

**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, Scott Pentz, Savino Scorese, John Zimmerman. Mayor Karlovitch read the following Proclamation for the Union Baptist Church in Kenilworth.

Proclamation

WHEREAS, the year 2023, marks the **100th Anniversary** of the **Union Baptist Church** in Kenilworth, New Jersey, which was and continues to be, dedicated to the service of God and humanity; and

WHEREAS, in 1923, a resolved group, sharing an unshakable faith and intention, twenty-seven devout Christians assembled on Monroe Avenue and 13th Street; and

WHEREAS, on land donated by the members, a permanent place of worship was opened in 1925. In 1965 the church building was destroyed by fire. Thanks to a tremendous amount of support by the community, the congregation was still able to meet in various locations until the church was rebuilt.

WHEREAS, in 1968, to much rejoicing and through no small part through the generosity and support of local civic organizations and business owners the church building was ready to again open its doors; and

WHEREAS, we give pause, honor and praise this day for the deep and abiding Christian commitment of those who in faith began this work, and for all those who have given so unselfishly during these many years to help the work grow and thrive, and provide valuable human services where the need was great; and

WHEREAS, our entire community has benefitted from the charity and Christian influence the Union Baptist Church has exerted through the years, and the many facets of its outreach and practical assistance to the needy; and

WHEREAS, it is a pleasure to extend this expression of our esteem and best wishes to Pastor James E. Moore, Jr. and the members of this congregation on the memorable occasion of this 100th Anniversary.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Kenilworth, New Jersey, urge all citizens of Kenilworth and surrounding communities to join together in recognition and appreciation for the members, past and present, of the congregation of **Union Baptist Church** for their commitment and Christian contributions to our entire extended community.

IN WITNESS WHEREOF, I, MAYOR LINDA KARLOVITCH, have here unto signed my name officially and caused the seal of the Borough of Kenilworth to be affixed this 4th day of October 2023.

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MINUTES

It was moved by Councilman Finistrella, seconded by Councilman Scorese and carried that the Minutes of the Work Sessions of 9/20/23 and Council Meeting of 9/6/23 be approved as submitted.
(Copies furnished each Council Member prior to the meeting).

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

COMMITTEES REPORTS

FINANCE REPORT

Councilman Pugliese was absent.

DEPARTMENT OF PUBLIC WORKS

Councilman Finistrella reported on the following:

- DPW Monthly Report for September
- New programs sponsored by the Union County Recycling Program regarding food waste will be implemented shortly in the DPW. The DPW will be recycling pumpkins.

DEPARTMENT OF PUBLIC SAFETY

Councilman Zimmerman provided updates on the following:

- Police Chief's Monthly Report for September.
- Police Committee meeting was held on 9/13/23 regarding personnel changes in the Police Dept.

PLANNING AND ZONING AND ORDINANCES

Councilman Mauro was absent.

RECREATION AND FIRE

Councilman Pentz provided updates on the following:

- Fire Report for September.
- Recreation Report – Basketball, Boo on the Blvd. and Spooktacular at DiMario Park.

HEALTH, EDUCATION AND HUMAN SERVICES

Councilman Scorese provided updates on the following:

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

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

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ORDINANCE FOR PUBLIC HEARING AND ADOPTION

ORDINANCE NO. 2023-23

AN ORDINANCE AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH TO ADD A NEW CHAPTER 214, "BODY ART ESTABLISHMENTS"

Motion made by Finistrella, seconded by Zimmerman to open the hearing on Ordinance 2023-23. All in favor.

No one wished to speak.

Motion made by Scorese, seconded by Finistrella to close the hearing and adopt Ordinance No. 2023-23. Roll Call: Finistrella votes yes, Pentz voted yes, Scorese voted yes, and Zimmerman voted yes.

The Clerk noted Ordinance No. 2023-23 is adopted.

ORDINANCE FOR INTRODUCTION

ORDINANCE NO. 2023-24

AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 120, "LAND USE," PART 3, "ZONING," ARTICLE TWENTY-FOUR, "ACCESSORY USES, BUILDINGS AND STRUCTURES," SECTION 1 "REQUIREMENTS FOR RESIDENTIAL ACCESSORY USES AND STRUCTURES," OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH

Motion made by Scorese, seconded by Zimmerman to approve Ordinance No. 2023-24 for Introduction. Roll Call: Finistrella voted yes, Pentz voted yes, Scorese voted yes, and Zimmerman voted yes.

