter / EMT

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

RESOLUTION NO. 21

WHEREAS, the Kenilworth Fire Department has received and taken title to a rescue squad I vehicle, a 2001 Ford Ambulance vin. #1FDXE 45F41 HB108 13, FROM THE Mountainside Rescue Squad I; and

WHEREAS, the vehicle with its duties is more properly placed under the fleet insurance coverage of the Borough of Kenilworth,

NOW THEREFORE BE IT RESOLVED, by the Borough of Kenilworth that the appropriate Borough officials execute the necessary documents to effectuate transfer of title to the Borough of the Kenilworth Insurance fleet.

RESOLUTION NO. 22

WHEREAS, an occupancy request was received by the residents, Mr. & Mrs. Stallings, located at 340 Boulevard for right of way approval in the Borough Right -of-Way; and

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WHEREAS, the purpose of this request is to replace an existing retaining wall along the frontage of the above-mentioned property; and

WHEREAS, the Borough Engineer has reviewed the grading permit and certifies that they do not foresee any negative impacts.

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

5. The Borough Engineer has determined that the granting of the request has no negative impact to the right of way.
6. The request is approved contingent upon: it is constructed as detailed to the borough engineer and conforms to all State and local code standards.

RESOLUTION NO. 23

WHEREAS, the Borough of Kenilworth had reviewed and subsequently approved a proposal from D&M Fireworks of Bally P.A. to provide a firework's display on June 28, 2020 for the community, and

WHEREAS, said display was postponed due to COVID-19 crisis, and

WHEREAS, the parties to the agreement have expressed willingness to enter into agreement for the display in 2021 on a date to be determined by parties for the same terms and conditions previously agreed upon,

NOW THEREFORE BE IT RESOLVED, by the Borough of Kenilworth that the appropriate parties are hereby authorized to enter into agreement with D&M Fireworks to provide a fireworks display on a mutually agreed upon date, Saturday, July 3, 2021 (Rain date Sunday, July 12, 2021) for 2021 display.

RESOLUTION NO. 24

WHEREAS, 2020-2021 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

WHEREAS, the Health Department has inspected the premises and finds them to be in satisfactory condition; and

WHEREAS, no objection to any of these renewals has been filed with the Clerk's office; and

WHEREAS, the Alcoholic Beverage Retail Licensee Clearance Certificates for Renewal have been issued.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kenilworth that the renewal of the Alcoholic Beverage Licenses for the following are hereby approved:

- | | |
|-----------------|--|
| 2008-31-015-001 | American Legion Post No. 470 Kenilworth,
t/a American Legion Kenilworth 470 |
| 2008-31-016-001 | Columbian Club of Kenilworth, t/a Columbian Club |
| 2008-33-007-009 | CQDS Inc. DBA Taormina Ristorante |

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2008-33-002-008	M&A Restaurant t/a LaCampagnola
2008-33-003-010	Angelo's Restaurant and Steakhouse
2008-33-010-006	Kenilworth Veterans Center Club, Inc.
2008-33-011-001	Lucky G, Inc. t/a Buffys
2008-36-004-008	Kenilworth Hospitality, LLC t/a The Kenilworth
2008-44-009-004	Lehar Liquor Corp.
2008-44-012-006	R & S Beverage LLC
2008-33-001-004	CJMK, Inc., t/a La Griglia

RESOLUTION NO. 25

BE IT THEREBY RESOLVED: that the following Council Committees are designated as follows:

Dept. of Finance

Chairman **Louis DeMondo** , Councilman Clementi, Councilman Laudati

Dept. of Public Works

Chairman Mark David, Councilwoman Ceceri, Councilman **DeMondo**

Dept. of Public Safety

Chairman Lawrence Clementi, Councilman David, Councilman **Lopez**

Dept. of Planning, Zoning & Ordinance

Chairman **Daniel Lopez**, Councilman Clementi, Councilman David

Dept. of Recreation & Fire

Chairman Kay Ceceri, Councilman Laudati, Councilman Lopez

Dept. of Education, Health & Human Services

Chairman Gerry Laudati, Councilwoman Ceceri, Councilman **DeMondo**

RESOLUTION NO. 26

BE IT HEREBY RESOLVED:

WHEREAS, Anthony Gallerano, Borough Engineer, has submitted his report to the Governing Body of the Borough of Kenilworth certifying the cost of construction of the curbs in various locations on North 15th Street and Lincoln Avenue in the Borough of Kenilworth, and assessing the cost thereof upon the property benefiting there from in proportion to and not to excess of the peculiar benefit, advantage or increase in value which the property is seemed to receive by reason of the improvement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kenilworth that the total assessment as set forth in the Affidavit of Anthony Gallerano of Harbor Consultants, dated August 26, 2020 is hereby confirmed and that the amount of each assessment as set forth therein shall become a lien on said property, in accordance with the law, and may be paid by said property owner in a lump sum payment without interest or may be paid by said property owner in equal annual installments over five years.

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Ordinance No. 2017-09
Ordinance No. 2018-11

Proposed Ordinance No. 2020-07 was read for a second reading as follows: Copy can be found in 7/8/20)

ORDINANCE NO. 2020-07

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 purpose of this ordinance is to provide financing for the Capital budget.

Motion made by *Laudati*, seconded by *Ceceri* to open the hearing on Ordinance No. 2020-07. All in favor.

No one wished to speak.