The Clerk read: "Be It Hereby Resolve that Ordinance 2023-24 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 November 1, 2023 at six o'clock P.M or as soon thereafter as the matter can be reached at the regular meeting place of the Borough Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance and that the borough clerk is hereby authorized and directed to publish said ordinance according to law with the notice of its introduction and passage of first reading and of the time and place when and where said ordinance will be further considered for final passage".

CONSENT AGENDA

Motion made by Scorese, seconded by Pentz to approve resolutions 2023-224 through 2023-234. All items will be recorded individually in full in the minutes. Roll Call: Finistrella voted yes, Pentz voted yes, Scorese voted yes, and Zimmerman voted yes.

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RESOLUTION NO. 2023-224

BE IT RESOLVED, by the Borough of Kenilworth, County of Union, New Jersey, that the attached summary of bills in the total amount of \$2,207,695.28, 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 **October 4, 2023**.

RESOLUTION NO. 2023-225

RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING TO ESTABLISH JOINT PARTICIPATION IN THE ARRIVE TOGETHER PROGRAM TO ENHANCE AND SUPPORT LAW ENFORCEMENT RESPONSES TO CERTAIN BEHAVIORAL HEALTH CRISIS CALLS

WHEREAS, pursuant to N.J.S.A. 30:4-27.1 et seq. ("Screening Law") and N.J.A.C. 10:31-1.1 et seq. ("Screening Regulations"), it is the policy of the State of New Jersey to provide for a public mental health system that delivers treatment consistent with a person's clinical condition, and that screening services be developed as the public mental health system's entry point in order to provide accessible crisis intervention, evaluation and referral; services to persons with mental illness, to offer persons with mental illness clinically appropriate alternatives to inpatient care, and, when necessary, to provide a means for involuntary commitment to treatment; and

WHEREAS, the Borough of Kenilworth Police Department, along with the entities listed on the attached Memorandum of Understanding, and addendums 1 & 2, and Trinitas Medical Center, a mental health service provider operating in the State of New Jersey, are seeking to jointly participate in the ARRIVE Together program enacted by the State of New Jersey in an effort to enhance and support law enforcement and response to certain behavioral health crisis calls in an effort to advance the goals, directives, and objectives of the Screening Law; and

WHEREAS, the Parties recognize the importance of ensuring the safety of every person involved in civilian-law enforcement interactions, and that many of the negative outcomes that have resulted from such interactions may stem from law enforcement officers responding to situations involving individuals experiencing behavioral health crises; and

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WHEREAS, Trinitas Medical Center has been designated by the New Jersey Department of Human Services (“DHS”) to provide screening services in accordance with the Screening Law and Regulations within the County of Union; and

WHEREAS, DHS contracts annually with Trinitas Medical Center for the provision of screening services pursuant to N.J.A.C. 10:31-10.1(c), and DHS Contracting Policy; and

WHEREAS, the Screening Law provides officers and mental health specialists with the legal authority to transport or authorize transport of individuals who are experiencing a behavioral health crisis to an emergency department for a full assessment where appropriate; and

WHEREAS, law enforcement officers may request the assistance of mental health specialists when responding to emergency service calls that relate to behavioral health crises and mental health personnel may request assistance from officers when responding to requests for emergency screening; and

WHEREAS, in an effort to improve the outcomes in law enforcement’s response to emergency behavioral health crisis calls, to divert individuals for crisis from unnecessary entry into the criminal justice system, and to more efficiently employ the resources of both the above-participating law enforcement entities and Trinitas Medical Center as they respond to calls for service together, the Parties seek to establish a Pilot Program; and

WHEREAS, the Memorandum of Understanding is intended to memorialize the relationship and delineate the responsibilities of the Parties in this cooperative joint effort; and

WHEREAS, the Borough of Kenilworth recognizes the importance of the Screening Law and the Arrive Together Program and fully supports the goals and objectives of same.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH OF KENILWORTH THAT: The Mayor and Borough Clerk are hereby authorized to execute a Memorandum of Understanding between the Borough of Kenilworth along with the participating police departments

and other entities listed on the attached Memorandum of Understanding, and addendums 1 & 2 and Trinitas Medical Center to enhance and support law enforcement and responses to certain behavioral health crisis calls in an effort to advance the goals, directives, and objectives of the Screening Law.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **October 4, 2023**.

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RESOLUTION NO. 2023-226

WHEREAS, the County of Union wishes to create a Municipal Task Force to jointly combat crime within Union County; and,

WHEREAS, the Borough of Kenilworth believes it is in the best interest of the Borough to work with the County and it's municipalities in their joint efforts to combat crime.

BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth that the Borough of Kenilworth Police Department is hereby authorized to participate in the Union County Municipal Task Force.

BE IT FURTHER RESOLVED, that the Kenilworth Chief of Police is authorized to effectuate what is necessary to effectuate Kenilworth's participation in the joint the Municipal Task Force.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **October 4, 2023**.

RESOLUTION NO. 2023-227

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 September 28, 2023, for the construction and related activities associated with the provision of the **Veteran of Foreign Wars Parking Lot Improvements** 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 **S&L Contractors, LLC**, 200 Swenson Drive, Kenilworth, NJ ("S&L Contractors, LLC"); 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 **Veteran of Foreign Wars Parking Lot Improvements** project, with the lowest responsible bidder, **S&L Contractors, LLC**, in an amount not to exceed **\$107,200.00** for Base Bid 1; 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 **Veteran of Foreign Wars Parking Lot Improvements** 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.

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, **S&L Contractors, LLC**, 200 Swenson Drive, Kenilworth, NJ, for the

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- Veteran of Foreign Wars Parking Lot Improvements** project in the amount not to exceed **\$107,200.00** for Base Bid 1.
2. The Mayor is authorized to enter into and execute a contract with **S&L Contractors, LLC** for the **Veteran of Foreign Wars Parking Lot Improvements** project, in an amount not to exceed **\$107,200.00** for Base Bid 1.
 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 **S&L Contractors, LLC** for the **Veteran of Foreign Wars Parking Lot Improvements** project to be charged to _____ 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 **October 4, 2023**.

RESOLUTION NO. 2023-228

WHEREAS, N.J.S.A. 40:48-2.14 and the Borough of Kenilworth ("Borough") Code Sec. 150-10 authorize the Borough by ordinance to require the owners of property to remove from their property or destroy brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within ten (10) days after notice to remove or destroy same; and

WHEREAS, N.J.S.A 40:48-2.14 and Sec. 150-10 provide that if owners fail to remove brush, stumps, debris, etc. from the property after receiving such notice, the Borough may do the removal and charge the costs to the owner; and if not paid, the governing body may cause the cost of removal to become a lien against the property; and

WHEREAS, this lien may be enforced by the same officers and in the same manner as taxes; and

WHEREAS, pursuant to Borough Code Sec. 150-10, on August 16, 2023 a Notice and Order was sent to the owners listed herein to remove from their property brush, stumps, debris, etc. within ten (10) days of the date of the Notice and Order; and

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WHEREAS, the owners listed herein after receiving the Notice and Order failed to remove brush, weeds, debris, etc. from their property; and

WHEREAS, as a result, on September 8, 2023 the Department of Public Works (DPW) removed the brush, stumps, weeds, etc. from the properties and sent the owners a bill for the removal, which has not been paid; and

WHEREAS, the Superintendent of the DPW has certified the cost of removal to the Borough's Municipal Council; and the Borough's Municipal Council has examined these costs and found them to be correct and reasonable.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kenilworth, in the County of Union that:

1. The Council authorizes the Tax Collector of the Borough of Kenilworth to cause the cost as shown herein to be charged against said properties as a lien:

231 North 8th Street, Block 24.01, Lot 6; September 11, 2023; \$1,237.74

2. As authorized by N.J.S.A. 40:48-2.14, and Borough Code Sec. 150-10, such lien shall become part of the taxes assessed against the property and bear interest at the same rate and may be enforced by the same officers and in the same manner as taxes.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **October 4, 2023**.

RESOLUTION NO. 2023-229

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Union County Cooperative Pricing System (8UCCP) has offered voluntary participation in a Cooperative Pricing System for purchase of goods and services; and

WHEREAS, on October 4, 2023, the governing body of the Borough of Kenilworth, County of Union, State of New Jersey duly considered participation in the Union County Cooperative Pricing System (8UCCP) for the provision and performance of goods and services.

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

1. This Resolution shall be known and may be cited as the Union County Cooperative Pricing System (8UCCP) Resolution of the Borough of Kenilworth.
2. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Purchasing Agreement with the Union County Cooperative Pricing System (8UCCP).

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3. The Union County Cooperative Pricing System (8UCCP) shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. The Resolution shall take effect immediately upon passage.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **October 4, 2023**.

RESOLUTION NO. 2023-230

WHEREAS, on October 4, 2023, the governing body of the Borough of Kenilworth (the "Borough") introduced Ordinance 2023-24, which seeks to amend the Borough's existing zoning ordinance, Chapter 120 "Land Use," Part 3, "Zoning," Article 24 "Accessory Uses, Buildings and Structures," Section 1, "Requirements for residential accessory uses and structures," Subsection I(4) to allow for direct replacements of heating, ventilation, and air conditioning units by obtaining a building permit as opposed to obtaining planning board approval. In addition, said amendment will require all new units to be placed in the rear of the property; and

WHEREAS, such amendments to the zoning ordinance must be substantively consistent with the land use plan element and housing plan element of the Borough's Master Plan before it may be considered for final passage; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64, prior to the hearing on adoption of a Zoning Ordinance, or any amendments thereto, the Borough's Municipal Council shall refer any such proposed Ordinance or amendment to the Borough's Planning Board for formal review, report, and recommendation as required by N.J.S.A. 40:55D-26; and

WHEREAS, the Borough's Municipal Council, pursuant to N.J.S.A. 40:55D-64, wishes to refer the draft Proposed Amendment to the Borough's Planning Board for formal review, report, and recommendation as required by N.J.S.A. 40:55D-26.

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

1. The Borough Council does hereby refer the proposed amendments to the zoning code through the ordinance attached hereto as Exhibit "A," to the Planning Board, pursuant to N.J.S.A. 40:55D-64, for determination of consistency with the Borough's Master Plan and/or to make any other recommendations that the Planning Board deems appropriate to the Governing Body; and
2. Pursuant to N.J.S.A. 40:55D-26, the Planning Board's review of the proposed revisions to the Borough's existing Land Development Regulations shall be completed within a period of thirty-five (35) days after referral. Failure of the Planning Board to transmit their report within thirty-five (35) days after referral shall relieve the Governing Body of the requirements set forth in N.J.S.A. 40:55D-26.

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3. A copy of this Resolution and the draft Proposed Amendment shall be filed with the Office of the Borough Clerk.
4. This Resolution shall take effect immediately.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **October 4, 2023**.

RESOLUTION NO. 2023-231

WHEREAS, Union County Commissioners have announced the 2024 HEART (History Education Arts Reaching Thousands) Grant focusing on projects related to local history, the arts and humanities for residents of Union County; and

WHEREAS, the Borough of Kenilworth desires to request funding from the HEART program to provide funding for the Carve-it-Out Kenilworth event featuring a pumpkin carving contest; and

WHEREAS, the HEART Grant program allows requests up to \$3,000.00 with a 25% match for anything over \$1,000.00; and

WHEREAS, the Borough wishes to submit an application to the County of Union requesting grant funding in the amount of (\$3,000.00) from the 2024 HEART Grant Program, with matching funds in the amount of 25% of anything over \$1,000.00; and,

WHEREAS, upon notification of the receipt of grant awards in connection with these applications, the Mayor and/or her designee desires to accept the grant awards and execute grant agreements governing said awards.

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

1. The Mayor and/or her designee is hereby authorized to submit an application on behalf of the Borough of Kenilworth to the County of Union requesting grant funding in the amount of (\$3,000.00) with a 25% match for any funds received over \$1,000.00 from the 2024 HEART Grant Program for the Carve-it-Out Kenilworth event featuring a pumpkin carving contest.
2. Upon notification of the receipt of the grant awards in connection with these applications, the grants are hereby accepted.
3. Upon notification of the receipt of the grant awards in connection with these applications, the Mayor is hereby authorized to enter into and execute grant documents with the County of Union to receive and expend the grant awards for the above-referenced purposes.
4. Matching funds based upon the amount of the grant award shall be provided from the official municipal budget.

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5. A copy of the fully-executed grant application, the grant award letter, the grant agreement, and a funding certification for any required matching funds shall be placed on file in the Office of the Borough Clerk.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **October 4, 2023**.

RESOLUTION NO. 2023-232

WHEREAS, the Kenilworth Police Department is in need of a pursuit vehicle; and

WHEREAS, the Borough of Kenilworth intends to enter into a purchase contract with Koch 33 Ford, Easton, PA for the acquisition of this vehicle; and

WHEREAS, the cost for a 2023 Ford Utility Police Interceptor AWD Vehicle with options is \$38,200; and

WHEREAS, the Borough's Financial Officer has certified that the funds are available for this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Kenilworth, County of Union, State of New Jersey that Koch 33 Ford, 3810 Hecktown Road, Easton, PA 18045, is hereby awarded the contract for the purchase of a new police interceptor utility vehicle.

BE IT FURTHER RESOLVED, that the Borough of Kenilworth's Chief Financial Officer has certified that sufficient uncommitted funds are available in the 2023 Borough of Kenilworth Budget for the purposes set forth herein.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **October 4, 2023**.

RESOLUTION NO. 2023-233

WHEREAS, the Borough of Kenilworth ("Borough") pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may, by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Mayor and Council of the Borough desires and requires the purchase of goods and services necessary for the purchase of diesel fuel for the Borough from National Fuel Oil Inc., 175 Orange St, Newark, NJ 07103 through New Jersey State Contract No. 19-FOOD-01100; and

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WHEREAS, the Mayor and Council of the Borough anticipates entering into a contract in excess of \$17,500 with National Fuel Oil through this resolution and properly executed purchase orders/contracts, which shall be subject to all the conditions applicable to the current State contracts.

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

1. The Borough's Qualified Purchasing Agent is authorized to purchase goods and services necessary for the purchase of gasoline for the Borough from National Fuel Oil Inc., 175 Orange St, Newark, NJ 07103 through New Jersey State Contract No. 19-FOOD-01100, which shall be subject to all the conditions applicable to the current State contracts, in an amount not to exceed Seventy-five Thousand Dollars and Zero Cents (\$75,000.00), for the period of January 1, 2023 through December 31, 2023.
2. Pursuant to N.J.A.C. 5:30-5.5(b) regarding the certification of available funds, the Borough's Chief Financial Officer shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer via an authorized Purchase Order.
3. This Resolution shall take effect immediately upon adoption and certification on this Resolution by the Chief Financial Officer that sufficient funds are available in one of the manners as set forth in section two of this resolution.
4. This contract is ratified from January 1, 2023 until the date of adoption of this authorizing resolution.
5. The within Resolution shall be maintained on file and available for public inspection in the office of the Borough Clerk.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **October 4, 2023**.

RESOLUTION NO. 2023-234

WHEREAS, on September 20, 2023, the Borough of Kenilworth Municipal Council adopted Resolution 2023-214, accepting the bid submitted by CCM Contracting, Inc. for the Various Streets 2023 Kenilworth project and awarding a contract in the amount not to exceed \$400,632.30 for Base Bid 1 and Alternate Bids 1 through 7; and

WHEREAS, Resolution 2023-214, should have accepted the bid submitted by CCM Contracting, Inc. for the Various Streets 2023 Kenilworth project and awarded a contract in the amount not to exceed \$400,632.30 for Base Bids 1, 2 and Alternate Bids 1 through 6; and

WHEREAS, the Borough wishes to amend Resolution 2023-214 to correct the bid acceptance and award.

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

1. Resolution 2023-214 is hereby amended as follows:

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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 Bids 1, 2 and Alternate Bids 1 through 6.

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 Bids 1, 2 and Alternate Bids 1 through 6.

2. A copy of this resolution shall be kept on file in the Borough Clerk's Office.
3. This resolution shall be ratified back to September 20, 2023.

BE IT FURTHER RESOLVED, that resolution hereby changes Resolution 2023-214, Paragraph 2, which previously read S. Brothers, Inc. to now read CCM Contracting, Inc.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **October 4, 2023**.

MEETING OPENED TO THE PUBLIC

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

Paulette 215 Faitoute Ave. – Paulette spoke about nominations for Senior Citizen Club. She also stated that any donations made to the Senior Citizen Club belong to the Club and not the individual who solicited the donations. Paulette thanked the Police and Public Works for their quick response when a tree fell on her house.

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

Mayor Karlovitch stated that “Carve It Out Kenilworth” is coming back again this year. The event will be held at the VFW on October 22nd from 6-8PM. Two Ton Brewery will be there again, and we will have music, refreshments and prizes. Bring your carved pumpkins!

Councilman Scorese reported the Board of Health is concerned that some Board of Health regulations were removed from the Borough Code.

Councilman Finistrella said the Borough is closed on Columbus Day, October 9th and he hopes everyone has a happy and healthy Columbus Day.

There was a discussion on the times of Boo On The Boulevard and the Spooktacular at DiMario Park. Mayor Karlovitch will confirm the correct times and report back at the next meeting.

**REGULAR COUNCIL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
KENILWORTH HELD ON WEDNESDAY, OCTOBER 4, 2023. MAYOR LINDA KARLOVITCH
PRESIDED.**

ADJOURNMENT

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

7:30 P.M.

Respectfully submitted.

Kathleen Moschitta
Deputy Borough Clerk