Motion made by *Clementi*, seconded by *Lopez* to close the hearing on Ordinance No. 2020-07. All in favor.

RESOLUTION NO. 28

Introduced by *Laudati*.

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 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.

Was introduced and approved on first reading, at the regular meeting of the Borough Council on July 8, 2020 approved for final passage at the regular meeting of the Borough Council of August 26, 2020 after all persons interested were given an opportunity to be heard concerning said ordinance.

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BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its final adoption.

Proposed Ordinance No. 2020-08 was read for a first reading as follows: (Copy attached).

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 120 LAND USE PART 3 "ZONING", ARTICLE 20 "GENERAL PROVISIONS", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

Mayor Karlovitch said the purpose of this ordinance is to amend Chapter 120 of the Land Use Ordinance whereby the Borough Council seeks to add provisions for administration and enforcement by the Zoning Officer within the Borough.

RESOLUTION NO. 29

Introduced by Clementi.

Seconded by David. Upon roll call, all in favor.

BE IT HEREBY RESOLVED that the ordinance #2020-08 entitled:

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 120 LAND USE PART 3 "ZONING", ARTICLE 20 "GENERAL PROVISIONS", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

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 September 23, 2020 at 7:00PM 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.

Attorney Frank Capece said, just for the record because it is important to point out, this ordinance was the result of some extensive work. He said to the Mayor, he knows she is a member of the Planning Board and it is really good for the municipality where you can rely on your professionals to make recommendations. The recommendations that you are considering is not something willy nilly, this is something the Planning Board gave a great deal of review.

The Mayor called Edward Jones to the dais and read the following:

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PROCLAMATION – Edward Jones

It is with great honor that the Borough of Kenilworth recognizes the retirement of Edward Jones, Public Works Sanitation Department, after 40 years of dedicated, professional, and honorable service.

Edward Jones began his distinguished career with the Kenilworth Department of Public Works in 1980, throughout his tenure with the Department of Public Works, Mr. Jones was recognized as a highly capable, competent and efficient employee. Rising bright and early every day to work long hours in the elements, rain, freezing snow, and sweltering heat to collect tons of waste annually.

Eddie faithfully and thoroughly fulfilled roles and responsibilities, frequently going above and beyond to ensure his responsibilities were completed with meticulous attention to detail to improve the quality of life in the Borough.

WHEREAS, Edward Jones retired on July 1, 2020. The sincere and conscientious efforts he demonstrated on the job have dramatically benefitted the Borough of Kenilworth, but none more so than the Department of Public Works.

NOW, THEREFORE, I, Linda Karlovitch, Mayor of the Borough of Kenilworth, County of Union and State of New Jersey, on behalf of the Kenilworth Borough Council, extend personal best wishes upon his retirement and for continued success in his life's pursuits. May God continue to bless Eddie and his family.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of August, in the year of our Lord two thousand twenty.

Councilman David said that Edward Jones was a great employee for 40 years, no complaints, always showed up and was great worker.

PROCLAMATION – WWII Anniversary

On May 8, 1945, World War II in Europe came to an end. As the news of Germany's surrender reached the rest of the world, joyous crowds gathered to celebrate in the streets, clutching newspapers that declared Victory in Europe (V-E Day). Later that year, US President Harry S. Truman announced Japan's surrender and the end of World War II. The news spread quickly, and celebrations erupted across the United States. On September 2, 1945, formal surrender documents were signed aboard the USS Missouri, designating the day as the official Victory over Japan Day "V-J Day". V-J Day was especially momentous, the horrific and grueling war was officially over, but the day was also bittersweet for the many Americans whose loved ones would not be returning home.

In the United States, V-J Day commemorations will honor the 16 million Americans who served during the war, even as only a small share of those veterans are alive today.

According to the Department of Veterans Affairs about 300,000 U.S. World War II veterans are alive in 2020. Our known surviving Kenilworth World War II veterans are:

Corporal Eugene Coppola; Corporal Edward Pryor,

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Private First-Class John A. Rembish, Coxswain Kenneth Socofsky Ross,
Seaman First Class Robert Moldenhauer, Private First-Class Pasquale "Pat" Scorese
and Kenilworth resident Dereka Turner of the British Fire Service.

These heroes are living witnesses to American history. All American hearts are filled with gratitude for their service and their sacrifice. They fought, they bled, they sacrificed, and they triumphed. The legacy of that legendary American generation is carved deep into the stone monuments of history. Our surviving World War II veterans are a precious living national treasure.

NOW THEREFORE, on behalf of the Council and a grateful community, I, Linda Karlovitch Mayor of the Borough of Kenilworth, County of Union, State of New Jersey, marks and honors the **75th Anniversary of the end of World War II** and pays tribute to all the remarkable men and women who defended our freedom, promoted liberty and democracy abroad and to those who have since and are currently serving and protecting our country around the world.

In testimony whereof, I have here unto signed my name officially and caused the seal of the Borough of Kenilworth to be affixed this 26th day of August 2020.

Commander Bobby Jeans said although none of us are WWII veterans, we appreciate this and he thanked the Mayor and Council.

MEETING OPEN TO THE PUBLIC

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

No one wished to speak.

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

GENERAL BUSINESS

Mayor Karlovitch congratulated our new Council Member Louis DeMondo and said she is grateful and happy that he is here and looking forward to working with him.

All council members congratulated Louis

ADJOURNMENT

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

9:00 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk